

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY BAILEY,  
Appellant,  
vs.  
SGT. BOOK AND SC/O PECK,  
Respondents.

No. 38018

FILED

SEP 04 2003

ORDER OF AFFIRMANCE

JANETTE W. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This is a proper person appeal from a district court order denying appellant's petition for a writ of mandamus. The writ petition challenged respondents' confiscation of appellant's personal items at Ely State Prison.

Appellant Anthony Bailey filed a small claims complaint in the justice's court challenging the confiscation of his items. The justice's court dismissed his small claims action. Bailey then filed a petition for a writ of mandamus in the district court, requesting the district court to order the return of his property, and for damages. The district court denied the petition for a writ of mandamus, citing Bailey's adequate remedy at law in the form of an appeal from the justice's court's dismissal.

District courts have final appellate jurisdiction over claims arising in justice's court.<sup>1</sup> A writ of mandamus is available if there is no plain, speedy, and adequate remedy at law.<sup>2</sup> Generally an appeal is an adequate legal remedy.<sup>3</sup> Here, Bailey had an adequate remedy in the form


<sup>1</sup>Nev. Const. art. 6, § 6; see JCRCP 98.

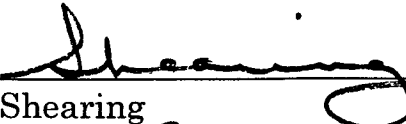
<sup>2</sup>NRS 34.170.


<sup>3</sup>Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 647-48 n.1, 5 P.3d 569, 570 n.1 (2000).

of an appeal from the justice's court's order of dismissal.<sup>4</sup> The district court properly denied his petition for a writ of mandamus. Accordingly, we affirm the judgment of the district court.

It is so ORDERED.<sup>5</sup>

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Shearing

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

cc: Hon. Dan L. Papez, District Judge  
Attorney General Brian Sandoval/Carson City  
Anthony Bailey  
White Pine County Clerk

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<sup>4</sup>See JCRCP 72, 72A, 72B.

<sup>5</sup>Although appellant was not granted leave to proceed in proper person, see NRAP 46(b), we have considered the proper person documents received from appellant.