

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAMONT ADAMS,
Petitioner,
vs.
NEVADA DEPARTMENT OF
CORRECTIONS,
Respondent.

No. 62980

FILED

JAN 21 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original pro se petition for a writ of mandamus seeks an order directing the Nevada Department of Corrections to discharge petitioner on parole.


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. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Mandamus relief is generally available only when there is no plain, speedy and adequate remedy in the ordinary course of the law. NRS 34.170. And petitioner bears the burden of demonstrating that writ relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition, which alleges that respondent unlawfully delayed petitioner's release on parole, we conclude that our intervention by way of extraordinary writ relief is not warranted. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Here, addressing the issues raised by petitioner would necessarily require the resolution of questions of fact, but such questions should be

presented to the district court, rather than an appellate court, in the first instance. See *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981). Moreover, petitioner has failed to support his petition with an adequate appendix containing the materials "essential to understand[ing] the matters set forth in the petition." See NRAP 21(a)(4); see also *Pan*, 120 Nev. at 228, 88 P.3d at 844. Under these circumstances, we conclude that the petition should be denied. NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Lamont Adams
Attorney General/Carson City