

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERCY LAVAE BACON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
KATHY A. HARDCASTLE, DISTRICT
JUDGE,
Respondents.

No. 47842

FILED

OCT 10 2006

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus challenges a district court order that directed petitioner to show cause why his complaint should not be dismissed for “being insufficiently pled” and a corresponding district court order that deferred issuance of all summonses subject to the resolution of the order to show cause.

A writ of mandamus is available to compel the performance of an act that the law requires, or to control an arbitrary or capricious exercise of discretion.¹ But mandamus is an extraordinary remedy, and a petition for a writ of mandamus is addressed to this court’s sole discretion.² We have considered the petition and supporting

¹See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

²Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982).

documentation, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted.

Accordingly, we deny the petition.³

It is so ORDERED.

Becker _____, J.
Becker

Hardesty _____, J.
Hardesty

Parraguirre _____, J.
Parraguirre

cc: Hon. Kathy A. Hardcastle, District Judge
Percy Lavae Bacon
Clark County Clerk

³See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).