

IN THE SUPREME COURT OF THE STATE OF NEVADA

MONTE HAWES, BRIAN LEPLEY AND  
MICHAEL WATTS,  
Petitioners,  
vs.  
DIRECTOR, NEVADA DEPARTMENT  
OF PRISONS; STATE HEALTH  
OFFICER; AND THE DEPARTMENT  
OF HUMAN AND HEALTH SERVICES,  
Respondents.

No. 37499

FILED  
DEC 16 2002

DEC 16 2002

MAINTENANCE  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

Petitioners, through this proper person petition for a writ of mandamus, challenge the adequacy of prison HIV counseling and educational programs mandated by NRS 209.385. We have considered the petition, respondents' answer and all attached documents, and we conclude that our intervention is not warranted.<sup>1</sup>

We may, in our discretion, issue a writ of mandamus to compel the performance of a duty, if petitioners have no plain, speedy and adequate legal remedy.<sup>2</sup> Here, it appears that the Nevada Department of Prisons (NDOP) has fulfilled its duty of establishing an HIV counseling and educational program for inmates. In addition, petitioners concede

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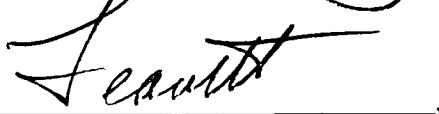
<sup>1</sup>Although petitioners were not granted leave to file papers in proper person, see NRAP 46(b), we have considered all documents received from them. We deny petitioners' motion to dismiss or withdraw their petition, and we deny petitioner Lepley's motion to supplement the writ petition or for an order to show cause.

<sup>2</sup>Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851-52 (1991); NRS 34.160; NRS 34.170.

that NDOP provides adequate HIV/AIDS medical care and treatment, and they have not demonstrated that NDOP has any duty to provide dietary supplements. Petitioners have not demonstrated that extraordinary relief is warranted. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Leavitt

  
\_\_\_\_\_, J.  
Becker

cc: Monte Hawes  
Brian Lepley  
Michael Watts  
Attorney General/Carson City