

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARSHALL VAN BARKER,
Petitioner,

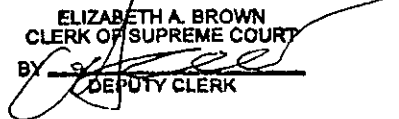
vs.

THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE;
AND THE HONORABLE ROBERT W.
LANE, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 91823

FILED

JAN 07 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying a pretrial petition for a writ of habeas corpus.¹

Having reviewed the petition and supporting documents, we conclude that petitioner has not met his burden of demonstrating that our extraordinary intervention is warranted in this matter. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (explaining that petitioners bear the burden of demonstrating that extraordinary relief is warranted); *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (stating that this court has sole discretion in determining if a writ petition will be considered). *See Kussman v. Eighth Jud. Dist. Ct.*, 96 Nev. 544, 546, 612 P.2d 679, 680 (1980) (recognizing that this court's review

¹As the filing fee in this matter has been waived, petitioner's motion for leave to proceed in forma pauperis is denied as moot. Petitioner's motion to treat this matter as an emergency under NRAP 27(e) is also denied, as petitioner has not demonstrated that the rule's requirements have been met.

of orders denying pretrial habeas would frustrate the legislative purpose and noting that, additionally, considerations of judicial economy and sound judicial administration generally militate against reviewing pretrial probable cause determinations by mandamus petition). Accordingly, we

ORDER the petition DENIED.

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Lee, J.
Lee

cc: Hon. Robert W. Lane, District Judge
Battlefront Legal LLC
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk