

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JONATHON MICHAEL BARNES,
Petitioner,
vs.
WARDEN, ELY STATE PRISON,
Respondent.

No. 76795-COA

FILED

MAR 14 2019

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus seeks to compel the return of certain of petitioner's personal property.

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). This court has discretion as to whether to entertain a petition for extraordinary relief and will not do so when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). 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 petition and appendix filed in this matter, we are not persuaded that this court's intervention by way of

extraordinary relief is warranted. *Id.* Accordingly, we deny the petition.
See NRAP 21(b)(1); *D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737.

It is so ORDERED.


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

cc: Jonathon Michael Barnes
Attorney General/Carson City