

IN THE SUPREME COURT OF THE STATE OF NEVADA

MANUEL MELENDEZ,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK,  
Respondent.

No. 80931

**FILED**

JUL 13 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR  
PROHIBITION*

This original pro se petition for a writ of mandamus or prohibition appears to seek a writ directing the district court to correct its record so that petitioner may file a postconviction petition for a writ of habeas corpus.

A writ of mandamus “is available to compel performance of an act that the law requires as a duty resulting from an ‘office, trust or station’ or to control a manifest abuse of, or an arbitrary or capricious exercise of, discretion.” *See Cheung v. Dist. Court*, 121 Nev. 867, 868-69, 124 P.3d 550, 552 (2005) quoting NRS 34.160. The counterpart to a writ of mandate, a writ of prohibition, is available when a district court acts without or in excess of its jurisdiction. *See State of Nev. v. Dist. Court (Anzalone)*, 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002). This court has original jurisdiction to grant writs of mandamus and prohibition, and the issuance of such extraordinary relief is solely within this court's discretion. *See Nev. Const. art. 6, § 4; D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). It is petitioner's burden to demonstrate that extraordinary relief is warranted. *Pan v. Dist. Court*, 120

Nev. 222, 228, 88 P.3d 840, 844 (2004). Here, petitioner has not met that burden. Accordingly, we

ORDER the petition DENIED.

                    Pickering                    , C.J.  
Pickering

                    Hardesty                    , J.  
Hardesty

                    Stiglich                    , J.  
Stiglich

cc: Manuel Melendez  
Attorney General/Carson City  
Eighth District Court Clerk