

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR MANUEL RIVERA,  
Petitioner,

vs.

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

Respondents,

and

THE STATE BAR OF NEVADA AND  
GREGORY L. DENUE,  
Real Parties in Interest.

No. 52423

**FILED**

NOV 19 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Anderson*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus challenges a district court order denying petitioner's motion for production of documents, specifically, petitioner's former counsel's file on petitioner's criminal case. Petitioner also challenges the State Bar of Nevada's failure to pursue professional discipline charges against the former counsel. As directed, real party in interest Gregory L. Denué filed an answer to the petition, limited to the issue of Denué's alleged failure to turn over petitioner's file upon the conclusion of Denué's representation.

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.<sup>1</sup> Mandamus is an extraordinary remedy, and whether a petition will be

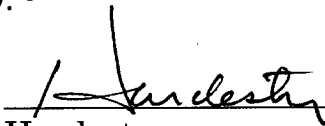
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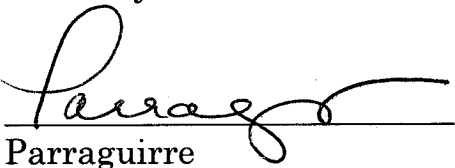
<sup>1</sup>See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).


considered is within our sole discretion.<sup>2</sup> Also, petitioner bears the burden to demonstrate that our intervention by way of extraordinary relief is warranted.<sup>3</sup>

Having reviewed the petition, the answer, and the supporting documents submitted therewith, we are not persuaded that our extraordinary intervention is warranted. First, SCR 104(3) provides a procedure whereby a grievance against bar counsel may be addressed. Extraordinary relief is not available where there is an adequate remedy at law.<sup>4</sup> Therefore, writ relief is not warranted with respect to the State Bar's alleged failure to pursue discipline charges. Next, Denué's answer establishes that Denué provided petitioner with a copy of his file, and thus, extraordinary relief is not available in this regard. Accordingly, we

ORDER the petition DENIED.<sup>5</sup>

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

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<sup>2</sup>See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

<sup>3</sup>Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

<sup>4</sup>See NRS 34.170.

<sup>5</sup>NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d 851.

cc: Hon. Stewart L. Bell, District Judge  
Victor Manuel Rivera  
Gregory L. Denué  
Rob W. Bare, Bar Counsel  
Kimberly K. Farmer, Executive Director  
Eighth District Court Clerk