

IN THE SUPREME COURT OF THE STATE OF NEVADA

DERRICK BROWN,
Petitioner,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondent.

No. 64682

FILED

FEB 13 2014

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original proper person petition for a writ of mandamus challenging a district court order dismissing an appeal from the justice court.

Having considered the petition, we decline to exercise our discretion to intervene in the district court action by way of extraordinary writ relief. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (explaining that 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); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (providing that it is petitioner's burden to demonstrate that extraordinary relief is warranted). Accordingly, we deny the petition. *See* NRAP 21(b)(1); *Smith v. Eighth*

Judicial Dist. Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991)
(recognizing that whether to consider a writ petition is within this court's
discretion).

It is so ORDERED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Saitta, J.
Saitta

cc: Hon. Richard Wagner, District Judge
Derrick Deroy Brown, Jr.
Attorney General/Carson City
Pershing County Clerk