

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUAN ALFONSO NUNO-VELASCO,  
Petitioner,  
vs.  
THE HONORABLE STEVE SISOLAK,  
AS GOVERNOR OF THE STATE OF  
NEVADA,  
Respondent.

No. 82879-COA

**FILED**

**OCT 07 2021**

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

*ORDER DENYING PETITION*


In this original petition for a writ of mandamus, Juan Alfonso Nuno-Velasco seeks an order directing the Governor to return him to California. 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). "Petitioner[ ] carr[ies] 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).

In support of his petition, Nuno-Velasco points to language in an Executive Agreement related to his 2002 extradition to Nevada from California. That agreement contemplates that the "executive authority of the State of Nevada" would surrender Nuno-Velasco "upon demand of the executive authority of the State of California." *See also* NRS 179.223; Cal. Penal Code § 1554.2. Nuno-Velasco has not demonstrated that the executive authority of the State of California has demanded his surrender.

Nuno-Velasco has thus failed to meet his burden of demonstrating the Governor has a duty to return him to California or has otherwise abused any discretion. Accordingly, we conclude extraordinary relief is not warranted, and we

ORDER the petition DENIED.<sup>1</sup>

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

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

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

cc: Juan Alfonso Nuno-Velasco  
Attorney General/Carson City

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<sup>1</sup>In light of the disposition herein, respondent's motion for leave to file Nuno-Velasco's presentence investigation report under seal is denied. The document is not necessary to this court's disposition of Nuno-Velasco's petition.