

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID SAMUEL BURNS,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE,
Respondent,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 73177

FILED

AUG 16 2017

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

ORDER DENYING PETITION


This original petition for a writ of mandamus seeks an order directing the district court to rule on petitioner David Samuel Burns' motions to withdraw counsel. Burns asserts he has filed "no less than eight motions" requesting to withdraw counsel and no action has been taken on those motions.


The documentation Burns has provided with this petition demonstrates the district court has denied other motions Burns has filed because he is represented by counsel. However, Burns has not provided this court with any documentation demonstrating Burns has filed motions to withdraw his counsel in the district court. We conclude Burns has failed to demonstrate this court's intervention is warranted at this time. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted."). Therefore, without deciding upon the merits of any claims raised therein, we decline to exercise original jurisdiction in this matter. *See* NRS 34.160; NRS 34.170; NRAP 21(b).

We note the district court must consider a motion to withdraw counsel and we expect the district court will resolve all pending matters as expeditiously as its calendar permits. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Scott Freeman, District Judge
David Samuel Burns
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk