

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THEODORE STEVENS,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JERRY A. WIESE, DISTRICT JUDGE,
Respondents.

No. 72187

FILED

MAR 06 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is a petition for a writ of mandamus seeking an order requiring the district court to grant petitioner summary judgment in the underlying action.

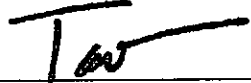
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).


Having considered the petition, we conclude that petitioner has not met his burden of demonstrating that extraordinary relief is warranted as petitioner failed to include an appendix with the documents necessary to evaluate this petition. *See* NRAP 21(a)(4) (requiring a petitioner to submit an appendix that includes documentation supporting the petition); *Pan*, 120 Nev. at 229, 88 P.3d at 844 ("If essential

information is left out of the petition and accompanying documentation, we have no way of properly evaluating the petition.”). Accordingly, we deny the petition. See NRAP 21(b)(1); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (providing that whether to consider a writ petition is discretionary).

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Jerry A. Weise, District Judge
Theodore Stevens
Attorney General/Carson City
Eighth District Court Clerk