

IN THE SUPREME COURT OF THE STATE OF NEVADA

L. SEVILLE PARKS,  
Petitioner,  
vs.  
DONNA M. BATH AND JUDGE DAN L.  
PAPEZ,  
Respondents.

No. 48214

**FILED**

NOV 09 2006

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus seeks to compel respondent District Court Judge Dan L. Papez to enter a default judgment in petitioner's favor in the underlying lawsuit.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station,<sup>1</sup> or to control a manifest abuse of discretion.<sup>2</sup> Mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered.<sup>3</sup> Having considered this

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


<sup>2</sup>See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).


<sup>3</sup>See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

petition, we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.<sup>4</sup>

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Rose

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

  
\_\_\_\_\_, J.  
Maupin

cc: Hon. Dan L. Papez, District Judge  
L. Seville Parks  
Attorney General George Chanos/Carson City  
White Pine County Clerk

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<sup>4</sup>See NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.