

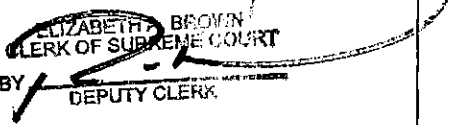
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERVIN MIDDLETON,
Petitioner,
vs.
UNITED STATES DISTRICT COURT,
DISTRICT OF NEVADA; AND
ANDREW P. GORDON, FEDERAL
JUDGE,
Respondents.

No. 73926

FILED

JAN 29 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus.

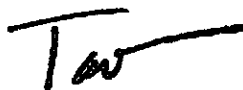
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court has broad discretion as to whether to entertain a petition for extraordinary relief. *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 475, 168 P.3d 731, 737 (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 writ relief must be denied because we may not issue a writ of mandamus directing that the federal district court take the actions requested by petitioner. See *Cozine v. Crabtree*, 15 F. Supp. 2d 997, 1013 (D. Or. 1998) ("State courts have no power to mandamus federal officials."). Accordingly, we deny the

petition. See NRAP 21(b)(1); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Andrew P. Gordon, Judge, United States District Court for the
District of Nevada
Ervin Middleton, Jr.
United States District Court for the District of Nevada, Clerk's Office