

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK ORTIZ,
Petitioner,

vs.

RON NIMAN, JUSTICE OF THE
PEACE, ELY TOWNSHIP NO. 1
JUSTICE COURT,
Respondent.

No. 50711

FILED

JUN 13 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus challenges the Ely Township Justice Court's alleged failure to process petitioner's notice of appeal from the dismissal of his small claims action.

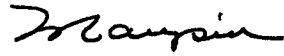
Mandamus is an extraordinary remedy and it is within our discretion to determine if a petition will be considered.¹ It is petitioner's burden, moreover, to demonstrate that our extraordinary intervention is warranted.² Under NRAP 21(a), in order to satisfy his burden of demonstrating that extraordinary relief is warranted, petitioner must ensure that his petition includes "copies of any order or opinion or parts of the record which may be essential to an understanding of the matters set forth in the petition." Here, petitioner has not provided any supporting documents to demonstrate that he actually filed a notice of appeal or any of the other documents he claims have not been processed. Accordingly,

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

²Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

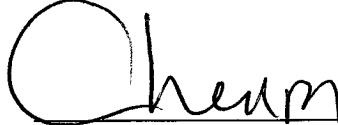
we conclude that petitioner has failed to meet his NRAP 21(a) burden of demonstrating that extraordinary relief is warranted, and we

ORDER the petition DENIED.³



Maupin

J.



Cherry

J.



Saitta

J.

cc: Frank Ortiz
White Pine County District Attorney
Attorney General Catherine Cortez Masto/Carson City
White Pine County Clerk

³See NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.