

IN THE SUPREME COURT OF THE STATE OF NEVADA

STANLEY BRYAN VAUGHAN,  
Petitioner

vs.,

CITY OF HENDERSON, NEVADA;  
OFFICER CRAIG RIDINGS; OFFICER  
RALPH M. TIERNEY, SR.; AND  
MUNICIPAL JUDGE JIM JENSEN,  
Respondents.

No. 46649

**FILED**

FEB 23 2006

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

In this original proper person petition for extraordinary relief, petitioner asks this court to compel respondent City of Henderson to clear two allegedly wrongful traffic charges and convictions from petitioner's record. In 1993, petitioner apparently filed a complaint in the district court seeking damages based on the allegedly wrongful convictions, which the district court dismissed, finding that no relief exists where a conviction was made, but not overturned.<sup>1</sup> Petitioner explains that, after his original attorney withdrew, he retained new counsel, who failed to file a timely appeal, as petitioner requested. He now asks this court to compel respondents to expunge the two convictions from his record.

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<sup>1</sup>Petitioner has not attached the complaint or the order to his petition, but review of the Clark County District Court case activity for Case No. A321784 reveals that petitioner filed a complaint on July 23, 1993, it was dismissed February 22, 1996, and the case was closed on March 17, 1997. The information regarding the complaint and the order is contained in the petition's factual recitation.

A writ of mandamus may issue to compel a government body to perform a legally mandated act.<sup>2</sup> Petitioner has the burden of demonstrating that extraordinary relief is warranted and must provide this court with a statement of facts necessary to understand all issues raised, and attach to his petition all documents necessary for this court to render its decision.<sup>3</sup> A mandamus petition seeks an extraordinary remedy and is properly granted only when there is no plain, adequate, and speedy legal remedy, or there are either urgent circumstances or important legal issues that need clarification.<sup>4</sup> Generally, the right to appeal is an adequate legal remedy, precluding writ relief.<sup>5</sup>

In this case, we have several reasons to deny the petition. First, appellant could have appealed from the order dismissing his complaint.<sup>6</sup> Thus, he had an adequate legal remedy, which precludes writ relief.<sup>7</sup> Second, because there are no legal grounds to support petitioner's request that this court issue a mandate compelling respondents to

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<sup>2</sup>NRS 34.160.

<sup>3</sup>NRAP 21(a); Pan, 120 Nev. at 228-29, 88 P.3d at 844 (noting that this court's review in a writ proceeding is limited to the petition and accompanying documents and, therefore, if essential information is not provided, there is no way to properly evaluate the petition).

<sup>4</sup>NRS 34.170; State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 449, 92 P.2d 1239, 1242 (2004).

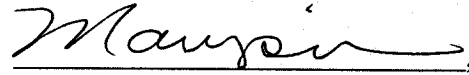
<sup>5</sup>Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 840-41 (2004).

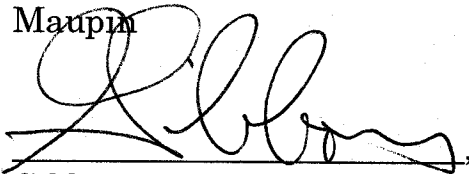
<sup>6</sup>See NRAP 3A(b)(1).

<sup>7</sup>Pan, 120 Nev. at 224, 88 P.3d at 840-41.

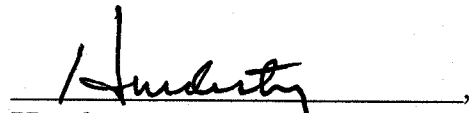
expunge his record, mandamus is not warranted.<sup>8</sup> Third, petitioner's arguments are insufficient for this court to glean a necessary understanding of the issues and, moreover, petitioner has failed to attach any documents demonstrating that extraordinary relief is warranted.<sup>9</sup> Finally, petitioner has not paid the filing fee.<sup>10</sup> Accordingly, we

ORDER the petition DENIED.

 J.

Maupin  
 J.

Gibbons

 J.  
Hardesty

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<sup>8</sup>See NRS 34.160.

<sup>9</sup>See NRAP 21(a); Pan, 120 Nev. at 228-29, 88 P.3d at 844. Petitioner attached the following documents to his petition: the first page on an offer of judgment in district court case No. A321784; an internet print-out from lawyers.com, providing a profile of his former attorney's firm; a world almanac excerpt of selected motor vehicle statistics; a copy of NRS 483.348, providing that licensee's must carry a driver's license; a 1993 newspaper article, documenting petitioner's district court action; a custody release form that petitioner refused to sign upon his 1991 release from jail; and a picture of petitioner standing by his car with his arm in a sling — none support issuing a mandamus writ.

<sup>10</sup>Petitioner's assertion that, because the City of Henderson is a party, he may not be charged a filing fee is baseless, and his failure to pay the filing fee or to seek leave to proceed in forma pauperis provides us with an independent basis to dismiss his petition. See NRAP 21(e).

cc: Stanley Bryan Vaughan  
Las Vegas City Attorney  
Clark County Clerk