

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY R. SCHMIDT,

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF WASHOE, AND THE  
HONORABLE JEROME M. POLAHA,  
DISTRICT JUDGE,

Respondents,

and

DEPARTMENT OF COMMUNITY  
DEVELOPMENT FOR WASHOE COUNTY;  
WASHOE COUNTY BOARD OF COUNTY  
COMMISSIONERS; JOHN C. WOOD;  
WILLIAM E. BUCK; AND STEPHAN E.  
BUCK,

Real Parties in Interest.

No. 37339

**FILED**

JUN 13 2001

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION

FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus, challenging the district court's order denying petitioner's motion to supplement the administrative record. We have considered the petition, and we are not satisfied that this

court's intervention by way of extraordinary relief is warranted.<sup>1</sup>

Accordingly, we deny the petition.<sup>2</sup>

It is so ORDERED.

Young J.  
Young

Leavitt J.  
Leavitt

Becker J.  
Becker

cc: Hon. Jerome M. Polaha, District Judge  
Washoe County District Attorney  
Gary M. Pakele  
Washoe County Clerk

<sup>1</sup>See Karow v. Mitchell, 110 Nev. 958, 878 P.2d 978 (1994) (stating that a writ of mandamus will not issue if the petitioner has a plain, speedy and adequate remedy in the ordinary course of law, such as an appeal from a final judgment); Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981) (stating that mandamus is not available to control discretionary action unless discretion is manifestly abused or exercised arbitrarily or capriciously); Carson City v. Lepire, 112 Nev. 363, 914 P.2d 631 (1996) (discussing the procedure for supplementing the administrative record in NRS Chapter 233B district court proceedings).

<sup>2</sup>See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).