

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMY C. LUCIANO,  
Petitioner,

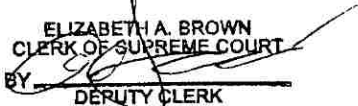
vs.

JOSEPH LOMBARDO, IN HIS  
OFFICIAL CAPACITY AS GOVERNOR  
OF THE STATE OF NEVADA, AND  
THE STATE OF NEVADA  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, DIVISION OF  
SUPPORTIVE SERVICES (DSS),  
Respondents.

No. 91533

FILED

NOV 07 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION*

This original petition for a writ of mandamus or prohibition seeks to compel the governor take certain actions to prevent statewide food insecurity and to ensure the continuity of food assistance during the federal government shutdown. In particular, petitioner seeks to direct the governor to declare an emergency under NRS Chapter 414 in order to utilize funds from the Emergency Assistance Account and/or Contingency Account (NRS Chapter 353), to convene a special legislative session, to cease further inaction endangering the public welfare, and related relief.

A writ of mandamus may be issued to compel a legally required act or to control an arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981); *see also* NRS 34.160, and a writ of prohibition is available to curb jurisdictional excesses, NRS 34.330. Having reviewed the petition and accompanying motion to compel the release of emergency assistance funds,

and while we recognize the serious concerns raised therein, we conclude that writ relief is unavailable here.

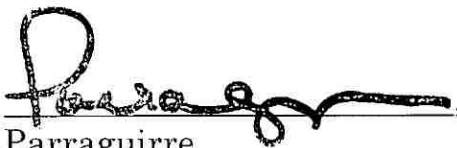
To obtain such relief from this court, petitioner must show that the governor (or the Department of Health and Human Services) has a clear ministerial duty to act but has refused to do so, or that the governor has arbitrarily or capriciously exercised his discretion in acting. *Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 680-81, 476 P.3d 1194, 1196-97 (2020). No material facts can be in dispute. *See, e.g., Poulos v. Eighth Jud. Dist. Ct.*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982) (recognizing that this court's extraordinary intervention is reserved "for those cases in which there was no question of fact, and in which a clear question of law . . . [is] presented for our review"). But petitioner has provided no appendix in support of her assertions, *see* NRAP 21(a)(4) (providing that the petitioner must submit an appendix containing all documents "essential to understand the matters set forth in the petition"), and it is not clear that the situation described by petitioner is undisputedly a "man-made emergency" to which NRS Chapter 414 applies, *see* NRS 414.0345 (recognizing that the definition of "emergency" depends on "the determination of the Governor"). Further, while NRS Chapter 414, NRS Chapter 353, and Article 5, Section 9 of the Nevada Constitution empower the governor to act in certain situations, petitioner has pointed to no provision in those chapters or in Article 5 *requiring* the governor to act in the manner she proposes.

Moreover, petitioner has acknowledged that the governor has taken some actions in light of the government shutdown's impact on food assistance. While she disagrees that the actions are sufficient, she has not demonstrated that the governor has acted arbitrarily or capriciously.

Outside of statutory or constitutional mandate, it is not this court's role to direct the governor how to employ his powers. Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

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

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

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

cc: Amy C. Luciano  
Attorney General/Carson City

---

<sup>1</sup>Petitioner's request to advance the deadline for emergency relief to November 4, 2025, is denied as moot.