

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDON DOUGLAS NUTTON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
SUSAN JOHNSON, DISTRICT JUDGE,
Respondents,
and
SUNSET STATION, INC., A NEVADA
CORPORATION D/B/A SUNSET
STATION HOTEL & CASINO,
Real Party in Interest.

No. 62223

FILED

JAN 18 2013

TRACIA K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracia K. Lindeman*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

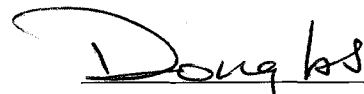
This original petition for a writ of mandamus challenges a district court order denying a motion for leave to amend the complaint in a negligence action.

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). 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). Having considered the petition and appendix, we decline to exercise our discretion

to entertain this petition. See NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Susan Johnson, District Judge
Kravitz, Schnitzer, Sloane & Johnson, Chtd.
Pyatt Silvestri & Hanlon
Eighth District Court Clerk

¹In light of this order, we deny as moot petitioner's January 2, 2013, motion for a stay pending the resolution of this petition.