

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN D. PORTER,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 84377

FILED

APR 21 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

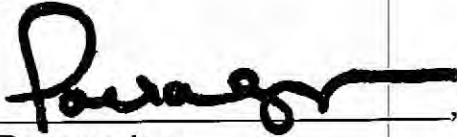
This is an original pro se petition for a writ of mandamus that would direct the district court to rule on a pending postconviction petition for a writ of habeas corpus.

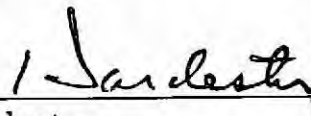
The decision to entertain a petition for extraordinary writ relief lies within the discretion of this court. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). A writ of mandamus is available only to compel the performance of a legally required act or to cure an arbitrary and capricious exercise of discretion. *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). It is petitioner's burden to demonstrate that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Problematically, petitioner has not provided this court with a copy of the district court postconviction petition for a writ of habeas corpus he contends he filed—precluding writ relief. See NRAP 21(a)(4) (providing

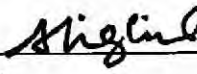
the petitioner shall submit an appendix containing all documents "essential to understand the matters set forth in the petition").

Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Parraguirre


_____, J.
Hardesty


_____, J.
Stiglich

cc: Justin D. Porter
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk