

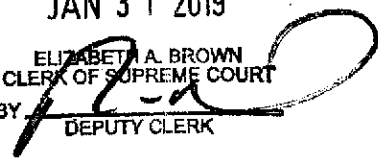
IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA EX REL. JOHN FRANCIS
ARPINO,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
BARRY L. BRESLOW, DISTRICT
JUDGE,
Respondents.

No. 77633

FILED

JAN 31 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK


ORDER DENYING PETITION FOR WRIT OF PROHIBITION


This original pro se petition for a writ of prohibition challenges a November 7, 2018, district court order denying petitioner's application to proceed in forma pauperis.¹ The application was denied after the district court reviewed, under a prior order restricting petitioner's court access, the petition that petitioner proposed to file in forma pauperis and determined that it was frivolous or brought for an improper purpose and did not implicate a fundamental right.

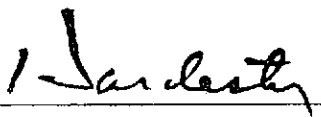
¹Petitioner has filed documents seeking correction of the caption and file-stamped copies of his petition and attachments. Although the State does not appear to bear an interest in this matter, neither any statute nor any court rule requires writ petitions to be captioned in the name of the State, and it is no longer "the universal rule of practice" to caption petitions such, we direct the clerk of this court to modify this docket's caption to reflect the caption on the petition and on this order. *Cf. State v. District Court*, 51 Nev. 206, 273 P. 659, 660 (1929); *State v. Curler*, 26 Nev. 347, 67 P. 1075, 1076 (1902), 55 C.J.S. Mandamus § 339 (2015); 72A C.J.S. Prohibition § 10 (2015). The clerk of this court shall also mail petitioner a file-stamped copy of his petition and attachments.

Having considered the petition and supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991); see *Jordan v. State ex rel. Dep't of Motor Vehicles & Pub. Safety*, 121 Nev. 44, 110 P.3d 30 (2005) (distinguishing between pre-service review of complaints and orders restricting court access), *abrogated on other grounds by Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 181 P.3d 670 (2008); *Arpino v. Washoe Cty. Bd. of Comm'rs*, Docket Nos. 70429-COA & 70494-COA (January 30, 2017, Order of Affirmance). Accordingly, we

ORDER the petition DENIED.


_____, S.J.
Gibbons


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Barry L. Breslow, District Judge
John Francis Arpino
Attorney General/Carson City
Washoe District Court Clerk