

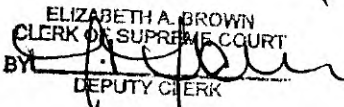
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HAROLD E. MONTAGUE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86230-COA

FILED

SEP 21 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

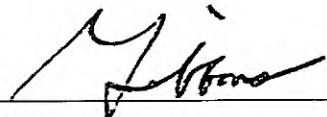
Harold E. Montague appeals from an order of the district court denying a petition for a writ of mandamus filed on December 1, 2022. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Montague filed a pro se pleading entitled “emergency petition for a writ of mandamus” in the district court. “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). This court reviews a district court decision denying writ relief for an abuse of discretion. *Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006). Montague’s bare pleading did not specify from which entity he sought relief or make any specific request for relief. Accordingly, we conclude the district court did not abuse its discretion by denying Montague’s petition. *See* NRS 34.160 (providing for when a writ may issue).

Montague raises several claims on appeal, none of which appeared in his pleading below. We decline to consider these claims in the

first instance. *See McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Mary Kay Holthus, District Judge
Harold E. Montague
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk