

IN THE SUPREME COURT OF THE STATE OF NEVADA

DR. NANCY SYLVANIE,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE T.
ARTHUR RITCHIE, JR., DISTRICT
JUDGE, FAMILY COURT DIVISION,
Respondents,
and
STEPHEN ROBERT SYLVANIE,
TEMPORARY GUARDIAN OF THE
ESTATE OF CLIFFORD ROBERTSON,
Real Party in Interest.

No. 50329

FILED

DEC 07 2007

JANE/TE M. BLOOM
CLERK OF SUPREME COURT
BY W. W. G. G. G. G. G.
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus challenges the district court's denial of petitioner's motion for a psychiatric examination by experts of an adult ward and raises other concerns related to the determination of guardianship in the district court.

A writ of mandamus is an extraordinary remedy, and the determination of whether to consider a petition is solely within our discretion.¹ A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse of discretion.²


¹See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

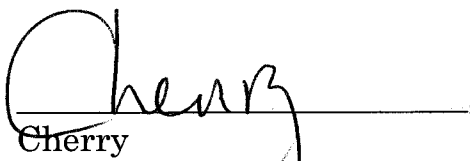
²See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).


The petition will only be granted when there is a clear right to the relief requested and the petitioner has no plain, speedy and adequate remedy in the ordinary course of law.³ Furthermore, the burden is on the petitioner to establish that mandamus relief is appropriate.⁴ In particular, NRAP 21(a) requires the petitioner to provide copies of relevant documents from the district court record.

In this case, petitioner has failed to meet her burden of establishing that extraordinary relief is warranted. The basis for petitioner's request is unclear and a determination of whether relief is proper is impossible because no transcripts, court records, or other documents related to the district court case have been provided. Accordingly, we deny the petition.⁵

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Cherry


_____, J.
Saitta

³Gumm v. State, Dep't of Education, 121 Nev. 371, 375, 113 P.3d 853, 856 (2005).

⁴Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); NRAP 21(a).

⁵NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 857.

cc: Hon. T. Arthur Ritchie, Jr., District Judge, Family Court Division
Nancy Sylvania
Ronald P. Hubel
Eighth District Court Clerk