

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK MILFORD PECK,
Petitioner,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondent.

No. 70890

FILED

SEP 16 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

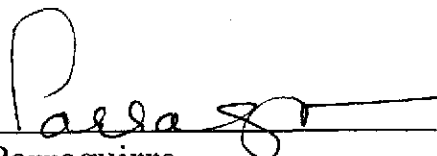
This original pro se petition seeks a writ of mandamus directing respondent to staff the institution's law library.

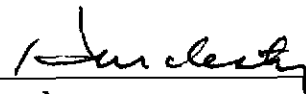
Having considered the petition, which was filed without any supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. NRS 34.170; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004) (noting that a writ of mandamus is proper only when there is no plain, speedy, and adequate remedy at law and explaining that petitioner bears the burden of demonstrating that writ relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

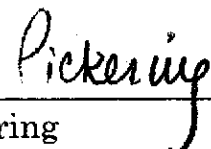
Here, petitioner has not indicated whether he exhausted his administrative remedies through respondent's grievance process, nor has he provided this court with copies of any denied grievances. *See, e.g., Berry v. Feil*, 131 Nev., Adv. Op. 37, 357 P.3d 344 (Ct. App. 2015). Moreover, even assuming that the relief sought here could be obtained properly through a petition for extraordinary writ relief, any application for such relief should be made to the district court in the first instance so that factual and legal issues are fully developed, giving this court an

adequate record to review. *State v. Cty. of Douglas*, 90 Nev. 272, 276-77, 524 P.2d 1271, 1274 (1974) (noting that “this court prefers that such an application [for writ relief] be addressed to the discretion of the appropriate district court” in the first instance), *abrogated on other grounds by Attorney Gen. v. Gypsum Res.*, 129 Nev. 23, 33-34, 294 P.3d 404, 410-11 (2013); *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (noting that when factual, rather than legal, issues are presented, this court will not exercise its discretion to consider an original extraordinary writ petition). Accordingly, we decline to exercise our discretion to consider this petition, *see Smith*, 107 Nev. at 677, 818 P.2d at 851, and we therefore

ORDER the petition DENIED.


_____, C.J.
Parraguirre


_____, J.
Hardesty


_____, J.
Pickering

cc: Hon. Nancy Alf, District Judge
Frank Milford Peck
Attorney General/Carson City
Eighth District Court Clerk