

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEMETRI L. ALEXANDER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67989

**FILED**

OCT 20 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT

BY S. Young  
DEPUTY CLERK

*ORDER AFFIRMING IN PART AND DISMISSING IN PART*

This is an appeal from an order of the district court denying a petition for writ of mandamus, or in the alternative, writ of prohibition.<sup>1</sup> Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

In his petition filed on March 6, 2015, appellant Demetri Alexander wanted an order recusing Judge Valerie Adair, dismissing his “wrongful imprisonment,” expunging his record, and granting him \$600 for travel expenses. Alexander’s claims fell outside the scope of a petition for a writ of mandamus or prohibition filed in the district court because he is not requesting the district court to order a lower tribunal or office to take action or arrest proceedings. *See* NRS 34.160; NRS 34.320. Further, it appears Alexander has an adequate remedy at law. *See* NRS 34.170; NRS 34.330. Therefore, we conclude the district court did not err in denying the petition.<sup>2</sup>

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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

<sup>2</sup>To the extent Alexander also appealed the district court’s denial of his “motion to dismiss wrongful imprisonment for 8th Judicial District Court’s lack of personal jurisdiction over petitioner,” motion to recuse  
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Alexander also appealed the denial of his motion for modification of sentence; however, the notice of appeal was untimely filed. NRAP 4(b); *Edwards v. State*, 112 Nev. 704, 709, 918 P.2d 321, 325 (1996). Because an untimely notice of appeal fails to vest jurisdiction in this court, see *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), we lack jurisdiction to consider this portion of the appeal. Accordingly, we

ORDER the judgment of the district court AFFIRMED IN PART AND DISMISSED IN PART.<sup>3</sup>

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

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

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

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*...continued*

court, motion of recusal, motion for evidentiary hearing for plea agreement breach, motion for transportation, motion for continuance, motion to transport and produce inmate, and motion for discovery, we conclude the district court did not err in denying these motions.

<sup>3</sup>We have reviewed all documents Alexander has submitted in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Alexander has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.

cc: Hon. Valerie Adair, District Judge  
Demetri L. Alexander  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk