

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. 66178

**FILED**

**FEB 04 2015**

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

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This is an original pro se petition for a writ of mandamus challenging the resolution of a justice court action, including the award of damages and the denial of a request for costs.

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). 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 apparently initiated a small claims action in justice court, which was ultimately resolved in his favor. In this writ petition, however, petitioner challenges the amount that he was awarded in that action, as well as the failure of the justice court to award him costs. To the extent that petitioner seeks our direct review of the resolution of his small claims action, petitioner had a speedy and adequate remedy in the form of an appeal by filing a formal objection to the justice court, and thereafter, an appeal to the district court. See JCRCP 98 (providing for an appeal


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from a small claims judgment to the district court). As a result, writ relief is not appropriate to directly review the small claims court's decision. See *Pan*, 120 Nev. at 224, 88 P.3d at 841 (explaining that "the right to appeal is generally an adequate legal remedy that precludes writ relief").

Alternatively, as petitioner named the Eighth Judicial District Court as a respondent in this action, it appears that he may have exercised his right to appeal and that he may now be seeking our review of the district court's resolution of that appeal. In this regard, however, petitioner has failed to provide an adequate appendix in support of his petition. See NRAP 21(a)(4) (requiring a petitioner seeking writ relief to provide an appendix that includes copies "of any . . . parts of the record" or other documents "essential to understand the matters set forth in the petition"). In particular, petitioner has not submitted any documentation with regard to the presentation of his claims in justice court, the justice court's resolution of the claims, the presentation of the appeal to the district court, or the district court's resolution of the appeal. Under these circumstances, we conclude that petitioner has not demonstrated that our intervention by way of extraordinary relief is warranted, and we therefore deny the petition. NRAP 21(b)(1); *Pan*, 120 Nev. at 228, 88 P.3d at 844.

It is so ORDERED.<sup>1</sup>

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

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

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

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

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