

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN CRAIN,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND, THE HONORABLE
SALLY L. LOEHRER, DISTRICT
JUDGE,

Respondents,

and

CLARK COUNTY PUBLIC DEFENDER;
NEVADA PAROLE AND PROBATION;
NEVADA ATTORNEY GENERAL;
JOHN PACULT; AND DIANE
WILLIAMS,

Real Parties in Interest.

No. 52384

FILED

OCT 02 2008

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus challenges the district court's alleged refusal to enter a default or to grant default judgment.

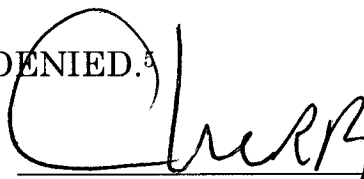
Under NRAP 21(a), a petition for extraordinary relief must contain, among other things, a statement of "the facts necessary to an understanding of the issues presented by the application," the issues presented and the relief sought, and the reasons why the writ should issue.¹ Thus, because petitioner bears the burden of demonstrating that

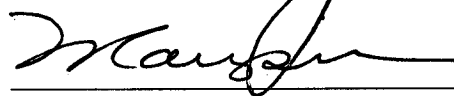
¹See Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004).

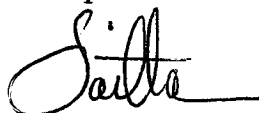
extraordinary relief is warranted,² he must provide this court with any and all materials that are “essential to an understanding of the matters set forth in the petition.”³ A petition must also be supported by an affidavit of the party beneficially interested.⁴

The instant petition does not contain any statement of facts and it is unclear precisely what relief petitioner seeks. Petitioner also failed to include copies of any documents from the district court action, and he did not include an affidavit in support of the petition. Accordingly, we

ORDER the petition DENIED.⁵


_____, J.
Cherry


_____, J.
Maupin


_____, J.
Saitta

²Id. at 228-29, 88 P.3d at 844.

³NRAP 21(a).

⁴NRS 34.170.

⁵See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (stating that whether to grant extraordinary relief is discretionary with this court).

cc: Hon. Sally L. Loehrer, District Judge
Steven Crain
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger/Civil Division
Lewis Brisbois Bisgaard & Smith, LLP
Attorney General Catherine Cortez Masto/Transportation
Division/Las Vegas
Eighth District Court Clerk