

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM URAL NEEL,
Petitioner,

vs.

THE SIXTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
PERSHING, AND THE HONORABLE
RICHARD A. WAGNER, DISTRICT
JUDGE,

Respondents,

and

TED D'AMICO, MEDICAL DIRECTOR
OF NEVADA DEPARTMENT OF
CORRECTIONS; GLEN WHORTON,
DIRECTOR, NEVADA DEPARTMENT
OF CORRECTIONS; NEVADA
DEPARTMENT OF CORRECTIONS;
BOARD OF PRISON
COMMISSIONERS; NEVADA
DEPARTMENT OF HUMAN
RESOURCES; AND STATE HEALTH
OFFICER,
Real Parties in Interest.

No. 47440

FILED

NOV 09 2006

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


ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus seeks to compel District Court Judge Richard A. Wagner to extend the relief granted to petitioner in the underlying case to all inmates in the custody of the Nevada Department of Corrections.

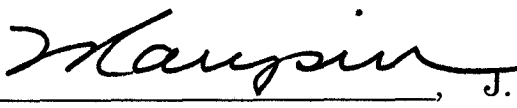
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or

station,¹ or to control a manifest abuse of discretion.² Mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered.³ Having considered this petition, we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.⁴

It is so ORDERED.⁵


_____, C.J.
Rose


_____, J.
Gibbons


_____, J.
Maupin

cc: Hon. Richard Wagner, District Judge
William Ural Neel
Attorney General George Chanos/Carson City
Pershing County Clerk

¹See NRS 34.160.

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

³See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

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

⁵In light of this order, we deny as moot all requests for relief currently pending in this petition.