

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN STEVEN OLAUSEN,  
Appellant,  
vs.  
CARSON CITY GOVERNMENT  
SUPERVISORS; ROBIN WILLIAMSON,  
WARD 1; SHELLY ALDEAN, WARD 2;  
PETE LIVERMORE, WARD 3;  
RICHARD STAUB, WARD 4; AND  
CARSON CITY/COUNTY GRAND  
JURY,  
Respondents.

No. 47451

**FILED**

JAN 31 2007

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a petition for a writ of mandamus and denying a preliminary injunction. First Judicial District Court, Carson City; William A. Maddox, Judge.

Michael Dane Alvarez and John Steven Olausen filed petitions asking the court to force Carson City government officials to investigate certain matters in the Nevada Department of Corrections and to take appropriate action and to issue a restraining order against Department of Corrections personnel. The district court denied the petitions. Olausen appeals, simply alleging that the petitions' denial was error. There is no merit to appellant's claim.

The district court correctly concluded that the Carson City Board of Supervisors has no authority to convene a grand jury for investigation<sup>1</sup> and therefore, that the petition for a writ of mandamus against the Carson City defendants had to be denied.<sup>2</sup>

The district court also correctly concluded that to the extent that the petitions raised issues that were included in a prior case, those issues were already finally resolved against appellant, and thus they were improperly raised in his petitions. The order dismissing his prior case was affirmed by this court in Olausen v. Crawford, Docket Number 45765, November 17, 2005. Appellant apparently also wished to ensure that he was not transferred to another institution in Nevada, but the district court correctly concluded that generally, it has no authority to instruct the Department of Corrections where to incarcerate prisoners.<sup>3</sup>

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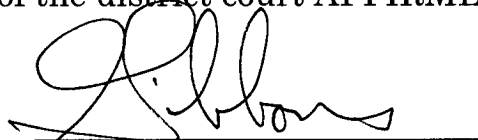
<sup>1</sup>See In re Report of Washoe Co. Grand Jury, 95 Nev. 121, 126-27, 590 P.2d 622, 625-26 (1979); NRS 6.110-6.140; NRS 172.047.

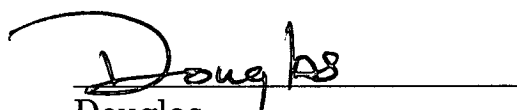
<sup>2</sup>See Willmes v. Reno Mun. Ct., 118 Nev. 831, 835, 59 P.3d 1197, 1200 (2002) (recognizing that this court reviews district court orders denying extraordinary relief for abuse of discretion).

<sup>3</sup>See generally Sandin v. Connor, 515 U.S. 472, 484-86 (1995) (discussing the rare circumstances under which a court properly may become involved in prison administration); Meachum v. Fano, 427 U.S. 215, 224-25 (1976) (noting that a prisoner has no constitutionally protected interest in avoiding prison transfers).

In both the district court and on appeal, appellant appears to be challenging not just the conditions of confinement, but also the validity of his confinement; nevertheless, he has provided no documentation or specific allegations to support his claim, and his allegations are somewhat incoherent. In any case, neither a petition for a writ of mandamus nor a petition for injunctive relief is the appropriate vehicle for challenging the validity of his confinement. Instead, he must comply with the requirements for a petition for a writ of habeas corpus.<sup>4</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>5</sup>

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

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

  
\_\_\_\_\_, Sr. J.  
Shearing

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<sup>4</sup>See Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984).

<sup>5</sup>The Honorable Miriam Shearing, Senior Justice, participated in the decision of this matter under a general order of assignment entered on January 10, 2007.

cc: Hon. William A. Maddox, District Judge  
John Steven Olausen  
Carson City District Attorney  
Carson City Clerk