

IN THE SUPREME COURT OF THE STATE OF NEVADA

TODD ROBBEN,
Petitioner,

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CARSON CITY; AND THE
HONORABLE JAMES E. WILSON,
DISTRICT JUDGE,

Respondent,
and

THE STATE OF NEVADA
DEPARTMENT OF TAXATION,
Real Party in Interest.

No. 59273

FILED

DEC 12 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angelson*
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 seeking to report a hearing officer to various authorities.¹

Where there is no plain, speedy, and adequate remedy in the ordinary course of law, NRS 34.170, extraordinary relief may be available. Smith v. District Court, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). 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). Having considered the petition and

¹The clerk of this court shall amend the caption for this petition to conform to the caption on this order.

supporting documents, we conclude that our intervention by way of extraordinary relief is not warranted. Smith, 107 Nev 674, 818 P.2d 849; NRAP 21(b)(1).

It is so ORDERED.²

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Pickering, J.
Pickering

cc: Hon. James E. Wilson, District Judge
Todd Robben
Attorney General/Carson City
Bill Kockenmeister
Carson City Clerk

²Petitioner's alternative request that this court report hearing officer Bill Kockenmeister to the "appropriate authorities" is likewise denied.