

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL ANDRADE-MENDOZA,  
Petitioner,  
vs.  
THE FIRST JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CARSON CITY; AND THE  
HONORABLE JAMES E. WILSON,  
DISTRICT JUDGE,  
Respondents.

No. 71722

**FILED**

DEC 16 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER DENYING PETITION*

This petition for a writ of mandamus seeks an order directing respondents to schedule a new sentencing hearing or take other action to process petitioner's pending postconviction petition for a writ of habeas corpus. Based on the petition and documents provided, petitioner has not met his burden of demonstrating that our intervention is warranted as the relief he seeks requires the resolution of factual issues.<sup>1</sup> *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary

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<sup>1</sup>Although it is not clear at this time that our intervention is warranted, we are concerned with the alleged delay in resolving petitioner's postconviction habeas petition. Petitioner has not provided a file-stamped copy of the postconviction petition, but he represents that it has been pending in the district court for five years. Other documents submitted with this writ petition indicate that new postconviction counsel, Michael Novi, was appointed in March or April 2015, but that he has not supplemented the petition or taken any other action. We expect that respondents will take appropriate action to ensure that this matter is resolved expeditiously.

relief is warranted.”); *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981) (explaining when mandamus relief is available and that “an appellate court is not an appropriate forum in which to resolve disputed questions of fact”). Accordingly, we

ORDER the petition DENIED.

Cherry, J.  
Cherry

Douglas, J.  
Douglas

Gibbons, J.  
Gibbons

cc: Hon. James E. Wilson, District Judge  
Daniel Andrade-Mendoza  
Michael C. Novi  
Carson City District Attorney  
Attorney General/Carson City  
Carson City Clerk