

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TALLON RICCI,
Petitioner,

vs.

THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WHITE
PINE; AND THE HONORABLE GARY
FAIRMAN, DISTRICT JUDGE,

Respondents,

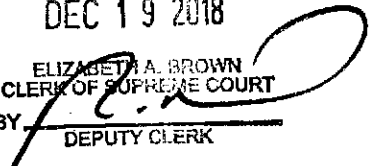
and

THE STATE OF NEVADA,
Real Party in Interest.

No. 74697-COA

FILED

DEC 19 2018


ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK


ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order dismissing Tallon Ricci's appeal for failure to prosecute. "The Nevada Constitution vests the district courts with final appellate jurisdiction in all cases arising in the justices' courts." *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 227, 88 P.3d 840, 843 (2004); see Nev. Const. art 6, § 6. As a general rule, this court will decline to consider writ petitions that request review of a district court's decision when acting in its appellate capacity, save for a few exceptions. *State v. Eighth Judicial Dist. Court (Hedland)*, 116 Nev. 127, 134, 994 P.2d 692, 696 (2000). We conclude Ricci fails to demonstrate an exception to the general rule, as he fails to demonstrate the district court "improperly refused to exercise its jurisdiction, . . . exceeded its jurisdiction, or . . . exercised its discretion in an arbitrary or capricious manner." *Id.*; see also NRS 34.160; NRS 189.065(1); *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927,

931-32, 267 P.3d 777, 780 (2011) (defining arbitrary or capricious exercise of discretion and manifest abuse of discretion); *Thompson v. First Judicial Dist. Court*, 100 Nev. 352, 355, 683 P.2d 17, 19-20 (1984) (“interpret[ing] NRS 189.065 to mean that an appellant has sixty days after filing his appeal in the justice’s court within which to apply for a trial date in the district court”). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Gary Fairman, District Judge
Richard Harris Law Firm
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk