

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ESTEBAN HERNANDEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 71171

FILED

MAY 17 2017

ELIZABETH A. DROVIN  
CLERK OF THE COURT  
BY *Amoleap*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

Esteban Hernandez appeals from an order of the district court denying a petition for a writ of mandamus or prohibition.<sup>1</sup> Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Hernandez argues the district court erred by denying his petition filed on June 16, 2016. In his petition, Hernandez asserted a portion of his plea canvass from 1999 was improperly sealed by the district court and he requested the district court to unseal that portion of his plea canvass. The district court concluded this claim was not properly sought in a petition for a writ of mandamus or prohibition because Hernandez did not request the court to order a lower tribunal or office to take action or arrest proceedings. See NRS 34.160; *DR Partners v. Bd. of Cty. Comm'rs of Clark Cty.*, 116 Nev. 616, 620, 6 P.3d 465, 468 (2000) (explaining when a writ of mandamus is available); see also NRS 34.320; *Goicoechea v. Fourth Judicial Dist. Court*, 96 Nev. 287, 289–90, 607 P.2d 1140, 1141 (1980)

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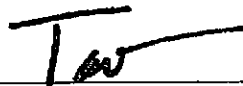
<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

17-901007

(explaining when a writ of prohibition is available). After a review of the record, we conclude Hernandez failed to demonstrate the district court abused its discretion in denying the petition. *See DR Partners*, 116 Nev. at 621, 6 P.3d at 468 (“A district court’s decision to grant or deny a writ petition is reviewed by this court under an abuse of discretion standard.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Eric Johnson, District Judge  
Esteban Hernandez  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk