

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUKE FREDRICK CRANFORD A/K/A  
BONNIE F. CRANFORD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 51451

**FILED**

FEB 11 2009

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a proper person petition for a writ of mandamus. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

On November 27, 2007, appellant, a Nevada inmate housed in the Florida Department of Corrections (FDOC), filed a proper person petition for a writ of mandamus. On July 22, 2008, the district court denied the petition.

In his petition, appellant claimed that the FDOC, which houses him pursuant to the Interstate Corrections Compact, see NRS 215A.010 – 215A.060, did not permit him to grow his hair and beard according to Nevada Department of Corrections (NDOC) regulations. Further, the FDOC instituted disciplinary action against him for growing facial hair. Appellant requested that the district court enjoin the NDOC from permitting the FDOC from depriving appellant of the right to grow

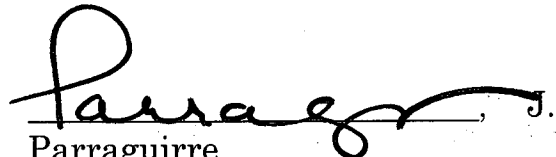
his facial hair according to NDOC regulations or to remove appellant from the FDOC custody.

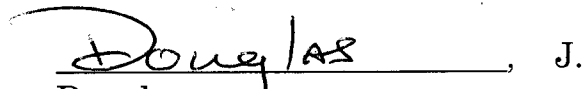
A writ of mandamus is available to compel the performance of an act which the law requires “as a duty resulting from an office, trust or station,” NRS 34.160, or to control an arbitrary or capricious exercise of discretion. See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of mandamus will not issue, however, if petitioner has “a plain, speedy and adequate remedy in the ordinary course of law.” See NRS 34.170. Further, mandamus is an extraordinary remedy, and it is within the discretion of the court to determine if a petition will be considered. See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982); see also State ex rel. Dep’t Transp. v. Thompson, 99 Nev. 358, 359-60, 662 P.2d 1338, 1339 (1983).

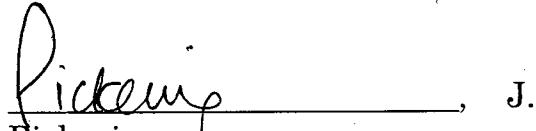
Our review of the record reveals that the district court did not abuse its discretion in denying appellant’s petition. Appellant had an adequate remedy at law. Appellant may challenge the conditions of his confinement, including regulations concerning grooming, through a civil action. See Henderson v. Terhune, 379 F.3d 709 (9th Cir. 2004) (considering inmate’s challenge to California Department of Corrections hair length regulations). Having reviewed the record on appeal and for the reason set forth above, we conclude that appellant is not entitled to

relief and that briefing and oral argument are unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
Parraguirre

  
Douglas

  
Pickering

cc: Hon. Donald M. Mosley, District Judge  
Duke Fredrick Cranford  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>1</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.