

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUDITH ANN PATTON,
Petitioner,

vs.

THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE;
AND THE HONORABLE ROBERT W.
LANE, DISTRICT JUDGE,

Respondents,

and

M & I MORTGAGE CORPORATION;
AND NYE COUNTY TREASURER'S
OFFICE,

Real Parties in Interest.

No. 58003

FILED

MAY 11 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Lindeman*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

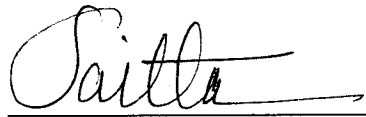
This original proper person petition for a writ of mandamus challenges a district court order denying petitioner's application to proceed in forma pauperis.

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). Petitioner bears the burden to demonstrate that this court's intervention by way of extraordinary writ relief is warranted. See Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2005); see also NRS 34.170 (stating that a writ petition must be supported by an affidavit of the party beneficially interested); NRAP 21(a)(1) (stating that a writ petition must be served upon the respondent judge and all parties to the district court action); NRAP 21(a)(4) (stating that a petitioner shall submit with the petition "a copy of any order or opinion, parts of the record before

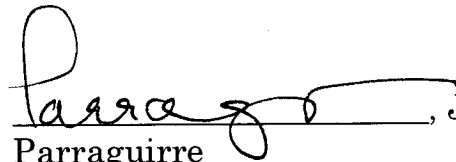
the respondent judge, . . . or any other original document that may be essential to understand the matters set forth in the petition”).

Here, petitioner failed to include a supporting affidavit or a certificate of service, demonstrating that the petition was properly served. Also, petitioner provided no documentation from the district court proceedings. Accordingly, we cannot evaluate whether the district court failed to perform any legal duty or manifestly abused its discretion in any way. We, therefore,

ORDER the petition DENIED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Robert W. Lane, District Judge
Judith Ann Patton
Nye County District Attorney
Nye County Clerk