

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 48365

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 proper person petition for writ of mandamus seeks, among other things, to compel respondent District Court Judge Dan L. Papez to enter a default judgment in petitioner's favor in the underlying lawsuit. Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.

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,¹ or to control a manifest abuse of discretion.² Mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered.³ Having considered this


¹See NRS 34.160.


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

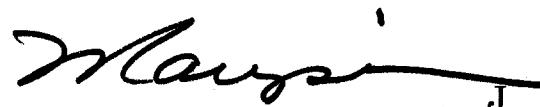
³See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

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

It is so ORDERED.⁵


_____, 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

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

⁵We conclude that no filing fee is due for this petition and therefore we waive the filing fee. See NRAP 21(e).