

IN THE SUPREME COURT OF THE STATE OF NEVADA

BERNARD WASHINGTON,
Appellant,
vs.
NEVADA DEPARTMENT OF
CORRECTIONS,
Respondent.

No. 59591

FILED

MAR 15 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a petition for a writ of mandamus. First Judicial District Court, Carson City; James Todd Russell, Judge.


Below, appellant filed a petition for a writ of mandamus, alleging that respondent violated his constitutional rights in imposing discipline on him. In his writ petition, appellant sought an order compelling respondent to dismiss the disciplinary action taken against him and to reassign him to the general prison population. The district court denied appellant's petition, and this appeal followed.

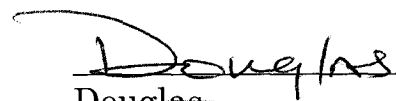
This court reviews the district court's decision to deny a writ petition for an abuse of discretion. See City of Reno v. Reno Gazette-Journal, 119 Nev. 55, 58, 63 P.3d 1147, 1148 (2003). A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, 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). Writ relief is not

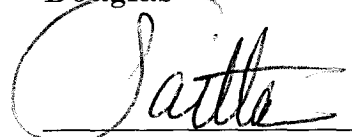
available, however, when an adequate and speedy legal remedy exists. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

A review of appellant's proper person appeal statement and the appellate record reveals that the district court did not abuse its discretion in denying appellant's writ petition. City of Reno, 119 Nev. at 58, 63 P.3d at 1148. Namely, the district court determined that appellant had an adequate and speedy legal remedy in the form of a 42 U.S.C. § 1983 action. Pan, 120 Nev. at 224, 88 P.3d at 841. Moreover, the district court determined that evidence supported the disciplinary action taken against appellant and that, as such, respondent did not arbitrarily or capriciously exercise its discretion. NRS 34.160; International Game Tech., 124 Nev. at 197, 179 P.3d at 558. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. James Todd Russell, District Judge
Bernard Washington
Attorney General/Carson City
Carson City Clerk