

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. 53725

FILED

DEC 04 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

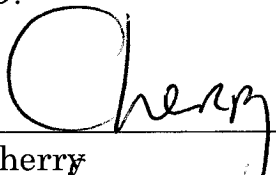
This original proper person petition for a writ of mandamus appears to challenge (1) a justice court hearing at which petitioner must show cause why he should not be declared a vexatious litigant, (2) the justice court's order requiring petitioner to post an out-of-state plaintiff's cost bond, and (3) the district court's alleged refusal to file petitioner's writ petition to that court. In later submissions, petitioner challenged a justice court order declaring him to be a vexatious litigant and imposing restrictions on his filings in that court. We directed real party in interest to file an answer limited to the issue of whether the justice court followed proper procedures in declaring petitioner a vexatious litigant; a timely answer was filed.


The writ of mandamus is available to compel the performance of an act that the law requires or to control a manifest abuse


of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). Mandamus is an extraordinary remedy, however, and whether a petition will be considered is within our discretion. See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). The petitioner bears the burden to demonstrate that our intervention by way of extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and its attachments, we are not persuaded that extraordinary relief is warranted. Jordan v. State, Dep't of Motor Vehicles, 121 Nev. 44, 110 P.3d 30 (2005), abrogated on other grounds by Buzz Stew, LLC v. City of N. Las Vegas, 124 Nev. ___, 181 P.3d 670 (2008); Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

¹We deny all pending motions as moot in light of this order.

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