

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT J. CLARKE,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36669

FILED

FEB 22 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original proper person petition for a writ of mandamus compelling Lake's Crossing, a mental health facility at which petitioner is an involuntary patient, to provide to petitioner a copy of its policies and procedures. On October 9, 2000, we directed respondent to file an answer to the petition. An answer was filed on November 13, 2000. Petitioner submitted a reply to the answer on November 21, 2000.

Having reviewed the petition, the answer and reply, we conclude that the issues raised require resolution of factual disputes, a task for which this court is not suited.¹ For example, respondent claims that it cannot provide a complete copy of its policies and procedures because of security concerns, but that copies of those policies and procedures not impacting security are supplied to the patients. Respondent also claims that the patients have access to counsel. Petitioner claims that certain information provided to patients is inaccurate, that he is entitled to more information, and that counsel is not readily available. Resolution of these disputed factual claims is necessary to the disposition of this case. It thus appears that this

¹Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

matter must be presented to the district court in the first instance.

Accordingly, as this court is not suited to resolve the factual disputes raised in this matter, we

ORDER the petition for a writ of mandamus DENIED.²

Young J.
Young

Rose J.
Rose

Becker J.
Becker

cc: Attorney General
Robert J. Clarke

²We deny as moot petitioner's motion for leave to appear in proper person. Although petitioner was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from petitioner.