

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESSE L. LUCIO,
Petitioner,

vs.

JERRY HOWELL, WARDEN, S.D.C.C.;
AND THE STATE OF NEVADA,
Respondents.

No. 80521

FILED

FEB 19 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

In this original pro se petition for a writ of quo warranto or prohibition, petitioner challenges the constitutionality of the Nevada Revised Statutes.

Petitioner's claims are outside the scope of those for which quo warranto may be granted. *See Lueck v. Teuton*, 125 Nev. 674, 678-79, 219 P.3d 895, 898 (2009). We therefore decline to entertain the petition for a writ of quo warranto.

A writ of prohibition may issue to restrain the district court from acting in excess of its jurisdiction. NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). This court has complete discretion in deciding whether to entertain a petition seeking such relief. *Cote H. v. Eighth Judicial Dist. Court*, 124 Nev. 36, 39, 175 P.3d 906, 908 (2008). Having considered the petition, we are not persuaded that our extraordinary and discretionary intervention is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing

such relief is warranted). Accordingly, without deciding upon the merits of any claims raised, we

ORDER the petition DENIED.¹

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Cadish, J.
Cadish

Jesse Lucio
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Petitioner has not provided this court with exhibits or other documentation that would support his claims for relief. See NRAP 21(a)(4) (providing the petitioner shall submit an appendix containing all documents “essential to understand the matters set forth in the petition”). This constitutes an additional basis for denying relief.