

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERALD C. CUNNINGHAM,
Petitioner,
vs.
NEVADA COMMISSION ON JUDICIAL
DISCIPLINE,
Respondent,
and
THE HONORABLE MICHAEL R.
GRIFFIN, DISTRICT JUDGE,
Real Party in Interest.

No. 46135

FILED

JUN 30 2006

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus challenges a decision by the Nevada Commission on Judicial Discipline, declining to investigate petitioner's complaint of the real party in interest's alleged judicial misconduct.¹

Petitioner has designated his numerous filings at this court as both an appeal and a writ petition. Since no rule or statute authorizes an appeal from such a decision,² we will consider petitioner's filings as an original petition for a writ of mandamus.

Mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered.³ A

¹We direct the clerk of the court to modify the caption of this court's docket to reflect the caption set forth above.


²See NRAP 3D(b) and (c); see also Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Kokkos v. Tsalikis, 91 Nev. 24, 530 P.2d 756 (1975) (stating that no appeal may be taken unless authorized by statute or court rule).


³Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982); see also State ex rel. Dep't Transp. v. Thompson, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983).

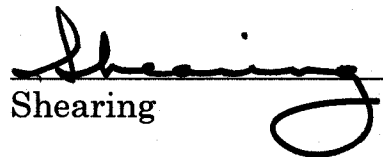
writ of mandamus is available to compel the performance of an act that the law requires, or to control an arbitrary or capricious exercise of discretion.⁴

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted.⁵ Accordingly, we,

ORDER the petition DENIED.⁶


_____, J.
Becker


_____, J.
Parraguirre


_____, Sr. J.
Shearing

⁴See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

⁵Although petitioner was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from petitioner and, in light of this order, we deny any relief requested as moot.

⁶See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

The Honorable Miriam Shearing, Senior Justice, participated in the decision of this matter under a general order of assignment entered January 6, 2006.

cc: Hon. Michael R. Griffin, District Judge
Jerald C. Cunningham
Nevada Commission on Judicial Discipline
Carson City Clerk