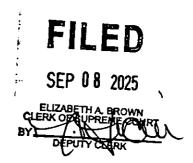
IN THE SUPREME COURT OF THE STATE OF NEVADA

JEB JAMES, Petitioner, vs. NEVADA DEPARTMENT OF CORRECTIONS, Respondent.

No. 91131



ORDER DENYING PETITION

This is a pro se original petition for a writ of mandamus seeking to compel the Nevada Department of Corrections to return petitioner to incarceration in the State of Nevada. 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 Jud. Dist. Ct., 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. D.R. Horton, Inc. v. Eighth Jud. Dist. Ct., 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims raised therein, we decline to exercise original jurisdiction in this matter. NRS 34.160; NRS 34.170; Pan v. Eighth Jud. Dist. Ct., 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004) (observing that a petitioner bears

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the burden of demonstrating that extraordinary relief is warranted). Accordingly, we

ORDER the petition DENIED.

Herndon, C.J.

Parraguirre, J.

Stiglich, J

cc: Jeb James Attorney General/Carson City