

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH GALLONI, RICKY LEE  
EGBERTO, DOUGLAS PAUL MORGAN,  
JAMES E. HEDRICK AND MARK  
AZBILL,  
Petitioners,

vs.

DIRECTOR, DEPARTMENT OF  
HUMAN RESOURCES; STATE  
HEALTH OFFICER; DIRECTOR,  
NEVADA DEPARTMENT OF PRISONS,  
Respondents.

No. 38128

FILED

SEP 05 2003

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original proper person petition for a writ of mandamus seeking an order from this court directing respondents to provide petitioners with treatment for Hepatitis-C and all prisoners educational information regarding the disease.

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,<sup>1</sup> or to control an arbitrary or capricious exercise of discretion.<sup>2</sup> The issuance of a writ "is purely discretionary" with this court.<sup>3</sup>

We have considered the petition and answer, and we are not

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<sup>1</sup>NRS 34.160.

<sup>2</sup>Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

<sup>3</sup>Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.

It is so ORDERED.<sup>4</sup>

Becker, J.  
Becker

Shearing, J.  
Shearing

Gibbons, J.  
Gibbons

cc: Attorney General Brian Sandoval/Carson City  
Mark Azbill  
Ricky Lee Egberto  
Joseph Galloni  
James E. Hedrick  
Douglas Paul Morgan

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<sup>4</sup>Although petitioners have not been granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from them and conclude that relief is not warranted. We waive the filing fee. See NRAP 21(e).