

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID DINO BARNES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55635

FILED

SEP 13 2010

FRANK P. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying appellant's petition for a writ of mandamus or prohibition and request for injunctive relief. First Judicial District Court, Carson City; James Todd Russell, Judge.

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. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). The district court may issue a writ of prohibition to arrest the proceedings of any lower tribunal exercising judicial functions in excess of its jurisdiction. See NRS 34.320; Koller v. State, 122 Nev. 223, 130 P.3d 653 (2006). This court reviews the district court's order for an abuse of discretion. Stockmeier v. Psychological Review Panel, 122 Nev. 534, 135 P.3d 807 (2006) (writ petitions); A.L.M.N., Inc. v. Rosoff, 104 Nev. 274, 277, 757 P.2d 1319, 1321 (1988) (permanent injunctive relief); Number One Rent-A-Car v. Ramada Inns, 94 Nev. 779, 780, 587 P.2d 1329, 1330 (1978) (preliminary injunctive relief).

Having reviewed the appellate record and appellant's civil proper person appeal statement, we perceive no abuse of discretion in the

district court's order denying appellant's petition for a writ of mandamus or prohibition and his request for injunctive relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. James Todd Russell, District Judge
David Dino Barnes
Attorney General/Carson City
Carson City Clerk