

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIE LEE JEFFERSON,
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. 52983

FILED

JAN 23 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original proper person petition for a writ of mandamus seeking to direct respondents to issue an order directing the alleged defendants to accept service of petitioner's complaint.

After petitioner filed a complaint in the district court, petitioner alleges that the defendant "chief of classifications" [sic] refused to accept service. Thereafter petitioner filed a "motion defendants counsel failure to accept service" [sic] and the district court denied the motion. In its order, the district court pointed out that petitioner could not reasonably expect to proceed with a complaint naming a defendant as "chief of classifications" and that petitioner did not provide any documents supporting his allegation that the designated defendant refused to accept service. In his petition, petitioner alleges that the district court improperly denied his "motion defendants counsel failure to accept

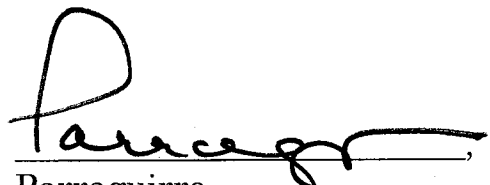
services” and requests this court to direct the district court to reverse its order.

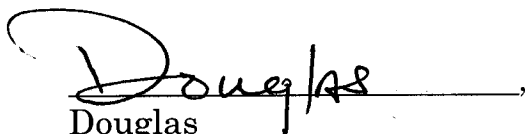
Mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982); see also Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). Petitioner has the burden of demonstrating that extraordinary relief is warranted, and he must provide this court with a statement of the facts necessary to understand all of the issues raised and must attach to his petition all documents necessary for this court to render its decision. NRAP 21(a); Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004) (noting that this court’s review in a writ proceeding is limited to the petition and accompanying documents and, therefore, if essential information is not provided, there is no way to properly evaluate the petition).

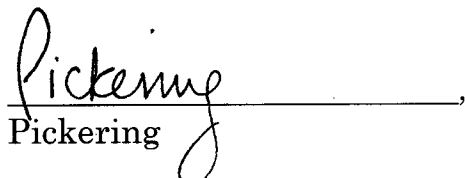
We have considered the petition and conclude that petitioner’s factual assertions do not provide this court with a sufficient understanding of the factual and legal issues and, moreover, petitioner has failed to attach any documents to support his blanket allegations of wrongdoing. See NRAP 21(a); Pan, 120 Nev. at 228-29, 88 P.3d at 844. Specifically, petitioner failed to attach any documents supporting his allegation that he attempted service on any defendant or defendant’s counsel and that such service has been refused. Accordingly, we are not satisfied that this court’s intervention by way of extraordinary relief is

warranted at this time and we deny the petition. See NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.¹

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Steve L. Dobrescu, District Judge
Willie Lee Jefferson
Attorney General Catherine Cortez Masto/Carson City
White Pine County Clerk

¹We grant petitioner's December 26, 2008, motion to waive the filing fee. See NRAP 21(e).