

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD AFRAND, AN INDIVIDUAL,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
KATHLEEN E. DELANEY, DISTRICT
JUDGE,

Respondents,

and

REO ASSET SERVICES, LLC D/B/A
FIRST REALTY GROUP, A NEVADA
LIMITED LIABILITY COMPANY,
Real Party in Interest.

No. 59151

FILED

SEP 30 2011

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


ORDER DENYING PETITION FOR WRIT OF MANDAMUS

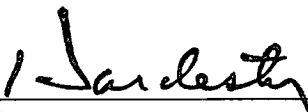
This original proper person petition for a writ of mandamus challenges a district court order denying petitioner's motion to dismiss or, in the alternative, for summary judgment.

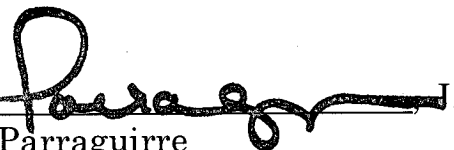
Writ relief is generally available when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). The issuance of a writ of mandamus is purely within this court's discretion. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851-52 (1991). Having reviewed the petition, we

decline to exercise our discretion to extraordinarily intervene in the district court proceedings. Id.; NRAP 21(b)(1).

It is so ORDERED.¹


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Kathleen E. Delaney, District Judge
Richard Afrand
Claggett & Associates, Inc.
Eighth District Court Clerk

¹In light of this order, we deny as moot petitioner's motion for a stay.