

IN THE SUPREME COURT OF THE STATE OF NEVADA

FELTON L. MATTHEWS, JR.,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
THE STATE OF NEVADA DIVISION
OF CHILD PROTECTIVE SERVICES,
Real Party in Interest.

No. 62624

FILED

SEP 20 2013

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


ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This is a proper person petition for a writ of mandamus seeking to compel the district court to resolve a motion pending in the district court.


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; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within this court's sole discretion to determine if a writ petition will be considered. *Smith v. Eighth Judicial Dist. 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; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and the attached documents, we conclude that our intervention by extraordinary writ relief is not warranted. See NRS 34.160; *Pan*, 120 Nev. at 228, 88 P.3d at 844. While we are concerned by petitioner's contention that this motion has been pending for over 14 months, we trust that the district court will resolve the matters pending before it as promptly as its calendar permits. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

¹We direct the clerk of this court to file petitioner's February 27, 2013, motion for leave to proceed in forma pauperis, and we conclude that no action is necessary on this motion or on petitioner's July 17, 2013, motion to proceed in forma pauperis as an order waiving the filing fee has been entered. We also direct the clerk of this court to file the March 12, 2013, proper person notice of change of address, and the May 8, 2013, proper person request for submission of pleadings, and we conclude that no action is necessary on these documents. Further, we direct the clerk of this court to file the proper person motion for leave to file a petition for a writ of mandamus, provisionally received on July 26, 2013, and in light of this order, we deny the motion as moot.

cc: Felton L. Matthews, Jr.
Attorney General/Carson City
Eighth District Court Clerk