

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRUCE HARRISON BIRCH,
Petitioner,
vs.
THE HONORABLE WILLIAM A.
MADDOX,
Respondent.

No. 72796

FILED

MAY 31 2017

DEPARTMENT OF CORRECTIONS
CLERK OF THE COURT
BY *Wilcox*
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS*

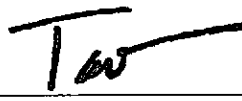
This is an original petition for a writ of mandamus that seeks an order directing state court employees to rescind a letter allegedly sent to the Nevada Department of Corrections and to show cause why they failed to file certain documents that were allegedly submitted for filing.

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). A writ of mandamus will not issue, however, if the petitioner has a plain, speedy, and adequate remedy at law. *See* NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Further, mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). 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, we conclude that petitioner has failed to demonstrate that our extraordinary intervention is warranted. *See id.* Accordingly, we deny the petition. NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Bruce Harrison Birch
Attorney General/Carson City
Washoe District Court Clerk