

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK SCHIOTIS,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46497

**FILED**

**NOV 15 2006**

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is a proper person original petition for a writ of mandamus seeking an order from this court directing the district court to allow petitioner to submit to paternity testing to establish whether he is an emancipated child's father for the purpose of child support arrears.

A writ of mandamus is available to compel the district court to perform a required act,<sup>1</sup> or to control an arbitrary or capricious exercise of discretion.<sup>2</sup> Petitions for extraordinary relief are addressed to this court's sound discretion.<sup>3</sup>

Based on the documents before this court, the factual and procedural history in this matter is unclear. It appears that in January 1990, petitioner was ordered to pay child support for two minor children. Petitioner states that the children have since been emancipated. According to petitioner, when respondent sought reimbursement for child

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<sup>1</sup>NRS 34.160.

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

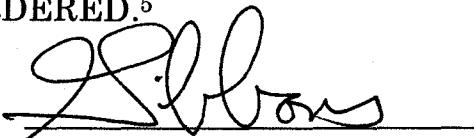
<sup>3</sup>Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

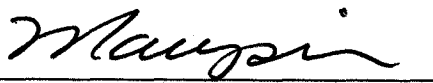
support arrears in the amount of \$82,750, petitioner filed an objection in the district court on the basis that he believes that he is not the biological father of one of the children. Petitioner claims that he moved the district court for an order to conduct a paternity test, but it is unclear whether the district court entertained his motion.

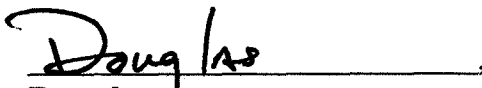
Under NRAP 21(a), the petitioner has the burden of providing this court with a statement of facts necessary for this court's understanding of all issues raised and must also attach all documents needed for this court to render its decision. Petitioner has not attached all necessary supporting documents to his petition. And, based on the documents before this court, we are unable to discern the pertinent facts and procedural history in this matter.

Accordingly, petitioner has failed to meet his burden under NRAP 21(a) and has not demonstrated that extraordinary relief is warranted at this time. We therefore deny the petition.<sup>4</sup>

It is so ORDERED.<sup>5</sup>

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

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<sup>4</sup>See NRAP 21(b); Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004).

<sup>5</sup>In light of this order, we deny as moot petitioner's January 12, 2006 motion for an extension of time in which to file a response to this court's notice to pay the filing fee. We note that petitioner's failure to pay the filing fee, as mandated by NRS 2.250, constitutes an independent basis for denying this petition.

cc: Hon. Deborah Schumacher, District Judge, Family Court Division  
Frank Schiotis  
Attorney General George Chanos/Carson City  
Washoe County District Attorney/Family Support Division  
Washoe District Court Clerk