


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN FRANCIS ARPINO,
Appellant,
vs.
WARDEN ISIDRO BACA,
Respondent.

No. 69451

FILED

NOV 17 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a petition for a writ of mandamus and a motion to amend judgment.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

Arpino claims the district court erred by determining he had an adequate and speedy remedy at law to address his claim the Nevada Department of Corrections has a policy preventing disabled inmates from earning the same prison time credits as non-disabled inmates.

We conclude the district court did not abuse its discretion by denying the motion because Arpino has an adequate and speedy remedy at law to address his claim. *City of Reno v. Reno Gazette-Journal*, 119 Nev. 55, 58, 63 P.3d 1147, 1148 (2003) (reviewing a district court's order denying a petition for a writ of mandamus for an abuse of discretion); see also NRS 34.170 (providing a writ of mandamus will issue "where there is

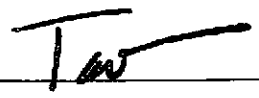
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

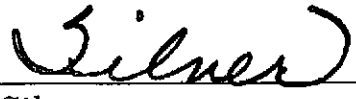
Appellant John Arpino filed a motion for relief from judgment based on NRCP 60(b)(1). We conclude the district court correctly construed the motion to be a motion for amended judgment pursuant to NRCP 59(e).

not a plain, speedy and adequate remedy in the ordinary course of law).
Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. James Todd Russell, District Judge
John Francis Arpino
Attorney General/Carson City
Carson City Clerk