

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIE T. SMITH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 81449-COA

**FILED**

**MAR 30 2021**

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

*ORDER OF AFFIRMANCE*

Willie T. Smith appeals from an order of the district court denying a "petition for writ of mandamus or in the alternative show cause." Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

In his May 12, 2020, petition, Smith requested an order directing the Nevada Department of Corrections to remove his classification as a high risk prisoner and to transfer him away from Ely State Prison. Smith also challenged the process and results of a prison disciplinary hearing. In addition, Smith requested the district court to direct the State to show cause as to why he was not entitled to mandamus relief.

A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of mandamus will not issue, however, if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. Petitioners carry the burden of demonstrating that extraordinary relief is warranted.

*Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). "We generally review a district court's grant or denial of writ relief for an abuse of discretion." *Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006).

The district court found Smith failed to demonstrate that prison officials failed to perform an act which the law requires as a duty resulting from an office, trust, or station, or that mandamus relief was necessary to control a manifest abuse or arbitrary or capricious exercise of discretion. The district court also found Smith did not meet his burden of demonstrating that extraordinary relief was warranted to address his concerns regarding his classification, housing, or prison disciplinary hearing. For those reasons, the district court concluded Smith was not entitled to relief and denied the petition. The record supports the district court's decisions. Accordingly, we conclude the district court did not abuse its discretion by denying Smith's petition, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Steve L. Dobrescu, District Judge  
Willie T. Smith  
Attorney General/Carson City  
White Pine County District Attorney  
White Pine County Clerk