

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM URAL NEEL,
Petitioner

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR CARSON CITY, AND THE
HONORABLE WILLIAM A. MADDOX,
DISTRICT JUDGE,

Respondents,

and

GLEN WHORTON, DIRECTOR,
NEVADA DEPARTMENT OF
CORRECTIONS,

Real Party in Interest.

No. 46756

FILED

MAR 24 2006

ANNE T. WILSON
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus challenges a district court order dismissing petitioner's complaint.

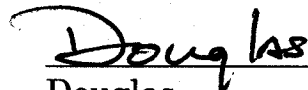
A writ of mandamus may issue only if there is no other adequate and speedy legal remedy available.¹ This court has repeatedly held that an appeal is an adequate legal remedy that precludes writ relief.² Here, petitioner seeks to challenge an order dismissing his district court case, which appears to be a final judgment appealable under NRAP 3A(b)(1). As such, it appears that petitioner has a speedy and adequate legal remedy available in the form of an appeal. Further, to the extent that the time for filing a notice of appeal under NRAP 4(a) may have

¹NRS 34.170.

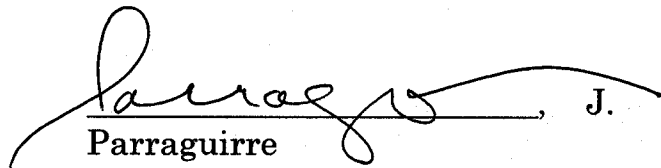
²See Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004).

expired, writ relief is not available to correct an untimely notice of appeal.³ Accordingly, we conclude that our intervention by way of extraordinary relief is not warranted, and we deny the petition.⁴

It is so ORDERED.⁵


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

cc: Hon. William A. Maddox, District Judge
William Ural Neel
Attorney General George Chanos/Carson City
Carson City Clerk

³Id.

⁴See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

⁵We deny as moot all motions currently pending as part of this petition. Additionally, we note that petitioner's failure to pay the filing fee could constitute an independent basis for denying this petition.