

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY J. BURRIOLA,  
Petitioner,  
vs.  
THE HONORABLE STEVE L.  
DOBRESCU, DISTRICT JUDGE,  
Respondent.

No. 68466

FILED

OCT 16 2015

TRACIE E. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*


This is an original petition for a writ of mandamus seeking an order compelling respondent to resolve competing motions for summary judgment pending in the district court.


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). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). As relevant here, petitioner is required to “submit with the petition an appendix that . . . include[s] a copy of any order or opinion, parts of the record before the respondent judge . . . or any other original document that may be essential to understand the matters set forth in the petition.” NRAP 21(a)(4); *Pan*, 120 Nev. at 229, 88 P.3d at 844 (explaining that “review in a writ proceeding is limited to the argument and documents provided by the parties,” such that, “[i]f essential information is left out of

the petition and accompanying documentation, we have no way of properly evaluating the petition”).

Here, petitioner did not attach an appendix to his writ petition, and thus, we have no way of evaluating his claim that the district court has failed to uphold its duty to resolve matters pending before that court. *See Pan*, 120 Nev. at 229, 88 P.3d at 844. As a result, we conclude that petitioner has not carried his burden of demonstrating that extraordinary relief is warranted, *see id.* at 224, 88 P.3d at 841, and we therefore deny the petition for a writ of mandamus. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (providing that whether to consider a writ petition is discretionary).

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Steve L. Dobrescu, District Judge  
Anthony J. Burriola  
Attorney General/Carson City  
White Pine County Clerk