

IN THE SUPREME COURT OF THE STATE OF NEVADA

KOO KWANG JUNG,  
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE,

Respondent,

and

JOEY ORDUNA HASTINGS, WASHOE  
DISTRICT COURT CLERK,  
Real Party in Interest.

No. 61402

**FILED**

JAN 18 2013

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

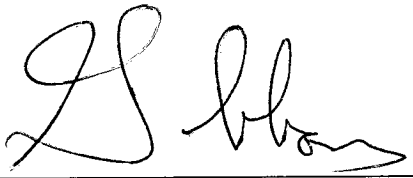
Petitioner has filed a document entitled “show cause motion for relief,” which we construe as an original petition for a writ of mandamus.

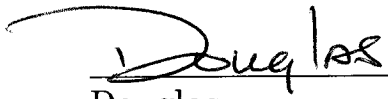
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within our discretion to determine if a writ petition will be considered. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

Having considered the petition and attachments, we are concerned by petitioner’s allegation that the district court clerk failed to file the submissions he submitted for filing. We note that our caselaw clearly establishes the district court clerk’s duty to file all submissions that are in proper form, see, e.g., Donoho v. District Court, 108 Nev. 1027,

842 P.2d 731 (1992), and, to the extent that petitioner's claims are true, we remind the clerk of this duty. See id. Nevertheless, we are confident that the clerk will heed this reminder and perform its duty, and that once petitioner's documents are filed, the district court will take action to resolve the filings as promptly as the court's docket permits. Thus, we conclude that writ relief is not warranted in this regard. Moreover, having considered petitioner's remaining arguments and the relief sought, we deny the petition.<sup>1</sup> See NRAP 21(b)(1).

It is so ORDERED.

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

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

  
\_\_\_\_\_, J.  
Saitta

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<sup>1</sup>On August 30, 2012, and September 6, 2012, this court provisionally received from petitioner a civil rights complaint and a first amended civil rights complaint. We direct the clerk of this court to file those documents. Having considered them, however, we note that the district court, rather than this court, is the proper venue for filing a civil rights complaint. Moreover, to the extent that these documents may be construed as motions, we conclude that they lack merit and we therefore deny them. We also direct the clerk of this court to file petitioner's motions provisionally received in this court on September 6, 2012; September 24, 2012; December 18, 2012; and January 2, 2013. Having considered these motions, we deny them.

cc: Koo Kwang Jung  
Attorney General/Carson City  
Washoe District Court Clerk