

IN THE SUPREME COURT OF THE STATE OF NEVADA

MIGUEL ANGEL RAMIREZ,
Petitioner,
vs.
THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WHITE
PINE, AND THE HONORABLE STEVE
L. DOBRESCU, DISTRICT JUDGE,
Respondents.

No. 52465

FILED

OCT 02 2008

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anguila*
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 failure to rule on pending motions.

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.¹ Mandamus is an extraordinary remedy, and whether a petition will be considered is within our sole discretion.² Also, petitioner bears the burden to demonstrate that our intervention by way of extraordinary relief is warranted.³

Having considered the petition and its supporting documents, we are not persuaded that our extraordinary intervention is warranted. In particular, the available documentation demonstrates that the motion

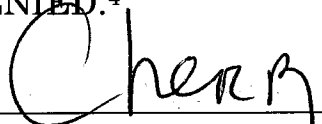
¹See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

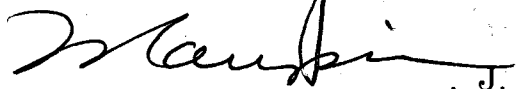
²See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

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

for summary judgment and cross-motion for summary judgment have been decided by the district court, and while the motion to alter or amend has been pending for approximately one year, we are confident that the district court will address this motion as its docket permits. Accordingly, we

ORDER the petition DENIED.⁴


_____, J.
Cherry


_____, J.
Maupin


_____, J.
Saitta

cc: Hon. Steve L. Dobrescu, District Judge
Miguel Angel Ramirez
Attorney General Catherine Cortez Masto/Carson City
White Pine County Clerk

⁴See NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851 (stating that whether to grant extraordinary relief is within this court's discretion). We conclude that petitioner has established good cause to waive the filing fee, see NRAP 21(e), so no fee is due.