

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN LUCKETT,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE ANN  
E. ZIMMERMAN, JUSTICE OF THE  
PEACE, JUSTICE COURT, LAS VEGAS  
TOWNSHIP,

Respondents,

and

WILD WILD WEST HOTEL AND  
CASINO,

Real Party in Interest.

No. 53517

**FILED**

APR 09 2009  
TRACE A. ANDERMAN  
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 seeks to compel the district court to file a petition for writ of mandamus submitted to that court and to stay a justice court hearing on whether petitioner should be declared a vexatious litigant until his district court writ petition is resolved.

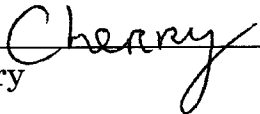
A writ of mandamus will issue to compel performance of an act required by law, NRS 34.160, or to control a manifest abuse or an arbitrary and capricious exercise of discretion.

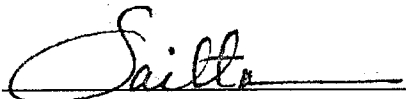
Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Mandamus relief is generally available only when no plain, speedy, and adequate remedy exists. NRS 34.170. A petition for a writ of mandamus is an extraordinary remedy and whether a petition will be considered lies within this court's sound discretion.


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

Having considered this petition, we are not satisfied that our intervention by way of extraordinary relief is warranted, and we therefore deny the petition. Id.; NRAP 21(b).

It is so ORDERED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: John Lockett  
Pyatt Silvestri & Hanlon  
Justice of the Peace Ann E. Zimmerman  
Las Vegas Township Justice Court  
Eighth District Court Clerk

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<sup>1</sup>Based on the documents before us, it appears that petitioner was granted in forma pauperis status by the justice court. Accordingly, no filing fee is due. The clerk of this court shall file the copy of the order granting petitioner in forma pauperis status, which was provisionally received in this court on April 1, 2009.