

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHNNY EDWARD MCMAHON,
Petitioner;
vs.
THE ELEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
PERSHING; LAS VEGAS TOWNSHIP
JUSTICE COURT; AND EIGHTH
JUDICIAL DISTRICT COURT,
Respondents,
and
THE STATE OF NEVADA; AARON D.
FORD, ATTORNEY GENERAL; THE
HONORABLE JOSEPH LOMBARDO,
GOVERNOR; STEVEN B. WOLFSON,
CLARK COUNTY DISTRICT
ATTORNEY; LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT; AND WARDEN
GARRETT,
Real Parties in Interest.

No. 87297

FILED

OCT 05 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

*ORDER DENYING PETITION FOR A
WRIT OF MANDAMUS*

This original pro se petition for a writ of mandamus seeks a writ directing the Nevada Department of Corrections to release petitioner on the basis that both the justice court and the district court lacked jurisdiction. Petitioner also alleges that the State committed prosecutorial misconduct and appears to contend that his counsel was ineffective.

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 an arbitrary or capricious exercise of discretion. See NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev.


193, 197, 179 P.3d 556, 558 (2008). Whether a petition for extraordinary writ relief will be entertained rests within this court's sound discretion, and extraordinary relief is not available when there is a "plain, speedy, and adequate remedy in the ordinary course of law." *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Petitioner bears 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).

Having reviewed the petition and the documents provided by petitioner, we conclude, without reaching the merits of any claims, that petitioner has failed to meet his burden of demonstrating that extraordinary relief is warranted. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Stiglich


_____, J.
Cadish


_____, J.
Herndon

cc: Johnny Edward McMahon
Attorney General/Carson City
Clark County District Attorney
Las Vegas Metropolitan Police Department