

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH F. NASCIMENTO,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; THE HONORABLE GLORIA  
STURMAN, DISTRICT JUDGE; AND  
THE HONORABLE MICHAEL P.  
VILLANI, DISTRICT JUDGE,  
Respondents,  
and  
WELLS FARGO BANK, N.A.,  
Real Party in Interest.

No. 60714

**FILED**

MAY 22 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

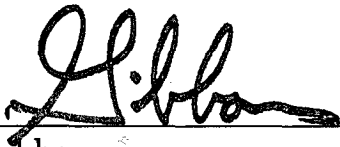
This is an original petition for a writ of mandamus challenging a district court order sealing a document filed by petitioner.

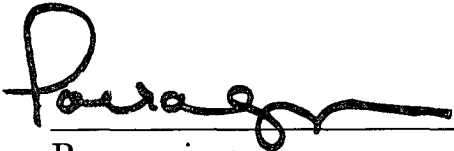
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within this court's discretion to determine if such a petition will be considered. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). 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). In order to meet that burden, petitioner must submit "any . . . document[s] that may be essential to understand the matters set forth in the petition." NRAP 21(a)(4); Pan, 120 Nev. at 228, 88 P.3d 844. Here, petitioner has failed to provide this

court with the motion to seal the subject document and any opposition and reply filed with regard to that motion. Under these circumstances, we conclude that petitioner has failed to meet his burden of demonstrating that extraordinary relief is warranted by providing all documents "essential to understand" the petition, NRAP 21(a)(4); Pan, 120 Nev. at 228, 88 P.3d 844, and we therefore deny the petition.

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Gloria Sturman, District Judge  
Benjamin B. Childs  
Attorney General/Carson City  
Snell & Wilmer, LLP/Las Vegas  
Eighth District Court Clerk

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<sup>1</sup>Petitioner has filed a motion seeking to have the document, the sealing of which is the subject of this petition, filed in this court under seal. We grant petitioner's motion. The clerk of this court shall therefore remove the document entitled "Plaintiff's opposition to Wells' motion for an extension of stay," from the envelope labeled "Petitioner's submission of sealed record," which was filed in this court on April 26, 2012, and file that document under seal.