

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY D. BAILEY,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
TIMOTHY C. WILLIAMS, DISTRICT
JUDGE,

Respondents,
and

LANCE A. MANINGO,
Real party in interest.

No. 59123

FILED

OCT 06 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION
FOR WRIT OF CERTIORARI, MANDAMUS, OR PROHIBITION


This original proper person petition for a writ of certiorari, mandamus, or prohibition challenges the district court's alleged dismissal of petitioner's district court action as to real party in interest.¹


Writ relief is generally available when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.020(2); NRS 34.170; NRS 34.330. A writ of certiorari is available to confine an inferior tribunal, board, or officer exercising judicial functions to the limits of its jurisdiction. NRS 34.020(2). 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. NRS 34.160. And


¹The clerk of this court shall modify the caption for this matter to conform to the caption on this order.

writ of prohibition may issue to confine the district court to the proper exercise of its prescribed jurisdiction when the court has acted in excess of its jurisdiction. NRS 34.320. The issuance of a writ of certiorari, mandamus, or prohibition is purely within this court's discretion. Dangberg Holdings v. Douglas Co., 115 Nev. 129, 138, 978 P.2d 311, 316 (1999); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Having reviewed the petition, we decline to exercise our discretion to extraordinarily intervene in the district court proceedings. Id.; NRAP 21(b)(1) and (c). Accordingly, we

ORDER the petition DENIED.²

 _____, J.
Pickering

 _____, Sr.J.
Rose

 _____, Sr.J.
Shearing

cc: Hon. Timothy C. Williams, District Judge
Anthony D. Bailey
Lance A. Maningo
Eighth District Court Clerk

²In light of this order, we deny as moot petitioner's motion to proceed in proper person.

The Honorable Robert E. Rose and the Honorable Miriam Shearing, Senior Justices, participated in the decision of this matter under general orders of assignment.