

IN THE SUPREME COURT OF THE STATE OF NEVADA

DORION DANIEL,
Petitioner,

vs.

THE ELEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
PERSHING,
Respondent.

No. 71812

FILED

DEC 16 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Amolca*
DEPUTY CLERK

ORDER DENYING PETITION

This original petition seeks a writ of mandamus directing the respondent district court to order an answer or enter a decision as to petitioner's pending postconviction petition for a writ of habeas corpus. Petitioner alleges that he filed a petition in the Eighth Judicial District Court in 2013 that was transferred in 2015 to the judicial district where he is incarcerated because the petition challenges the computation of time served, *see* NRS 34.738, ending up first in the Sixth Judicial District Court and then the respondent Eleventh Judicial District Court, and that petitioner most recently filed an amended supplement to the petition in September 2016. Petitioner has not, however, provided an appendix including the relevant parts of the record before the respondent court as required by NRAP 21(a)(4). Accordingly, petitioner has not carried his

burden of demonstrating that extraordinary relief is warranted.¹ *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004). We therefore

ORDER the petition DENIED.²

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Hon. Jim C. Shirley, District Judge
Dorion Daniel
Attorney General/Carson City
Pershing County Clerk

¹If the proceedings in district court are as petitioner represents, we expect that respondent will resolve the pending petition as expeditiously as the circumstances and its calendar permit.

²Because no filing fee was charged in this matter, *see* NRS 2.250(1)(d)(3), we deny the motion to waive the fee as moot.