

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN ELVIN TURNER,
Petitioner,
vs.
THE U.S. JUDICIAL DISTRICT
COURT,
Respondent.

No. 66168

FILED

FEB 04 2015

TRACIE K. LINDSEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This is an original pro se petition for a writ of mandamus challenging a decision of the United States District Court for the District of Nevada denying petitioner relief in a civil rights action.


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 writ relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).


Having considered the documents before us in this matter, we conclude that writ relief should be denied because we may not issue a writ of mandamus directing the federal district court to reconsider its decision. *See Cozine v. Crabtree*, 15 F. Supp. 2d 997, 1013 (D. Or. 1998) ("State courts have no power to mandamus federal officials."). Accordingly, we deny the petition. NRAP 21(b)(1); *Smith v. Eighth Judicial Dist. Court*,

107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (explaining that the decision to issue a writ of mandamus is purely discretionary).

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: John Elvin Turner

¹In light of our resolution herein, we deny all other requests for relief pending in this matter.