

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERCY LAVAE BACON,
Petitioner,
vs.
THE HONORABLE KATHY A.
HARDCASTLE, DISTRICT JUDGE,
Respondent.

No. 49863

FILED

SEP 10 2007

JUANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
DEPUTY CLERK

ORDER DENYING PETITION FOR A WRIT OF MANDAMUS

This original proper person petition for writ of mandamus challenges the district court's alleged intentional delay in issuing an order "allowing service of summons and complaint."

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 remedy a manifest abuse of discretion.² Mandamus is available only when petitioner has no plain, speedy, and adequate legal remedy,³ and whether we will consider a petition for the extraordinary remedy of mandamus is entirely within our discretion.⁴ Petitioner bears the burden to demonstrate that mandamus relief is warranted.⁵

¹See NRS 34.160.

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

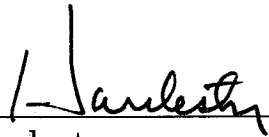
³NRS 34.170.

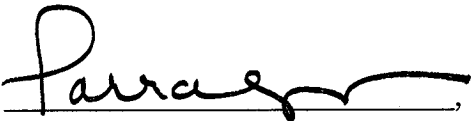
⁴See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

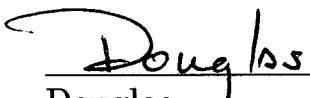
⁵Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Under NRAP 21(a), a petition for extraordinary relief must contain, among other things, a statement of “the facts necessary to an understanding of the issues presented” in the application, the issues presented and the relief sought, and the reasons why the writ should issue.⁶ Petitioner also must provide the court with any and all materials that may be “essential to an understanding of the matters set forth in the petition.”⁷ Here, petitioner has neglected to state any essential facts or provide any documents supporting his allegations, and we are unable to evaluate his petition as it fails to comply with NRAP 21(a). Accordingly, we conclude that petitioner did not satisfy his burden of demonstrating that mandamus relief is warranted, and we deny his petition.

It is so ORDERED.⁸


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

⁶See also Pan, 120 Nev. at 228-29, 88 P.3d at 844.

⁷NRAP 21(a).

⁸Petitioner’s failure to pay the filing fee constitutes an independent ground for denying his petition. See NRAP 21(e).

cc: Hon. Kathy A. Hardcastle, District Judge
Percy Lavae Bacon
Attorney General Catherine Cortez Masto/Carson City
Eighth District Court Clerk