

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARY JANE AUSTIN,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
KATHY A. HARDCASTLE, DISTRICT
JUDGE,
Respondents,
and
SAHARA HOTEL & CASINO,
Real Party in Interest.

No. 40481

FILED

APR 09 2003

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original proper person petition for a writ of mandamus requests that this court direct the district court to enter a written order so that petitioner can appeal to this court. A writ of mandamus is available to compel the district court to perform a required act,¹ or to control an arbitrary or capricious exercise of discretion.²


¹NRS 34.160.


²Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.³ Accordingly, we

ORDER the petition DENIED.⁴


Shearing, J.


Leavitt, J.


Becker, J.

³See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

⁴See NRAP 21(a) (placing burden on petitioner to provide this court with a statement of facts necessary for this court to understand all the issues raised in the petition, and to attach all documents needed for this court to render its decision); Nev. Const. art. 6, § 6 (granting district courts final appellate jurisdiction in cases arising in justice's courts and such other inferior tribunals as may be established at law); Tripp v. City of Sparks, 92 Nev. 362, 550 P.2d 419 (1976) (holding that a municipal court conviction appealed to the district court is not subject to further review by appeal to this court). Although petitioner was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from petitioner. We conclude that the documents submitted by the petitioner demonstrate good cause to waive the filing fee. See NRAP 21(e).

cc: Hon. Kathy A. Hardcastle, District Judge
Matthew E. McCaughey
Mary Jane Austin
Clark County Clerk