

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERENCE K. DICKINSON,  
Petitioner,  
vs.  
OCWEN LOAN SERVICING; AND  
HSBC BANK USA, NA,  
Respondents.

No. 63826

FILED

JAN 07 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angela*  
DEPUTY CLERK

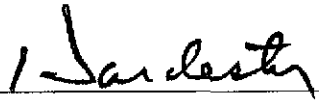
*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*


This original proper person petition for a writ of mandamus seeks to compel the district court to set petitioner's case for trial before a different district court judge.

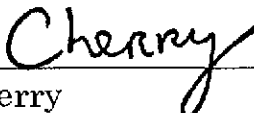
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is within our 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). 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, we conclude that petitioner has failed to

demonstrate that extraordinary relief is warranted and we therefore deny the petition. *See Pan*, 120 Nev. at 228, 88 P.3d at 844; NRAP 21(b)(1).

It is so ORDERED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Abbi Silver, District Judge  
Terence K. Dickinson  
Houser & Allison, APC  
Roger P. Croteau & Associates, Ltd.  
Eighth District Court Clerk

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<sup>1</sup>The clerk of this court is directed to file the proper person notice and certificate of service, which were provisionally received in this court on August 21 and 22, 2013, respectively, the proper person motion to proceed in forma pauperis provisionally received on August 28, 2013, and the proper person motion provisionally received on December 19, 2013. As this court denied petitioner's in forma pauperis motion as moot on December 27, 2013, no action is required as to that document. Similarly, we conclude that no action is required as to petitioner's August 21 notice and August 22 certificate of service. All of petitioner's other requests for relief submitted in this matter are denied as moot in light of this order.