

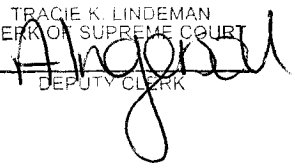
IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KEITH LAWHORN,
Petitioner,
vs.
E.K. MCDANIEL, WARDEN; AND
NEVADA DEPARTMENT OF
CORRECTIONS,
Respondents.

No. 60452

FILED

MAR 19 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION


This is an original proper person petition for a writ of mandamus challenging petitioner's classification within the prison system.


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. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within our sole discretion to determine if a writ petition will be considered. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is generally not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; International Game Tech., 124 Nev. at 197, 179 P.3d at 558. Petitioner bears the burden of demonstrating that extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).


Having considered the petition and the attached documents, we conclude that petitioner has not demonstrated that our intervention by

way of extraordinary relief is warranted. See NRS 34.160; Pan, 120 Nev.
at 228, 88 P.3d at 844. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Brian Keith Lawhorn
Attorney General/Carson City

¹We direct the clerk of this court to file petitioner's letter, which was provisionally received in this court on March 26, 2012. As this court has granted petitioner's motion to waive the filing fee, no action will be taken as to that letter.