

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE MICHAEL COX,
Petitioner,

vs.

THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
EUREKA, AND THE HONORABLE
DAN L. PAPEZ, DISTRICT JUDGE,
Respondents,

and

WILLIAM B. RIRIE HOSPITAL, AND
WILLIAM B. RIRIE HOSPITAL X-RAY
TECHNICIANS,
Real Parties in Interest.

No. 38992

FILED

JAN 17 2002

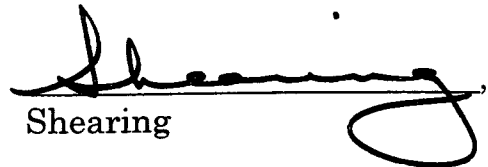
JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

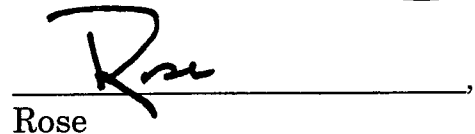
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

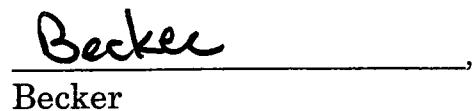
This is an original proper person petition for a writ of mandamus compelling the district court to enter a default judgment in favor of petitioner. The only documentation submitted in support of the petition is a copy of a request for submission of petitioner's motion for default judgment, dated March 15, 2001. The document is not file-stamped by the district court, although petitioner attempted to hand-write a "file-stamp." The motion itself is not attached to the petition, and petitioner did not submit any other documentation in support of his request. Petitioner also claims that the district court clerk refused to file several of his submissions. Petitioner did not attach copies of the submissions, or any other documentation, in support of his claims.

We conclude that petitioner has not demonstrated that extraordinary relief is warranted.¹ We note, however, that our case law clearly establishes the district court clerk's duty to file all submissions that are in proper form,² and remind the clerk of her duties in this regard to the extent that petitioner's claims are true. Accordingly, we

ORDER the petition DENIED.³

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Dan L. Papez, District Judge
Steve Michael Cox
Attorney General/Carson City
Eureka County Clerk

¹See NRAP 21(a) and (b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991) (providing that whether to issue a writ of mandamus is discretionary with this court).

²See, e.g., Sullivan v. District Court, 111 Nev. 1367, 904 P.2d 1039 (1995); Donoho v. District Court, 108 Nev. 1027, 842 P.2d 731 (1992); Bowman v. District Court, 102 Nev. 474, 728 P.2d 433 (1986) (recognizing that the clerk of the district court has a duty to file documents and to keep an accurate record of the proceedings before the court).

³Although petitioner was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from him. Also, petitioner has established good cause to excuse payment of the filing fee, see NRAP 21(e), and so no filing fee is due for this petition.