

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FRANCIS JAMES JOHNSON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent.

No. 80314-COA

FILED

JUL 30 2020

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging a district court order declaring petitioner Francis James Johnson a vexatious litigant.


A writ of mandamus is available to compel the performance of an act that 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). Further, mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having reviewed Johnson's petition and supporting documents, we conclude that Johnson has failed to demonstrate that the district court failed to properly consider or apply the appropriate factors for declaring an individual a vexatious litigant or that the entry of an order declaring Johnson a vexatious litigant was not warranted in light of this standard.

See Jordan v. State ex rel. Dep't of Motor Vehicles & Pub. Safety, 121 Nev. 44, 62, 110 P.3d 30, 44 (2005) (setting forth four factors to guide district courts in determining whether a party should be declared a vexatious litigant), *abrogated on other grounds by Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 228 n.6, 181 P.3d 670, 672 n.6 (2008). Thus, we conclude that Johnson has failed to demonstrate that our extraordinary intervention is warranted, and we therefore deny the petition. *Pan*, 120 Nev. at 228, 88 P.3d at 844; NRAP 21(b)(1).

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Francis James Johnson
Attorney General/Carson City
Eighth District Court Clerk