

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN RANDALL QUINTERO,
Petitioner,
vs.
THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CARSON CITY; THE HONORABLE
JAMES E. WILSON, DISTRICT JUDGE;
AND THE STATE OF NEVADA,
Respondents.

No. 71484

FILED

JAN 12 2017

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

ORDER DENYING PETITION

This is a pro se petition for a writ of mandamus challenging the district court's denial of a motion to proceed in forma pauperis.¹ Petitioner argues that the district court incorrectly relied upon a federal indigency form to determine indigency and improperly denied his request to make payment arrangements. We have considered the documents submitted herein and we conclude that extraordinary relief is not warranted.² See NRS 34.160; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (recognizing that a petitioner bears the burden of demonstrating that extraordinary relief is warranted).

Even assuming that the district court mistakenly relied on a federal indigency form used for prison litigation and did not have petitioner utilize the "Application to Waive Filing Fees and Costs"

¹Petitioner further requests injunctive relief pursuant to NRAP 8. We deny such relief as petitioner's reliance upon NRAP 8 is misplaced.

²An order denying a motion to proceed in forma pauperis is not an appealable decision. See NRS 12.015(7).

available on the web site of the First Judicial District Court, see FJDCR 29(3), petitioner fails to demonstrate the district court arbitrarily or capriciously exercised its discretion in denying the motion. See *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931, 267 P.3d 777, 779 (2011) (providing that a writ of mandamus may issue to control a manifest abuse or arbitrary and capricious exercise of discretion). The documents presented by petitioner indicate that he had adequate funds to pay the filing fee for a civil action, see NRS 12.015(1) (requiring a petitioner seeking to proceed in forma pauperis to file an affidavit setting forth the income, property and other resources which establish that the person is unable to pay to prosecute the action because the person is unable to pay the costs of doing so), and thus, the district court did not abuse its discretion in denying the motion, see NRS 12.015(2) (providing that the court be satisfied the person seeking relief under subsection (1) is unable to pay the costs of prosecuting the action). Further, petitioner provides no binding legal authority requiring the district court to permit a payment plan. Accordingly, we

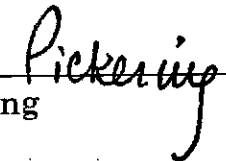
ORDER the petition DENIED.

 J.

Douglas

 J.

Gibbons

 J.

Pickering

cc: Hon. James E. Wilson, District Judge
John Randall Quintero
Attorney General/Carson City
Carson City Clerk