

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GEORGIO MONT SER,
Appellant,
vs.
RONALD OLIVER, WARDEN AND THE
STATE OF NEVADA,
Respondents.

No. 91705-COA

ORDER OF AFFIRMANCE

Georgio Mont Ser appeals from a district court order denying a petition for a writ of mandamus filed on September 29, 2025. Eighth Judicial District Court; Eric Johnson, Judge.

In his petition, Ser sought transcripts from a hearing held on August 29, 2024. He claimed he had filed a motion for transcripts two months before but had yet to receive the transcripts. 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, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of mandamus will not issue if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. A petitioner “carr[ies] the burden of demonstrating that extraordinary relief is warranted.” *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). “We generally review a district court’s grant or denial of writ relief for an abuse of discretion.” *Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006).

The district court denied the mandamus petition because Ser had an adequate remedy to seek the transcripts by filing a proper motion for

transcripts with the required fees, *see* NRS 3.370, or by filing a motion for transcripts at state expense, *see Peterson v. Warden*, 87 Nev. 134, 136, 483 P.2d 204, 205 (1971); *superseded by statute on other grounds as stated in Renteria-Novoa v. State*, 133 Nev. 75, 77, 391 P.3d 760, 762 (2017). We agree and conclude the district court did not abuse its discretion by denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Eric Johnson, District Judge
Clark County District Attorney
Georgio Mont Ser
Eighth District Court Clerk

¹On appeal, Ser raises several additional claims that were not raised in his petition for writ of mandamus below. Because the claims were not raised below, we decline to consider them on appeal in the first instance. *State v. Wade*, 105 Nev. 206, 209 n.3, 772 P.2d 1291, 1293 n.3 (1989). To the extent Ser presents argument in his pro se notice of appeal, such argument is improperly raised, and we do not consider it. *See* NRAP 3(c) (providing the contents of a notice of appeal); *see also* NRAP 28(k) (stating an appellant “proceeding without assistance of counsel may file the form brief provided by the clerk of the Supreme Court in lieu of the brief described in Rule 28(a)”).