

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW NAPOLITANO, JR.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; BRANDI WENDEL, DEPUTY
CLERK EIGHTH JUDICIAL DISTRICT
COURT; AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,
Respondents,
and
HOGAN MEDICAL CENTER, DR.
JAMES M. HOGAN; AND DONALD H.
TAYLOR,
Real Parties in Interest.

No. 46589

FILED

MAY 19 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
J. B. Smith
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus challenges the district court's alleged refusal to enter a default.

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,¹ or to control a manifest abuse of discretion.² A writ of mandamus, however, is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered.³

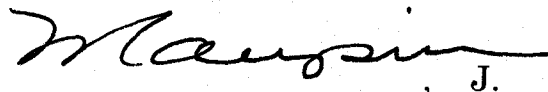
¹See NRS 34.160.

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

³See, e.g., Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

Moreover, we note that a petitioner seeking extraordinary relief has the burden of demonstrating that this court's intervention is warranted.⁴ Petitioner has not met his burden of demonstrating that extraordinary relief is warranted, and therefore we deny the petition.⁵

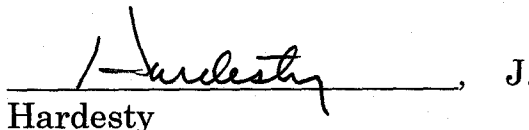
It is so ORDERED.⁶

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Valerie Adair, District Judge
Andrew Napolitano Jr.
Clark County District Attorney David J. Roger/Civil Division
Clark County Clerk

⁴Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

⁵See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

⁶The clerk of this court shall amend the caption to conform to the caption on this order. Additionally, we vacate our May 11, 2006 request for the Clark County Clerk to send this court copies of the January 3, 2006 default and January 24, 2006 judgment by default.