

IN THE SUPREME COURT OF THE STATE OF NEVADA

RALPH GOODMAN,
Petitioner,

vs.

HOWARD SKOLNIK, DIRECTOR,
NEVADA DEPARTMENT OF PRISONS;
AND ELDON K. MCDANIEL, WARDEN,
ELY STATE PRISON,
Respondents.

No. 49463

FILED

JUN 08 2007

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This proper person original petition for a writ of mandamus challenges respondents' purported confiscation of petitioner's typewriter. According to petitioner, he has effectively been denied his right to access the court.¹

A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse or arbitrary or capricious exercise of discretion.² Mandamus, moreover, is an

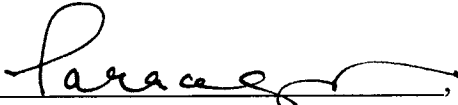
¹To the extent that petitioner intends to request any relief on behalf of other inmates, petitioner lacks standing to seek relief for them, because he has no discernable beneficial interest in this court's determination, if any, with respect to them. See Secretary of State v. Nevada State Legislature, 120 Nev. 456, 460-61, 93 P.3d 746, 749 (2004) (noting that a party seeking a writ of mandamus must demonstrate that he will gain a direct, substantial benefit from its issuance, or suffer a direct detriment from its denial); see also NRS 7.285(1)(a) (providing that "[a] person shall not practice law in this state if the person . . . [i]s not an active member of the State Bar of Nevada or otherwise authorized to practice law in this state").


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

extraordinary remedy, and the decision to entertain such a petition is addressed to this court's sole discretion.³ To demonstrate that our extraordinary intervention is warranted is petitioner's burden.⁴

Having considered this petition and supporting documentation we are not satisfied that our extraordinary intervention is warranted, and petitioner has not met his burden to demonstrate otherwise. Indeed, this petition in and of itself belies petitioner's contention that he has been effectively denied court access. Accordingly, we

ORDER the petition DENIED.⁵

 J.
Parraguirre

 J.
Hardesty

 J.
Saitta

³See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982).

⁴Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

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

Petitioner has filed a motion requesting that this court waive the filing fee, asserting that he is unable to pay it "due to his poverty." But petitioner offers no support for that proposition. See NRS 12.015. We thus deny the motion, and we note that petitioner's failure to pay the filing fee constitutes an independent basis on which to deny his petition. See NRS 2.250; NRAP 21(e).

cc: Ralph Eugene Goodman III
Attorney General Catherine Cortez Masto/Carson City