

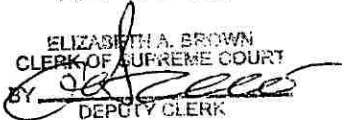
IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN KERRY O'KEEFE,
Petitioner,
vs.
CLERK OF THE COURT SUPREME
COURT, STATE OF NEVADA;
ELIZABETH A. BROWN; AND RORY
WUNSCH,
Respondents.

No. 85988

FILED

MAY 25 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus seeking to compel the Clerk of the Court to correct the date the remittitur was issued in Docket No. 61631, nunc pro tunc.

“A writ of mandamus is available to compel the performance of an act that the law requires . . . or to control an arbitrary or capricious exercise of discretion.” *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); see NRS 34.160. Petitioner bears the burden to show that extraordinary relief is warranted. See *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). A writ of mandamus is an extraordinary remedy, and whether a petition for extraordinary relief will be considered is solely within this court's discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991).

Having considered the petition, and reviewed the record, we are not persuaded that our extraordinary intervention is warranted here. Petitioner has not demonstrated that the Clerk of the Court failed to perform an act the law requires or arbitrarily or capriciously abused its

