

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL DAVID REGAN,
Petitioner,

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CARSON CITY; AND THE
HONORABLE JAMES TODD
RUSSELL, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA BOARD OF
PAROLE COMMISSIONERS,
Real Party in Interest.

No. 58706

FILED

AUG 05 2011

TRADIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Arce*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This proper person petition for a writ of mandamus seeks an order compelling the district court to set a trial date before July 7, 2011.

A writ of mandamus is available to compel the performance of an act that the law requires, 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), in cases in which “there is not a plain, speedy and adequate remedy in the ordinary course of law.” NRS 34.170. Mandamus is an extraordinary remedy, and whether a petition will be considered is within our sole discretion. Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

Having considered this petition and the answer thereto, we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition. See id.

It is so ORDERED.

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. James Todd Russell, District Judge
Michael David Regan
Attorney General/Carson City
Carson City Clerk