

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE AHMANN,  
Petitioner,  
vs.  
B. PENNY,  
Respondent.

No. 48125

**FILED**

**OCT 18 2006**

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

ORDER DENYING PETITION FOR EXTRAORDINARY RELIEF

This is an original proper person petition for extraordinary relief entitled "petition for appeal/mandamus." Asserting that the justice's court has "ignored and lost motions and demands duly filed," petitioner Steve Ahmann asks this court to "refile" his justice's court case "in appeal" or, alternatively, to issue a writ of mandamus "ordering due process."

A writ of mandamus may issue to compel a government body to perform a legally mandated act.<sup>1</sup> Mandamus, however, is an extraordinary remedy, and the decision to entertain a petition lies within this court's discretion.<sup>2</sup> As the petitioner, Ahmann has the burden of

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<sup>1</sup>See NRS 34.160.

<sup>2</sup>Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

demonstrating that extraordinary relief is warranted, and he must provide this court with a statement of the facts necessary to understand all of the issues raised and attach to his petition all documents necessary for this court to evaluate his requests for relief.<sup>3</sup>

In this case, we decline to exercise our discretion to consider Ahmann's petition for several reasons. First, Ahmann's sole assertion that the justice's court has not yet acted upon his complaint does not provide this court with a sufficient understanding of the factual and legal issues, and moreover, he has failed to provide any documents to support his allegation that the justice's court has "ignored and lost" his pleadings.<sup>4</sup> Second, Ahmann's alternative request for an appeal is not viable because he may appeal, from any adverse final judgment, only in the district


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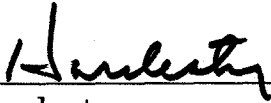
<sup>3</sup>NRAP 21(a); Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004) (noting that this court's review is limited to the petition and accompanying documents and, therefore, if essential information is not provided, there is no way to properly evaluate the petition).

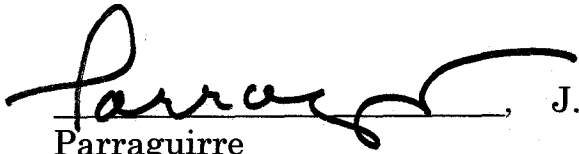
<sup>4</sup>See NRAP 21(a); Pan, 120 Nev. at 228-29, 88 P.3d at 844. Ahmann attached to his petition (1) his justice's court complaint, which does not bear a stamp indicating that it was ever filed, and (2) a document entitled "Emergency Demand for Due Process," which was stamped received in the justice's court on July 10, 2006. Neither document supports issuing a writ.

court.<sup>5</sup> Finally, Ahmann has not paid the \$250 filing fee.<sup>6</sup> Accordingly, we deny the petition for extraordinary relief.<sup>7</sup>

It is so ORDERED.

 J.  
Becker

 J.  
Hardesty

 J.  
Parraguirre

cc: Steve Ahmann  
Attorney General George Chanos/Carson City

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<sup>5</sup>See Nev. Const. art. 6, § 6; Waugh v. Casazza, 85 Nev. 520, 458 P.2d 359 (1969) (providing that the district court has final appellate jurisdiction in cases arising in justice's courts).

<sup>6</sup>See NRAP 21(e).

<sup>7</sup>See NRAP 21(b).