

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERCY LAVAE BACON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,
Respondents,
and
UNITED ROAD SIDE SERVICES;
QUALITY TOWING; MIKE BROOKS;
AND DTG OPERATIONS, INC.,
Real Parties in Interest.

No. 60635

FILED

APR 12 2012

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

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

This is an original proper person petition for a writ of mandamus or prohibition challenging district court orders consolidating two district court actions and dismissing the consolidated complaint.

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). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320. Where there is no plain, speedy, and adequate remedy in the ordinary course of law, NRS 34.170; NRS 34.330, extraordinary relief may be available. Smith v. District Court, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Either writ is an extraordinary remedy, and whether such a writ will be considered is within this court's sole discretion. Id. at

677, 818 P.2d at 851. The petitioner bears the burden of demonstrating that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and its supporting documents, we conclude that petitioner's arguments lack merit, and thus, our intervention by way of extraordinary relief is not warranted. NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Valerie Adair, District Judge
Percy Lavae Bacon
Mills & Associates
Travis B. Raymond
Eighth District Court Clerk