

IN THE SUPREME COURT OF THE STATE OF NEVADA

JERRY HOOKS,
Petitioner,
vs.
WILLIAM D. KOEHN,
Respondent.

No. 58182

FILED

FEB 19 2013

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

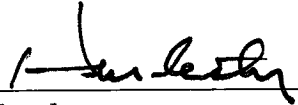
This is an original proper person petition for a writ of mandamus seeking an order directing respondent to provide petitioner with blood pressure medication.

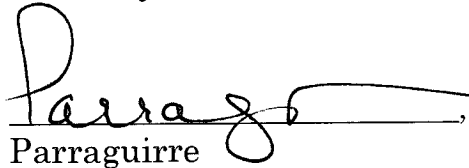
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (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.

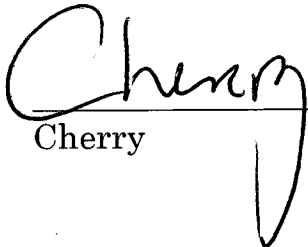
Having considered the petition, we conclude that our intervention by way of extraordinary relief is not warranted as petitioner has an adequate legal remedy in the form of a civil rights action. See NRS 34.170; International Game Tech., 124 Nev. at 197, 179 P.3d at 558; see also Estelle v. Gamble, 429 U.S. 97, 102-04 (1976) (explaining that an inmate may assert a cruel and unusual punishment claim in a civil rights

action when he believes a state actor is deliberately indifferent to his serious medical need). Accordingly, we

ORDER the petition DENIED.¹

_____, J.
Hardesty

_____, J.
Parraguirre

_____, J.
Cherry

cc: Jerry Hooks
Attorney General/Carson City

¹The clerk of this court is directed to file petitioner's various submissions, which were provisionally received in this court on April 27, and 29, 2011; May 4, 2011; and October 11, 2011, respectively. In light of this order, we deny as moot any unaddressed relief requested in these documents.