


IN THE SUPREME COURT OF THE STATE OF NEVADA

DARYLL LUCAS,
Petitioner,
vs.
ESMERALDA COUNTY DISTRICT
COURT,
Respondent.

No. 87343

FILED

OCT 16 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

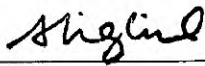
This original pro se petition for a writ of mandamus challenges the unfiled return of petitioner's motion to dismiss counsel and complains that petitioner has not been provided with the correct address to file motions in Esmeralda County.

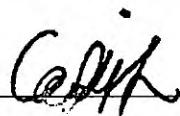
Petitioner, a prisoner, attempted to file a motion to dismiss counsel in Nye County and received a letter from the Nye County clerk indicating that petitioner needed to file the motion in Esmeralda County. Unfortunately, the Nye County clerk provided an incorrect filing address for the Esmeralda County clerk. As a result, when petitioner attempted to mail the motion to the address provided by the Nye County clerk, it was returned. Petitioner then sought the correct address from the Nevada Department of Corrections, who likewise provided petitioner with the incorrect address for the Esmeralda County clerk. Petitioner complains here that he is being denied access to the courts.

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). 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). Problematically, it is unclear from the petition what relief petitioner seeks from this court. We therefore conclude that petitioner failed to meet his burden to demonstrate extraordinary relief is warranted. Accordingly, we

ORDER the petition DENIED.¹


_____, C.J.
Stiglich


_____, J.
Cadish


_____, J.
Herndon

cc: Daryll Lucas
Esmeralda County District Attorney
Esmeralda County Clerk

¹ To the extent petitioner seeks the correct address to send his motions for filing in Esmeralda County, we note that the address listed on the Esmeralda County website is Esmeralda County Clerk/Treasurer, PO Box 547, Goldfield, NV 89013. If this address is incorrect, the Esmeralda County clerk is directed to provide petitioner with the correct address for filing motions in the Fifth Judicial District Court in Esmeralda County.