

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TERRY LOUIS CARTER,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK,

Respondent,

and

STATE OF NEVADA DEPARTMENT  
OF ADMINISTRATION; STATE OF  
NEVADA DEPARTMENT OF  
BUSINESS AND INDUSTRY, DIVISION  
OF INDUSTRIAL RELATIONS; AND  
LIBERTY MUTUAL INSURANCE  
CORPORATION,

Real Parties in Interest.

No. 74755

**FILED**

FEB 06 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING PETITION FOR  
WRITS OF MANDAMUS AND PROHIBITION*

This original petition for writs of mandamus and prohibition seeks various forms of relief.

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). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). This court has discretion as to

18-900183

whether to entertain a petition for extraordinary relief and will not do so when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS 34.330; *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). 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 extraordinary writ relief is warranted. See *id.* Accordingly, we deny the petition. See NRAP 21(b)(1); *D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737.

It is so ORDERED.<sup>1</sup>



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



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



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

---

<sup>1</sup>Approximately one month after petitioner filed his petition, he filed additional documents with this court. Having considered those documents, we conclude that all requests for relief set forth therein should be denied. In particular, we note that, to the extent certain of these documents seek alternate forms of relief to what was requested in the original petition, we have considered those requests and conclude that they do not warrant our extraordinary intervention.

cc: Hon. Valerie Adair, District Judge  
Terry Louis Carter  
Koeller Nebeker Carlson & Haluck, LLP/Las Vegas  
Dept. of Business and Industry  
Div. of Industrial Relations/Henderson  
Attorney General/Carson City  
Eighth District Court Clerk