

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT CURTIS GIBBONS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,

Respondent,

and

STEVEN GRIERSON, DISTRICT
COURT CLERK; AND DC CRIMINAL
DESK 56, DEPUTY CLERK OF THE
COURT,

Real Parties in Interest.

No. 58449

FILED

SEP 20 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Malone*
DEPUTY CLERK


ORDER DENYING PETITION FOR WRIT OF MANDAMUS

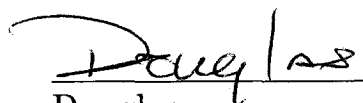
This original proper person petition for a writ of mandamus seeks an order directing the filing of petitioner's district court petition for a writ of habeas corpus. Real parties in interest have filed an answer to the petition.

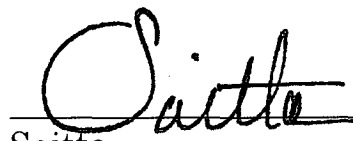
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within this court's sole discretion to determine if a writ petition will be considered. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition, the answer, and the attached documents, we conclude that our intervention by extraordinary writ relief is not warranted as it appears that petitioner's petition for a writ of habeas corpus has, in fact, been filed by the district court. See NRS 34.160; *Pan*, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we

ORDER the petition DENIED.


Gibbons, J.


Douglas, J.


Saitta, J.

cc: Robert Curtis Gibbons
Clark County District Attorney/Civil Division
Attorney General/Carson City
Eighth District Court Clerk