

IN THE SUPREME COURT OF THE STATE OF NEVADA

CURTIS LUNDY DOWNING,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ADRIANA ESCOBAR, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 83362

FILED

SEP 02 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

*ORDER DENYING PETITION FOR A WRIT OF PROHIBITION OR, IN
THE ALTERNATIVE, MANDAMUS*

This is a petition for a writ of prohibition, or in the alternative, mandamus, which challenges the Nevada Department of Corrections taking money from petitioner's inmate trust account to pay to the Nevada Department of Parole and Probation to then be disbursed to victims as restitution. It also challenges the judgment of conviction entered on May 20, 1998, and the amended judgment of conviction entered on August 15, 2012, for failure to name the victims entitled to restitution.

Having considered the petition, we are not persuaded that our extraordinary intervention is warranted. See NRS 34.170; NRS 34.320; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (noting that extraordinary relief is proper only when there is no plain, speedy, and adequate remedy at law and explaining that petitioner bears


the burden of demonstrating that writ relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (observing that “the issuance of a writ of mandamus or prohibition is purely discretionary with this court”). Neither a writ of mandamus nor a writ of prohibition will issue when petitioner has a “plain, speedy and adequate remedy in the ordinary course of law.” *Gumm v. State, Dep’t of Educ.*, 121 Nev. 371, 375, 113 P.3d 853, 856 (2005); NRS 34.170; NRS 34.330. Petitioner indicates that the district court previously declined his postconviction petition for prohibition and petitioner appears to have appealed that decision in Docket No. 82870. That appeal was dismissed for failure to pay filing fees, but petitioner fails to indicate why an appeal from such denial does not constitute an adequate remedy at law. NRS 34.170. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Hardesty



Parraguirre


_____, J.
Cadish

cc: Hon. Adriana Escobar, District Judge
Curtis Lundy Downing
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk