

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ELIAS G. MONTALVO,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 74150

FILED

FEB 13 2018

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 reverse and vacate all orders denying Elias G. Montalvo's motion for appointment of counsel and his postconviction petition for a writ of habeas corpus. It appears Montalvo can challenge the district court's decision in his appeal pending in Docket No. 73667. Therefore, Montalvo has a plain, speedy, and adequate remedy at law. Accordingly, we conclude this court's intervention by way of an extraordinary writ is not warranted, *see* NRS 34.170, and we

ORDER the petition DENIED.¹

Silver, C.J.
Silver

Tao, J.
Tao

Gibbons, J.
Gibbons

¹We have considered all documents filed by Montalvo in this matter and conclude no relief based upon those documents is warranted.

cc: Hon. William D. Kephart, District Judge
Elias G. Montalvo
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk