

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PETER JASON HELFRICH,
Petitioner,
vs.
THE HONORABLE DAVID R.
GAMBLE; AND SANDRA L. MERLINO,
Respondents.

No. 72116

FILED

FEB 27 2017

RIZABETHA BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MADAMUS

This original petition for a writ of mandamus seeks to direct the clerk of the Fifth Judicial District Court to file certain documents and return file-stamped copies of them to petitioner.


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). Whether to consider a writ petition is within this court's discretion. See *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). And petitioner bears the burden of demonstrating that extraordinary relief is warranted. See *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

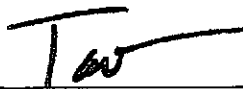
Having considered the petition and supporting documents, we conclude that petitioner has failed to meet his burden of demonstrating


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that extraordinary writ relief is warranted. *See id.* Accordingly, we deny the petition. *See* NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.¹


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Peter Jason Helfrich
Attorney General/Carson City
Nye County Clerk

¹Having considered petitioner's request for appointment of counsel, we deny that request. *See Rodriguez v. Eighth Judicial Dist. Court*, 120 Nev. 798, 804-05, 102 P.3d 41, 45-46 (2004) (recognizing that the Sixth Amendment right to counsel applies only in criminal prosecutions). Additionally, we have reviewed the document appellant filed on February 22, 2017, and conclude that no relief is warranted based upon this submission.