


IN THE SUPREME COURT OF THE STATE OF NEVADA

HOWARD LEE WHITE; AND JOHN
QUINTERO,
Appellants,
vs.
JACK PALMER, WARDEN,
Respondent.

No. 62891

FILED

MAY 14 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a petition for a writ of mandamus. First Judicial District Court, Carson City; James E. Wilson, Judge.

Appellants filed a petition for a writ of mandamus alleging violation of their constitutional rights as a result of the prison's new procedures regarding inmate access to the law library and how legal research is to be conducted. Respondent opposed the motion, arguing that appellants have not shown why they do not have a speedy and adequate remedy in the form of a lawsuit challenging the conditions of their confinement. The district court denied appellants' writ petition, and this appeal followed.

Having considered appellants' proper person appeal statement and the record on appeal, we conclude that the district court acted within its discretion in denying appellants' petition for a writ of mandamus. NRS 34.160 (explaining that a writ of mandamus may be issued to compel the performance of an act that the law requires); *Kay v. Nunez*, 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006) ("When reviewing a district court order

resolving a petition for mandamus relief, this court considers whether the district court has abused its discretion.”).

A writ of mandamus is an extraordinary remedy, and writ relief is generally available only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). The district court found in its order that appellants have a speedy and adequate remedy in the ordinary course of law in the form of a lawsuit challenging the conditions of their confinement. In their proper person appeal statement, appellants provide no argument as to why they cannot challenge in a lawsuit the prison’s new procedures regarding inmate access to the law library and how legal research is to be conducted. Accordingly, we conclude that the district court did not abuse its discretion in denying appellants’ petition for writ relief, and we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. James E. Wilson, District Judge
Howard Lee White
John Randall Quintero
Attorney General/Carson City
Carson City Clerk