

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT LESLIE STOCKMEIER,
Appellant,
vs.
ARTHUR E. MALLORY, CHURCHILL
COUNTY DISTRICT ATTORNEY; AND
OFFICE OF THE CHURCHILL
COUNTY DISTRICT ATTORNEY,
Respondents.

No. 56245

FILED

FEB 10 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY WJOP
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court judgment dismissing appellant's petition for a writ of mandamus, which sought to compel, in relevant part, respondents to (1) acknowledge that the Nevada Public Records Act applies to respondents' public records, (2) allow appellant the ability to copy all public records that were not otherwise deemed by law to be confidential, (3) provide legal authority for the respondents' confidentiality-based denial of a record request, and (4) assist appellant in the identification and description of public records so as to allow appellant "to know which public records he desires to have copied." Third Judicial District Court, Churchill County; David A. Huff, Judge.

Having considered the record and appellant's proper person appeal statement, we conclude that the district court did not abuse its discretion in denying appellant mandamus relief. See DR Partners v. Bd. of County Comm'rs, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) (reviewing a district court's decision to grant or deny a petition for a writ of mandamus for an abuse of discretion, and holding that a writ of mandamus is the appropriate means to compel production of public records); Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981)

(holding that a writ of mandamus is generally available to compel the performance of an act that the law enjoins as a duty, or to control a manifest abuse of discretion).

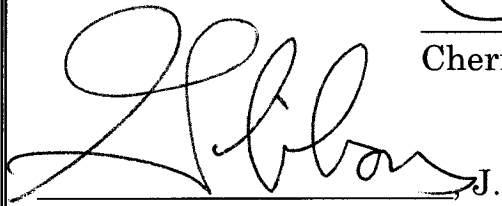
The Nevada Public Records Act, NRS Chapter 239, provides that “all public books and public records of a governmental entity, the contents of which are not otherwise declared by law to be confidential, must be open at all times during office hours to inspection by any person.” NRS 239.010(1). Under NRS 239.0107(1)(d)(2), “[i]f the governmental entity must deny the person’s request to inspect or copy” a record because that record is deemed confidential, that entity must cite to a “specific statute or other legal authority.”

In this case, respondents’ duty to provide access to public records or to otherwise cite to authority supporting the records’ confidentiality was not triggered because appellant made no specific public records request.¹ Although, in response to appellant’s general inquiry regarding how to obtain public records, respondents informed appellant

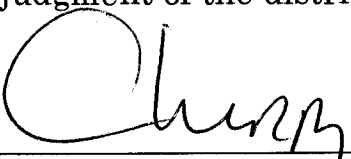
¹Appellant’s December 23, 2009, letter to respondents was not a public records request. In that letter, appellant asked respondents (1) if they had a schedule for the retention/disposal of records and if so, to inform him of the terms of such schedule; (2) to provide him forms for requesting copies of public records or to inform him of the information he must provide to request such copies; and (3) if they had a written policy providing for waivers of fees for copying public records. Respondents effectively responded to appellant’s requests by providing appellant with a copy of their records retention policy, informing appellant that his request for public records should be made directly to the agency responsible for maintaining such records, and advising appellant that the waiver of any fees for obtaining copies of public records was subject to the policies of the individual agencies.

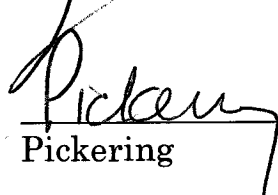
that the files created in their office were considered work product, not official public records, that general response was not addressed to any specific document request, and thus, the district court properly declined to intervene to compel respondents' production of public records. Cf. Smith v. District Court, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (holding that mandamus is an extraordinary remedy, and whether a petition for extraordinary relief will be considered is solely within this court's discretion). We also considered appellant's remaining arguments on appeal and conclude that they lack merit. Accordingly, we

ORDER the judgment of the district court AFFIRMED.



Gibbons


_____, J.
Cherry


_____, J.
Pickering

cc: Hon. David A. Huff, District Judge
Robert Leslie Stockmeier
Churchill County District Attorney
Churchill County Clerk