

IN THE SUPREME COURT OF THE STATE OF NEVADA

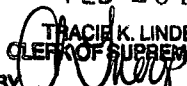
PERCY LAVAE BACON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND CLERK OF THE EIGHTH
JUDICIAL DISTRICT COURT, IN AND
FOR CLARK COUNTY, NEVADA,
Respondents.

No. 52488

FILED

FEB 20 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

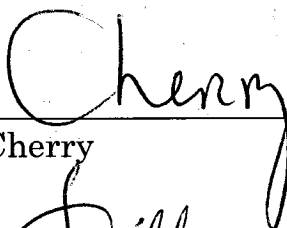
This original proper person petition for a writ of mandamus or prohibition seeks to compel the district court to modify the file-stamp date on petitioner's complaint to conform to the date that petitioner claims to have mailed that document to the district court.


A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse of discretion, see Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). A writ of prohibition is available to remedy district court acts taken without or in excess of jurisdiction. NRS 34.320. Writs of mandamus or prohibition are extraordinary remedies, and it is within this court's discretion to determine if a petition will be considered. Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Petitioner bears the burden of demonstrating that extraordinary relief is warranted and must provide all documents essential to an understanding of the matters set forth in the

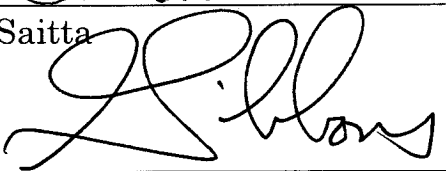
petition. NRAP 21(a); Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having reviewed this petition and documents filed in this case, we conclude that our intervention by way of extraordinary relief is not warranted because petitioner has failed to meet his NRAP 21(a) burden. Specifically, while petitioner contends that the district court file stamp contains an incorrect filing date, he has not provided this court with a file-stamped copy of his complaint, only an unfiled copy of a document entitled an "amended complaint." Additionally, on January 21, 2009, petitioner submitted a document challenging actions he claims district court Judge Kathy Hardcastle has taken.¹ Petitioner, however, has not submitted any documents to support these additional claims. Accordingly, as petitioner has failed to provide us with necessary documents, we deny the petition. NRAP 21(b); Pan, 120 Nev. 222, 88 P.3d 840.

It is so ORDERED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

¹The clerk of this court shall file petitioner's document, which was provisionally received in this court on January 21, 2009.

cc: Hon. Kathy Hardcastle, Judge
Percy Lavae Bacon
Clark County District Attorney David J. Roger
Eighth District Court Clerk