

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT GRUTGEN,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47849

FILED

SEP 08 2006

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus requests this court to “grant an order to proceed in the matter of Grutgen v. Crawford.”

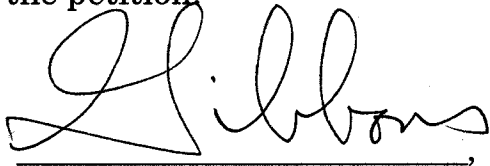
In his petition, petitioner alleges that he had “mailed a personal injury law suit to the Clark county clerk” and that that the clerk responded with two letters explaining that petitioner’s filings lacked an appropriate order for the judge’s signature and that the county had no case number for petitioner’s law suit. Petitioner did not attach any documents in support of his petition.

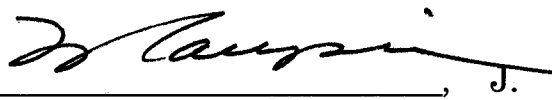
A writ of mandamus is available to compel the performance of an act that the law requires, or to control an arbitrary or capricious exercise of discretion.¹ Mandamus is an extraordinary remedy, a petition

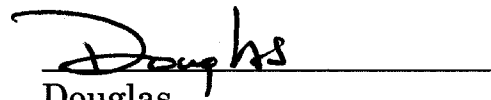
¹See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

for which is addressed to this court's sole discretion.² We note that a petitioner has the burden of demonstrating that this court's intervention is warranted,³ including attaching documents necessary for this court's review.⁴ Having reviewed the petition, we determine that petitioner has not met his burden of demonstrating that extraordinary relief is warranted. Accordingly, we deny the petition.⁵

It is so ORDERED.⁶


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

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

³See Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

⁴See id., 120 Nev. at 229, 88 P.3d at 844; NRAP 21(a).

⁵See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

⁶We conclude that petitioner has demonstrated good cause for waiving the filing fee; accordingly no filing fee is due. See NRAP 21(e).

cc: Robert Grutgen
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger/Civil Division
Clark County Clerk