

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL ANGELO DRAKE,
Petitioner,
vs.
THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CARSON CITY; AND THE
HONORABLE JAMES T. RUSSELL,
DISTRICT JUDGE,
Respondents,
and
NEVADA DEPARTMENT OF
CORRECTIONS,
Real Party in Interest.

No. 63735

FILED

JAN 21 2015

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

ORDER DENYING PETITION FOR WRIT OF CERTIORARI


This is an original pro se petition for a writ of certiorari challenging a district court order affirming the dismissal of petitioner's justice court complaint.


A writ of certiorari is available to correct a lower tribunal's judicial action if the tribunal exceeded its jurisdiction and "there is no appeal, nor, in the judgment of the court, any plain, speedy and adequate remedy." NRS 34.020(2); *Dangberg Holdings Nev., LLC v. Douglas Cnty. & its Bd. of Cnty. Comm'rs*, 115 Nev. 129, 137-38, 978 P.2d 311, 316 (1999) (internal quotations omitted). Petitioner bears the burden of demonstrating that extraordinary writ relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).


Petitioner initiated a justice court action following real party in interest's alleged unlawful confiscation of certain of petitioner's personal items. In this case, petitioner seeks our review of the district

court's affirmance of the justice court's decision to dismiss that action. Petitioner, however, has failed to provide an adequate appendix in support of his petition. See NRAP 21(a)(4) (requiring a petitioner seeking writ relief to provide an appendix that includes copies "of any . . . parts of the record" or other documents "essential to understand the matters set forth in the petition"); see also NRAP 21(c) (providing that a petition seeking an extraordinary writ other than mandamus or prohibition generally shall be sought in the same manner as a petition for mandamus or prohibition relief). Among other things, petitioner has not provided a copy of his justice court complaint, copies of the motion practice resulting in the dismissal of that complaint, or copies of the briefing on appeal to the district court. Under these circumstances, we conclude that petitioner has not demonstrated that our intervention by way of extraordinary writ relief is warranted, and we therefore deny the petition. NRAP 21(b)(1); *Pan*, 120 Nev. at 228, 88 P.3d at 844.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. James T. Russell, District Judge
Michael Angelo Drake
Attorney General/Carson City
Carson City Clerk