

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES CLINTON NEWTON, JR.,
Petitioner,
vs.
ANDREW WINTERSTEEN,
Respondent.

No. 75521

FILED

AUG 02 2018

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


**ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION**

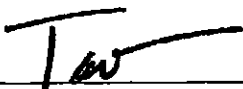
This original petition for a writ of mandamus or prohibition seeks to compel the United States District Court for the District of Nevada to grant petitioner summary judgment on his underlying civil rights complaint.

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). We 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. 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 documents before us in this matter, we conclude that our extraordinary intervention is not warranted. *See id.* Accordingly, we deny the petition. NRAP 21(b)(1).

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Charles Clinton Newton, Jr.
Attorney General/Las Vegas