


IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY MCMAHON,  
Petitioner,  
vs.  
THE FIFTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF NYE,  
Respondent.

No. 90042

**FILED**

FEB 21 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING MANDAMUS PETITION*

This is an original pro se petition for a writ of mandamus challenging the district court's dismissal of petitioner's postconviction petition for a writ of habeas corpus and failure to transfer the petition to the appropriate county.


Petitioner was convicted of robbery with the use of a deadly weapon and sentenced to serve consecutive prison terms totaling 9-22.5 years in the aggregate. In this original petition, petitioner is challenging the district court's dismissal of his habeas petition and its failure to transfer the petition to the appropriate county after determining that he filed the petition in the wrong county. *See* NRS 34.738(1)(a) (providing that the petition should be filed in "[t]he district court for the county in which the petitioner is incarcerated"); NRS 34.738(2)(b) (providing that when a petition is filed in the wrong county, the petition "[m]ust be transferred by the clerk of that court to the clerk of the district court for the appropriate county"). According to petitioner, Nye County failed to transfer his petition to White Pine County. Importantly, we note that petitioner currently has an appeal pending in this court in Docket No. 89593 in which he is challenging the district court's dismissal of his habeas petition; therefore, it

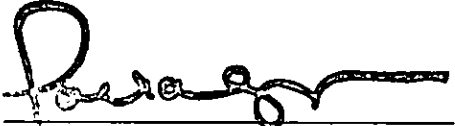
appears that petitioner has already initiated "a plain, speedy and adequate remedy in the ordinary course of law." NRS 34.170

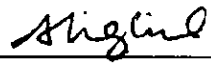
Petitioner bears the burden of showing that extraordinary relief is warranted. *See Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). We conclude that petitioner has failed to demonstrate our intervention by extraordinary writ is warranted. *Smith v. Eighth Jud. Dist. Ct.*, 107 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). Therefore, we decline to exercise our original jurisdiction in this matter. *See* NRAP 21(b).

Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Herndon

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. Kimberly A. Wanker, District Judge  
Jeffrey McMahon

Attorney General/Carson City  
Nye County Clerk