IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN LARUE SCOTT,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
KERRY LOUISE EARLEY, DISTRICT
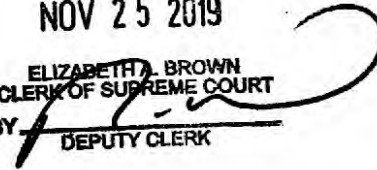JUDGE,
Respondents,
    and
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Real Party in Interest.

No. 78988-COA

FILED

NOV 25 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY_____
         DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is a petition for a writ of mandamus that seeks to compel the district court to enter a written order memorializing its oral denial of petitioner's motion for NRCP 60(b) relief.

A writ of mandamus is available to compel the performance of an act 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). Whether such a petition will be considered rests within our sound discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). And it is petitioner's burden to demonstrate that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and supporting documents, we conclude that petitioner has not demonstrated that our extraordinary

19-48208

intervention is warranted. *See id.* Accordingly, we decline to exercise our discretion and issue the relief requested in this matter, *Smith*, 107 Nev. at 677, 818 P.2d at 851, and we therefore deny the petition. NRAP 21(b)(1). Notwithstanding our denial of this petition, we are confident that the district court will enter a written order memorializing its ruling as expeditiously as possible, if it has not already done so.

It is so ORDERED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Bulla

cc: Hon. Kerry Louise Earley, District Judge
     Steven Larue Scott
     Attorney General/Carson City
     Attorney General/Las Vegas
     Eighth District Court Clerk