

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TODD MICHAEL HONEYCUTT,
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. 65098

FILED

JAN 21 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original pro se petition for a writ of mandamus challenging the district court's alleged failure to resolve petitioner's appeal from a justice court decision.¹


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). 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).


NRAP 21(a)(4) requires 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

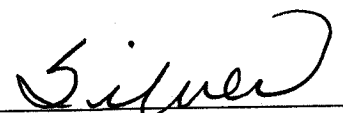
¹We direct the clerk of the court to modify the caption on the docket for this case to conform to the caption on this order.

petition.” And while petitioner has provided a copy of the district court docket sheet for his appeal, he has not provided copies of any of the documents identified on the docket sheet as having been filed in the district court, including the February 26, 2013, order that the district court entered regarding the appeal shortly before briefing commenced. Given that briefing was undertaken even though the district court docket sheet does not reflect the filing of the record on appeal in the district court, *see* JCRCP 74A(a) (providing that “[t]he record on appeal shall be transmitted to the district court within 30 days after the perfection of the appeal unless the time is shortened or extended by an order entered” by the district court and imposing certain duties on appellant to facilitate the transmission of the record); JCRCP 74B(b) (compelling the district court clerk to file the record following its transmittal after the appeal has been timely docketed), and that petitioner has not provided any explanation or discussion of the status of his case, it is unclear if the appeal was ready for resolution at the time his petition was filed. Under these circumstances, petitioner has failed to demonstrate that our intervention in this matter is warranted, and we therefore deny the petition.² *See Pan*, 120 Nev. at 228-29, 88 P.3d at 844; *see also* NRAP 21(b)(1).

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

²To the extent that the appeal remains pending below and is ready for resolution, we are confident that the district court will resolve the appeal as soon as its docket allows.

cc: Hon. James T. Russell
Todd Michael Honeycutt
Attorney General/Carson City
Carson City Clerk