

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEREMY A. CROZIER,
Petitioner,
vs.
THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WHITE
PINE,
Respondent,
and
RICHARD J. RAMOS,
Real Party in Interest.

No. 57986

FILED

DEC 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Anger
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original proper person petition for a writ of mandamus challenging alleged irregularities in petitioner's pending district court civil rights action.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within our sole discretion to determine if a writ petition will be considered. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is generally not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; International Game Tech., 124 Nev. at 197, 179 P.3d at 558. An appeal is typically an adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). It is

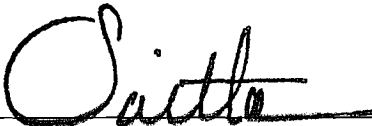
petitioner's burden to demonstrate that our extraordinary intervention is warranted. Id. at 228, 88 P.3d at 844.

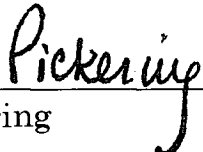
While petitioner seeks relief on eight grounds, most of his arguments are matters that should be raised in the district court, and to the extent that petitioner is aggrieved by the district court's resolution of these issues, he will be able to challenge them on appeal from any final judgment ultimately entered in the action below. See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (explaining that a party may challenge an interlocutory order in the context of an appeal from a final judgment); see also NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). Thus, petitioner has a speedy and adequate remedy available in the form of an appeal, and extraordinary relief is unwarranted. NRS 34.170; NRS 34.330; NRAP 21(b)(1); Pan, 120 Nev. at 224, 88 P.3d at 841.

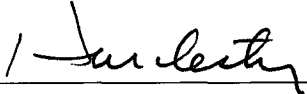
We are concerned, however, by petitioner's contention that the district court clerk has returned to him and refused to file numerous documents that he has submitted for filing without stamping the documents received and maintaining a record of them. See Whitman v. Whitman, 108 Nev. 949, 951, 840 P.2d 1232, 1233-34 (1992) (explaining that the clerk of the district court has no authority to return documents submitted for filing; instead, the clerk must stamp documents that cannot be immediately filed as "received," and must maintain such documents in the record of the case); see also Donoho v. District Court, 108 Nev. 1027, 1029-30, 842 P.2d 731, 733 (1992) (providing that the clerk of the district court has a duty to file documents and to keep an accurate record of the proceedings before the court). Nevertheless, because petitioner has not

specified what documents were returned to him unfiled, and because his arguments and the appendix indicate that the district court action is proceeding with his documents being filed, we conclude that this assertion also does not warrant our extraordinary intervention, and we therefore deny the petition. NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

It is so ORDERED.¹


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Dan L. Papez, District Judge
Jeremy A. Crozier
Attorney General/Carson City
White Pine County Clerk

¹In light of this order, we deny as moot petitioner's March 30, 2011, request for submission. Further, we construe petitioner's July 11, 2011, "supplemental evidence to first amendment petition for writ of mandamus pursuant to NRS 34.185" as a motion to supplement the record before this court. Having considered the motion, we grant it and direct the clerk of this court to detach and file, as a supplement to the appendix, the documents attached to petitioner's July 11, 2011, motion.