

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY POSEY,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89569

FILED

NOV 08 2024

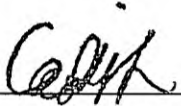
ORDER DENYING PETITION BY 
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

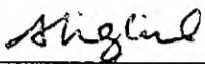
This is an original pro se petition for a writ of mandamus seeking the resolution of a mandamus petition petitioner filed in the district court on June 28, 2024.

Petitioner pleaded guilty to luring children or mentally ill persons with the use of technology with the intent to engage in sexual conduct and engaging in soliciting a child for prostitution and was sentenced to serve concurrent prison terms totaling 48-120 months in the aggregate. In his petition, petitioner contends that the State has failed to respond to the mandamus petition he filed in the district court and the district court erred by refusing to rule on it. It appears from the online district court docket entries that, on September 5, 2024, the district court determined that the mandamus petition was actually seeking habeas relief and granted the State's "Notice of Motion and Motion to Transfer Petitioner's Petition for Writ of Mandamus/Petition for Writ of Habeas Corpus to Originating Department" pursuant to NRS 34.730. However, petitioner failed to provide a copy of the motion or the September 5 order to this court, and thus, it is unclear from the documents before us whether the petition has been transferred to the originating department, Department 22, or remains pending before the initial department, Department 24, or if the order did something different altogether. See NRAP 21(a)(4).

As a result, having considered the petition and documents submitted by petitioner, we are not convinced that our extraordinary and discretionary intervention is warranted at this time. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing that such relief is warranted); *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). It appears that the mandamus petition may have been recently transferred, and we expect that the district court will promptly resolve any issues raised in the petition that remain pending. As petitioner has failed to demonstrate that our intervention by extraordinary writ is warranted, we decline to exercise our original jurisdiction in this matter. See NRAP 21(b). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Cadish


_____, J.
Stiglich


_____, J.
Herndon

cc: Hon. Erika Ballou, District Judge
Hon. Susan Johnson, District Judge
Anthony Posey
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk