

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN ELVIN TURNER,
Petitioner,
vs.
THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
NEVADA,
Respondent.

No. 65710

FILED

FEB 04 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original pro se petition for a writ of mandamus seeks an order directing the United States District Court for the District of Nevada to reverse and vacate its order dismissing petitioner's complaint.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). Mandamus relief is generally available only when there is no plain, speedy and adequate remedy in the ordinary course of the law. NRS 34.170.

Petitioner, an inmate, filed a civil rights complaint in federal district court based on certain actions taken by the Nevada Department of Corrections, which petitioner alleges was wrongfully dismissed. Here, petitioner seeks an order directing the federal court to reverse its


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

dismissal of petitioner's complaint. A state court, however, cannot issue a writ of mandamus directing a federal court to reconsider or otherwise alter its decisions. *Cozine v. Crabtree*, 15 F. Supp. 2d 997, 1013 (D. Or. 1998) ("State courts have no power to mandamus federal officials."). Accordingly, we conclude that the petition must be denied. NRAP 21(b)(1); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

It is so ORDERED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: John Elvin Turner
Attorney General/Carson City

²In light of our resolution of this petition, we deny all other relief requested by petitioner in this matter.