

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID S. HAWKINS,  
Appellant,  
vs.  
SECOND JUDICIAL DISTRICT  
COURT; AND WASHOE COUNTY  
GRAND JURY,  
Respondents.

No. 65328

**FILED**

MAR 02 2015

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

*ORDER OF AFFIRMANCE*

This is a pro se appeal from a district court order dismissing a petition for a writ of mandamus. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

Having considered appellant David S. Hawkins' civil appeal statement and the record before us, we conclude that the district court did not abuse its discretion by dismissing Hawkins' petition for a writ of mandamus. *See Reno Newspapers, Inc. v. Haley*, 126 Nev. \_\_\_, \_\_\_, 234 P.3d 922, 924 (2010) (explaining that the denial of a writ petition is generally reviewed for an abuse of discretion). First, to the extent that Hawkins, a former inmate, sought to have work credits applied to his sentence, that issue is moot, as Hawkins appears to have been released from prison after he instituted this appeal. *See Personhood Nev. v. Bristol*, 126 Nev. \_\_\_, \_\_\_, 245 P.3d 572, 574 (2010) (recognizing that an appeal may be moot if the court cannot "grant effective relief").

Second, insofar as Hawkins sought to have the district court convene a grand jury, NRS 6.130 and NRS 6.132 provide procedures under which citizens may seek to have a grand jury impaneled to investigate certain official conduct. Hawkins, however, failed to seek relief through these available legal channels, and his writ petition could not be construed

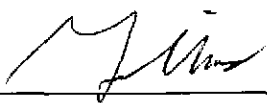



as a petition under either NRS 6.130 or NRS 6.132, as it did not comply with the procedural requirements of those statutes. As a result, the district court did not abuse its discretion by dismissing the petition without directing an answer on the ground that Hawkins had a speedy and adequate remedy at law, precluding writ relief. See NRS 34.170; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (explaining that writ relief is generally not available if the petitioner has a speedy and adequate legal remedy).

Finally, Hawkins seeks our review of exhibits regarding ex parte actions purportedly taken by certain individuals in an attempt to have lifetime supervision added to his sentence. Because these exhibits were not a part of the district court record, we cannot consider them. See *Carson Ready Mix, Inc. v. First Nat'l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981) (explaining that an appellate court "cannot consider matters not properly appearing in the record on appeal"). Similarly, we decline to consider Hawkins' requests for relief related to these documents, as these requests were not presented to the district court in the underlying proceedings. See *Mason v. Cuisenaire*, 122 Nev. 43, 48, 128 P.3d 446, 449 (2006) ("Generally, failure to raise an argument in the district court proceedings precludes a party from presenting the argument on appeal.").

For the reasons discussed herein, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. David A. Hardy, District Judge  
David S. Hawkins  
Washoe District Court Clerk