

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TED ROBERT BASSETT,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
BRIAN WILLIAMS, WARDEN; AND
THE STATE OF NEVADA,
Real Parties in Interest.

No. 79934-COA

FILED

DEC 27 2019

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

ORDER DENYING PETITION

In this original petition for a writ of mandamus and/or prohibition, Ted Robert Bassett raises six claims challenging actions of the Board of Parole Commissioners (Board) and asks this court to order the Board to reinstate a prior grant of parole and immediately release him. Bassett asserts he has previously sought this same relief by way of a petition for a writ of habeas corpus filed in the district court, but the district court has not taken any action on the petition.


A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of prohibition may issue to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the jurisdiction of the district court. NRS 34.320. Neither writ will issue if the petitioner

has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330. Petitions for extraordinary writs are addressed to the sound discretion of the court, *see State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983), and the “[p]etitioner[] carr[ies] 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).

Bassett has a plain, speedy, and adequate remedy available to him because he can pursue his claims in a petition filed in the district court in the first instance. Although Bassett asserts he has already attempted to seek relief in the district court in the first instance, he has not provided this court with documentation demonstrating that he filed a petition in the district court and such petition remains pending. Therefore, to the extent Bassett asks this court to order the district court to resolve his petition, we conclude he has failed to meet his burden to demonstrate this court’s intervention by way of extraordinary writ is warranted at this time. Accordingly, without reaching the merit of any claims raised, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Ted Robert Bassett
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk