

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIE LEE JEFFERSON,  
Appellant,  
vs.  
THE STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS;  
AND J. HENLEY,  
Respondents.

No. 84208-COA

FILED

JUL 27 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *E. Brown*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Willie Lee Jefferson appeals from a district court order denying a petition for a writ of prohibition. First Judicial District Court, Carson City; James Todd Russell, Judge.

Jefferson, an inmate at Northern Nevada Correctional Center, filed a petition for a writ of prohibition in district court alleging that respondents, Corrections Officer Henley and the Nevada Department of Corrections (collectively NDOC), acted in excess of their jurisdiction by denying his informal grievance related to an incident involving alleged excessive use of force between a corrections officer and Jefferson. After considering NDOC's answer, the district court denied the petition, stating that Jefferson failed to exhaust his administrative remedies with NDOC, that Jefferson has a plain, speedy, and adequate remedy in the ordinary course of law, and additionally finding that a writ of prohibition is the wrong vehicle to address Jefferson's requested relief, and that NDOC did not exceed its authority in denying the grievance. Jefferson now appeals.

A writ of prohibition may issue to arrest the proceedings of a "tribunal, corporation, board or person exercising judicial functions, when

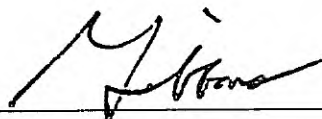
such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person.” NRS 34.320. A writ of prohibition will not issue, however, if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.330. “Petitioners carry the burden 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).

Having considered Jefferson’s informal brief and the record on appeal, we conclude that Jefferson failed to meet his burden to demonstrate that extraordinary relief was warranted. *See Pan*, 120 Nev. at 228, 88 P.3d at 844. Specifically, in his informal brief, Jefferson alleges that he was unable to complete the administrative process through the NDOC because it “misplaced” his grievance form. However, Jefferson failed to raise this issue in his initial petition below and has therefore waived this issue on appeal. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (“A point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have been waived and will not be considered on appeal.”). Nevertheless, the documents produced by NDOC below reflect that Jefferson was eventually provided with the misplaced documents and that he subsequently failed to appeal that decision to the next grievance level. But Jefferson also failed to address this issue below or on appeal. *See id.*; *see also Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues not raised on appeal are deemed waived).

Jefferson also contends that the district court erred when it determined that NDOC acted within its authority when it declined to

submit his grievance to the claims department for monetary reimbursement or forward his claim for further investigation at the Investigator General's Office. However, based on our review of the documents before us and the applicable NDOC administrative regulations, namely AR 740.01(5) and AR 740.05(3), we conclude that the district court properly determined that NDOC acted within its jurisdiction in resolving Jefferson's grievance. Accordingly, we discern no abuse of discretion in the district court's decision, *see Koller*, 122 Nev. at 226, 130 P.3d at 655, and we therefore

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

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

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

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

cc: Hon. James Todd Russell, District Judge  
Willie Lee Jefferson  
Attorney General/Carson City  
Carson City Clerk

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<sup>1</sup>Insofar as appellant raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.