

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERTO SOLANO,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE ROB
BARE, DISTRICT JUDGE,
Respondents,
and
THE CITY OF LAS VEGAS,
Real Party in Interest.

No. 69170

FILED

MAY 09 2016

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

ORDER DENYING PETITION


This is a petition for a writ of mandamus challenging the district court's dismissal of petitioner's appeal for failure to prosecute. The petition was filed November 17, 2015. Although "[t]he petitioner shall submit *with the petition* an appendix," NRAP 21(a)(4) (emphasis added), an appendix to the petition was not received until December 10, 2015. Petitioner did not submit the appendix with his petition; thus he did not demonstrate circumstances warranting our review, *see Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioners carry the burden of demonstrating that extraordinary relief is warranted.").

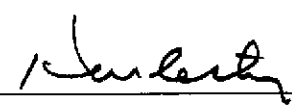
Moreover, petitioner requests a writ mandating the respondent district court hear his appeal on the merits. "The Nevada Constitution vests the district courts with final appellate jurisdiction in all cases arising in the justices' courts." *Id.* at 227, 88 P.3d at 843; *see Nev. Const. art 6, § 6*. This court has generally declined to consider writ petitions that request review of a district court's decision when acting in its appellate capacity, save for a few exceptions. *State v. Eighth Judicial*

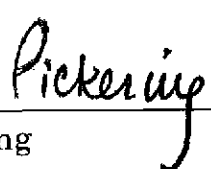
Dist. Court (Hedland), 116 Nev. 127, 134, 994 P.2d 692, 696 (2000). We conclude that petitioner fails to demonstrate an exception to our general rule, as he fails to demonstrate the district court “improperly refused to exercise its jurisdiction, . . . exceeded its jurisdiction, or . . . exercised its discretion in an arbitrary or capricious manner.” *Id.*; see also NRS 34.160; NRS 177.015(1); NRS 189.060; NRS 189.065; *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (defining arbitrary or capricious exercise of discretion and manifest abuse of discretion).

Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Pickering

cc: Hon. Rob Bare, District Judge
Mueller Hinds & Associates
Attorney General/Carson City
Las Vegas City Attorney
Clark County District Attorney
Eighth District Court Clerk

¹The motion to strike City of Las Vegas as the real party in interest and petitioner’s motion to amend the petition by removing party of interest are denied as moot. We direct the clerk of the court to file petitioner’s appendix received December 10, 2015, and the amended petition received on December 9, 2015.