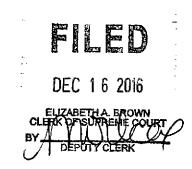
IN THE SUPREME COURT OF THE STATE OF NEVADA

NOE GUTIERREZ-PICENO, A/K/A JOE G. PICENO, Petitioner, vs. THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE RICHARD SCOTTI, DISTRICT JUDGE, Respondents, and THE STATE OF NEVADA, Real Party in Interest. No. 71777



ORDER DENYING PETITION

This petition seeks a writ of mandamus directing the respondent district court judge to take further appropriate action to cause the Clark County Public Defender's Office and/or the Clark County District Attorney's Office to turn over petitioner's discovery/records for further collateral proceedings.¹ We are not convinced that our intervention is warranted. The documents provided to this court indicate that the district court denied without prejudice petitioner's motion for order to deliver record and to show cause why public defender's office is not in contempt, affording the public defender's office time to look into petitioner's request for his records. As this matter involves a conviction from 1997 and our records indicate that petitioner has litigated several

¹The motion to waive the filing fee is denied because no filing fee was charged in this matter. See NRS 2.250(1)(d)(3).

16-39155

SUPREME COURT OF NEVADA postconviction habeas petitions since his conviction,² petitioner has not met his burden of demonstrating that the district court acted arbitrarily and capriciously or manifestly abused its discretion in denying the motion without prejudice.³ 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 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 warranted). We therefore

ORDER the petition DENIED.

henry Cherry J. J. Gibbons

cc: Hon. Richard Scotti, District Judge Noe Gutierrez-Piceno Clark County Public Defender Attorney General/Carson City Clark County District Attorney Eighth District Court Clerk

Douglas

²See Gutierrez-Piceno v. State, Docket No. 57391 (Order of Affirmance, July 13, 2011) (addressing appeal from order denying two postconviction habeas petitions and indicating that petitioner had filed a previous postconviction habeas petition); *Piceno v. State*, Docket No. 64395 (Order of Affirmance, September 16, 2014) (addressing appeal from denial of fourth postconviction habeas petition).

³Petitioner implies that the district court has ordered the public defender's office to transfer its files to petitioner and the office has not complied, but petitioner has not provided any such district court orders.

SUPREME COURT OF NEVADA