

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANNY L. HUGHES,  
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE; AND THE HONORABLE  
PATRICK FLANAGAN, DISTRICT  
JUDGE,

Respondents,  
and

KAREN H. JOHNSON; WILLIAM B.  
JOHNSON, A HUSBAND AND WIFE  
D/B/A JOHNSON BEARING SUPPLY;  
AND U.S. COLLARS LTD.,  
Real Parties in Interest.

No. 65150

**FILED**

APR 11 2014

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

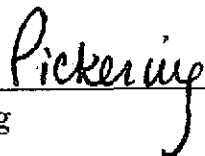
*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

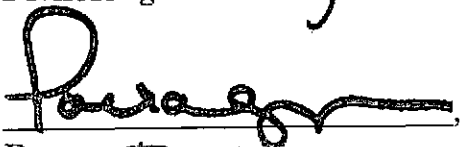
This is an original proper person petition for a writ of mandamus seeking the disqualification of the district court judge.


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. *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); see NRS 34.160. This court has the discretion to determine whether 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 this court's extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

In this case, petitioner seeks disqualification of the district court judge assigned to his case. But the appendix that petitioner filed in this court does not provide any indication that petitioner filed an appropriate motion in this district court, as required by NRS 1.235, to disqualify the district court judge. Therefore, we conclude that petitioner has not demonstrated that our intervention by way of extraordinary relief is warranted. NRAP 21(a)(4) (providing that the petitioner shall provide in the appendix all documents "that may be essential to understand the matters set forth in the petition"); *Pan*, 120 Nev. at 228, 88 P.3d at 844; *see also* NRAP 21(b)(1). Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Pickering

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

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Patrick Flanagan, District Judge  
Danny L. Hughes  
Goedert & Associates  
Washoe District Court Clerk