

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON ARTHUR ALTHEIDE,
Petitioner,
vs.
THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE,
Respondent.

No. 72769

FILED

MAY 16 2017

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

ORDER DENYING PETITION

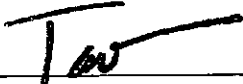
This original petition for a writ of mandamus seeks an order directing the district court to reverse and vacate an order, conduct a rehearing, and process all writs that have been filed. Petitioner asserts he is being denied access to both the justice and district courts because his petitions and/or motions are classified as “fugitive documents.” He further asserts his counsel is ineffective for failing to present video evidence, present psychiatric and grievance records, or request rehearing.


We have considered the petition on file herein, and we are not satisfied this court’s intervention by way of extraordinary writ is warranted at this time. Accordingly, without deciding upon the merits of any claims raised therein, we deny the petition. *See* NRAP 21(b)(1); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (“Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted.”); *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981) (explaining when mandamus relief is warranted). Claims of ineffective assistance of counsel should be raised in a postconviction petition for a writ of habeas corpus filed in the district

court in the first instance.¹ NRS 34.724(2)(b); NRS 34.738(1).
Accordingly, we

ORDER the petition DENIED.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Jason Arthur Altheide
Attorney General/Carson City
Nye County Clerk

¹We express no opinion as to whether petitioner could meet the procedural requirements of NRS chapter 34.

²We deny the motions petitioner has filed in this matter.