

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY WEBB,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45923

**FILED**

JAN 06 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's petition for a writ of mandamus. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

On July 19, 2005, appellant filed a petition for a writ of mandamus in the district court. On November 29, 2005, the district court summarily denied the petition. This appeal followed.

In his petition, appellant argued that the Director of the Nevada Department of Corrections, the Warden of High Desert State Prison, and the Chaplain of High Desert State Prison violated his right to free exercise of religion. Appellant complained that a new policy instituted in 2004 prevented him from obtaining raw foods necessary to celebrate feasts and festivals central to his Wiccan religion. Appellant further claimed that he has been denied equal protection because other religious groups were not hindered in their food-related observances.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust or station or to control an arbitrary or capricious exercise of discretion.<sup>1</sup> A writ of mandamus may issue only where there is no plain, speedy, and adequate remedy at law.<sup>2</sup> A petition for an extraordinary writ is addressed to the sound discretion of the court.<sup>3</sup>

Based upon our review of the record on appeal, we conclude that the district court did not abuse its discretion in denying appellant's petition. Appellant has a plain, speedy and adequate remedy by way of a 42 U.S.C. § 1983 federal civil rights action.<sup>4</sup> Therefore, we affirm the order of the district court.

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<sup>1</sup>NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

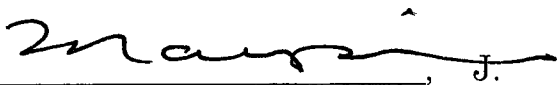
<sup>2</sup>NRS 34.170.

<sup>3</sup>State ex rel. Dep't Transp. v. Thompson, 99 Nev. 358, 662 P.2d 1338 (1983).

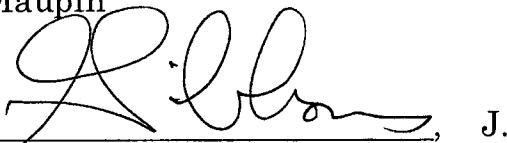
<sup>4</sup>We reject appellant's assertion that a civil rights petition was not a speedy remedy. Appellant could seek appropriate compensation for any violation of his civil rights.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.<sup>5</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Honorable Jackie Glass, District Judge  
Timothy Webb  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>5</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).