

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT LESLIE STOCKMEIER,
Appellant,
vs.
HOWARD SKOLNIK; DON HELLING;
AND DEPARTMENT OF
CORRECTIONS,
Respondents.

No. 57443

FILED

SEP 15 2011

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying of a petition for a writ of mandamus. Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

Upon review of the documents before us and consideration of appellant's civil proper person appeal statement, we conclude that the district court did not abuse its discretion by denying appellant's request for a writ of mandamus. See NRS 34.170; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (recognizing that writ relief is not available when an adequate and speedy remedy exists at law); Reno Newspapers v. Sheriff, 126 Nev. ___, ___, 234 P.3d 922, 924 (2010) (explaining that this court generally reviews the district court's denial of writ relief for an abuse of discretion); see also NRS 209.243(1) (providing that a prisoner may file an administrative claim for "any other claim arising out of a tort alleged to have occurred during his or her incarceration as a result of an act or omission of the Department or any of its agents, former officers, employees or contractors").

Additionally, as appellant's writ petition was not warranted by existing law or a good faith argument for changing the law, we discern no error in the district court's conclusion that appellant's writ petition was

frivolous. See International Game Tech., 124 Nev. at 197, 179 P.3d at 558; D.R. Horton v. Dist. Ct., 123 Nev. 468, 474, 168 P.3d 731, 736 (2007) (noting that a writ of mandamus is an extraordinary remedy); Bergmann v. Boyce, 109 Nev. 670, 676, 856 P.2d 560, 564 (1993) (explaining that, in determining whether a pleading is frivolous, the court must assess whether it “is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law”) (internal quotations omitted). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Richard Wagner, District Judge
Robert Leslie Stockmeier
Attorney General/Carson City
Pershing County Clerk