

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN ELVIN TURNER,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent.

No. 66164

FILED

FEB 04 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original pro se petition for a writ of mandamus seeks an order reversing a referee's recommendation that petitioner's small claims complaint be dismissed.

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.

Below, petitioner's small claims complaint was a proceeding before a small claims referee, not a judge, who recommended that the complaint be dismissed. Petitioner, however, failed to comply with the proper procedure in challenging this recommendation, and he never filed a formal objection with the assigned justice of the peace. While the limited documents included in petitioner's appendix make it difficult to ascertain what occurred next, it appears that petitioner filed an appeal to the

district court, which dismissed the appeal. Having considered the petition and the few supporting documents provided, *see* NRAP 21(a)(4) (requiring a petition to be supported by an adequate appendix containing the materials "essential to understand[ing] the matters set forth in the petition"), we conclude that petitioner has not met his burden of demonstrating that extraordinary writ relief is warranted and we therefore deny the petition. NRAP 21(b)(1); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: John Elvin Turner
Attorney General/Carson City
Eighth District Court Clerk

¹In light of this decision, we deny all other relief requested by petitioner in this matter.