

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERCY LAVAE BACON,  
Petitioner,  
vs.  
THE HONORABLE JOANNA  
KISHNER, DISTRICT JUDGE,  
Respondent.

No. 59316

FILED

DEC 09 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY Anderson  
DEPUTY CLERK


ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS AND PROHIBITION


This original proper person petition for a writ of mandamus and prohibition challenges district court orders declaring petitioner a vexatious litigant and dismissing a complaint filed by petitioner pursuant to that order.

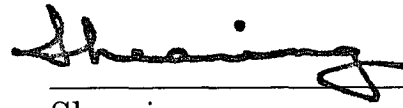
Writ relief is generally available when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330. A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160. A 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 mandamus or prohibition 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 consider this petition. Id.; NRAP 21(b)(1).

It is so ORDERED.<sup>1</sup>

 \_\_\_\_\_, J.  
Pickering

 \_\_\_\_\_, Sr. J.  
Rose

 \_\_\_\_\_, Sr. J.  
Shearing

cc: Hon. Joanna Kishner, District Judge  
Percy Lavae Bacon  
Attorney General/Caron City  
Eighth District Court Clerk

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<sup>1</sup>The Honorable Robert E. Rose and the Honorable Miriam Shearing, Senior Justices, participated in the decision of this matter under general orders of assignment.