

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN RAY MILLER,
Appellant,
vs.
WARDEN, WARM SPRINGS
CORRECTIONAL CENTER,
STEPHANIE HUMPHREY; MR.
AMENT, CCS1; MR. WHITE, CARSON
SCHOOL DISTRICT AND NEVADA
DEPARTMENT OF CORRECTIONS,
Respondents.

No. 48188

FILED

JUN 08 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

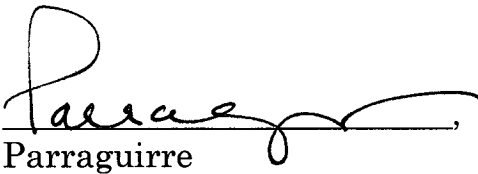
ORDER OF AFFIRMANCE


This is a proper person appeal from an order of the district court denying appellant's petition for a writ of mandamus. First Judicial District Court, Carson City; Michael R. Griffin, Judge.

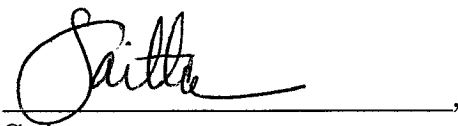
We have reviewed the record on appeal and we conclude that the district court did not err in dismissing appellant's petition for the reasons stated in the attached order. Therefore, briefing and oral

argument are not warranted in this case.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

 J.
Parraguirre

 J.
Hardesty

 J.
Saitta

cc: First Judicial District Court Dept. 1, District Judge
John Ray Miller
Attorney General Catherine Cortez Masto/Carson City
Carson City Clerk

¹See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

1 Case No. 06-00506A
2 Dept. No. I

REC'D & FILED
REC'D

SEP 14 2006 '06 SEP 12 P4:16

ATTORNEY GENERAL'S OFFICE
LITIGATION - CC

ALAN SLOVER
CLERK

BY C. FRANZ DEPUTY

6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

9 JOHN RAY MILLER,
10 Plaintiff,

11 v.

**ORDER DENYING PETITION
FOR WRIT OF MANDAMUS**

12 S. HUMPHREY, Warden; MR. AMENT, CCSI;
13 MR. WHITE, Carson School District; and
14 STATE OF NEVADA DEPARTMENT OF
CORRECTIONS,

15 Defendants.

16 THIS MATTER comes before the Court on Plaintiff's Petition for Writ of Mandamus to
17 Compel Respondents to Allow Credits for Educational Achievement, filed with this Court on April
18 24, 2006.

19 The matter has been fully briefed. This Court has read the case file as well as the law
20 applicable to the issues raised in the various pleadings. This Court, deeming itself fully advised of
21 the matter, hereby enters its Judgment as follows:

22 Pursuant to NRS 34.170, a writ of mandamus "shall be issued in all cases where there is not
23 a plain, speedy, and adequate remedy in the ordinary course of law. It shall be issued upon affidavit,
24 on the application of the party beneficially interested." Plaintiff has failed to demonstrate that there
25 is no plain, speedy and adequate remedy at law that would require the issuance of a writ.
26 Furthermore, this Court gives great deference to the decision of an administrative officer or agency,
27 and the Plaintiff has not demonstrated in his Complaint/Petition for Writ of Mandamus that he would
28 be irreparably harmed should a writ not issue from this Court. While the Plaintiff alleges he is owed

1 60 days credits for earning a high school diploma and 90 days credits for earning his first associate
2 degree, Plaintiff has not provided this Court with authentication, nor verification, of his completion
3 of either program.

4 Therefore, good cause appearing;

5 IT IS HEREBY ORDERED that Plaintiff's Petition for Writ of Mandamus DENIED.

6 IT IS FURTHER ORDERED that the Plaintiff is on notice that in Nevada, a district court
7 is authorized under NRCP 11(c)(2) to impose sanctions "sufficient to deter repetition" of a party's
8 conduct in frivolously or vexatiously pursuing an action or defense, even when that party is
9 proceeding in proper person. Jordan v. State ex rel. DMV & Pub. Safety, 110 P.3d 30 (2005). This
10 Court has noticed repetitious filings from Plaintiff, and wishes to make Plaintiff aware of the
11 consequences of filing frivolously or vexatiously pursuing an action.

12 IT IS SO ORDERED.

13 DATED this 12 day of September, 2006.

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18 MICHAEL R. GRIFFIN
19 District Judge
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28 CERTIFICATE OF SERVICE