

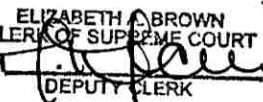
IN THE SUPREME COURT OF THE STATE OF NEVADA

DUSTON MILLER,  
Petitioner,  
vs.  
WILLIAM GITTERE,  
Respondent.

No. 86384

FILED

JUN 16 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

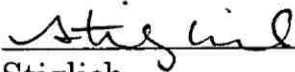
*ORDER DENYING PETITION*

This pro se original petition seeks a writ of mandamus directing respondent to provide petitioner with materials he requested from the Ely State Prison Law Library. Having considered the petition and supporting documentation, we are not persuaded that our extraordinary and discretionary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted and providing that an appeal is an adequate legal remedy precluding writ relief); *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). Petitioner Duston Miller is essentially asserting a 42 U.S.C. § 1983 civil rights claim that his constitutional right to access the courts has been violated, but he has not exhausted his administrative remedies in this regard, and once he does, he will have an adequate legal remedy in the form of a civil rights action filed in district

23-19166

court. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Stiglich

  
\_\_\_\_\_, J.  
Lee

  
\_\_\_\_\_, J.  
Bell

cc: Duston Miller  
Attorney General/Carson City