

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHNNY DUETT,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JASMIN D. LILLY-SPELLS, DISTRICT  
JUDGE,  
Respondents.

No. 84841-COA

**FILED**

AUG 17 2022

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

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges the district court's alleged dismissal of petitioner's original 42 U.S.C. § 1983 complaint and the district court's purported refusal to file petitioner's motion to reopen the case and an accompanying amended complaint.


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 a manifest abuse of discretion. NRS 34.160; *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Mandamus will not issue when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170.

A writ of mandamus is an extraordinary remedy, and whether a petition for extraordinary relief will be considered is solely within our discretion. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Having considered the petition

and supporting documentation, we conclude that our intervention by way of extraordinary relief is not warranted, and we therefore deny the petition. See NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.

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

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

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

cc: Hon. Jasmin D. Lilly-Spells, District Judge  
Johnny Duett  
Attorney General/Carson City  
Eighth District Court Clerk