

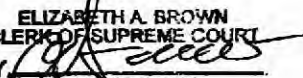
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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  
JESSICA K. PETERSON, DISTRICT  
JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA,  
Real Party in Interest.

No. 83126-COA

FILED

NOV 05 2021

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

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

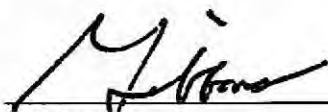
This original petition for a writ of mandamus challenges the district court's cancellation of certain hearings and failure to resolve a petition for a writ of prohibition.

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). Whether a petition for extraordinary writ relief will be entertained rests within this court's sound discretion. *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Petitioner bears 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).

21-31943

Based on our review of the petition, we conclude that petitioner has failed to meet his burden of demonstrating that extraordinary writ relief is warranted. *See id.* Notably, while petitioner's concern regarding the district court's delay in resolving his filings is understandable, we are confident that the district court will resolve those matters as soon as its docket allows. Accordingly, we deny the petition. NRAP 21(b)(1); *D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737.

It is so ORDERED.

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

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

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

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