

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL CHARLES MEISLER,  
Petitioner,  
vs.  
THE HONORABLE LINDA MARIE  
BELL, DISTRICT JUDGE; ATTORNEY  
GENERAL; AND THE STATE OF  
NEVADA,  
Respondents.

No. 72193

**FILED**

FEB 22 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *A. Wilcox*  
DEPUTY CLERK

*ORDER DENYING PETITION*

This original petition appears to seek a writ of mandamus and/or prohibition ordering the district court to resolve petitioner's petition for a writ of habeas corpus that challenges the application and award of statutory credit. Petitioner filed his petition for a writ of habeas corpus on August 1, 2016, and he states the district court has scheduled a hearing on the petition for February 7, 2017. Petitioner asserts, however, the district court has not yet ordered the State to file a response to his petition and a delay in the hearing would be highly prejudicial to him.

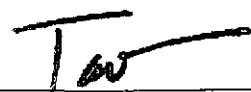
Petitioner has a plain, speedy, and adequate remedy at law because he can challenge the district court's decision on appeal in the event the district court denies his petition for a writ of habeas corpus. NRS 34.575(1). Therefore, this court's intervention by way of an extraordinary writ is not warranted. NRS 34.170; NRS 34.330. Further, petitioner has not demonstrated any circumstances revealing urgency or strong necessity for this court to intervene even though there is an alternative remedy available. *Cf. Salaiscooper v. Eighth Judicial Dist.*

17-900309

*Court*, 117 Nev. 892, 901-02, 34 P.3d 509, 515-16 (2001) (concluding that review through writ petition was warranted even though there was an alternative remedy where there were 56 similar cases with the same issues pending in lower courts and petition presented issue of great statewide importance). Therefore, without deciding upon the merits of any claims raised therein, we decline to exercise original jurisdiction in this matter. See *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."). Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

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

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

cc: Michael Charles Meisler  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

---

<sup>1</sup>The Honorable Michael Gibbons, Judge, did not participate in the decision in this matter. Because Judge Gibbons has disqualified himself from participation in this matter, we deny Meisler's motion to recuse Judge Gibbons as moot.