

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY JAMES BRAWLEY, A/K/A
LORNE DOUGLAS RICHARDSON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND, THE HONORABLE LISA
BROWN, DISTRICT JUDGE, FAMILY
COURT DIVISION,

Respondents,

and

LISA MARIE BRAWLEY, F/K/A LISA
MARIE RICHARDSON,
Real Party in Interest.

No. 41198

FILED

MAY 07 2003

JANETTE M. SLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus seeks an order from this court directing the district court to resolve petitioner's motion for clarification of custodial rights.

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,¹ or to control an arbitrary or capricious exercise of discretion.² The issuance of either writ "is purely discretionary" with this court.³ We


¹NRS 34.160.

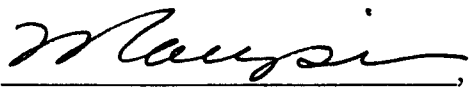
²Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).


³Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.⁴

It is so ORDERED.⁵


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Lisa Brown, District Judge, Family Court Division
Jeffrey James Brawley
Lisa Marie Brawley
Clark County Clerk

⁴See NRAP 21(b); see also NRS 125A.050(1)(a) (providing that a court of this state only has jurisdiction to make a child custody determination if this state is the home state of the child or the child has lived in this state for six months previous to commencement of the proceedings).

⁵Although 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. Petitioner submitted a motion for leave to proceed in forma pauperis. We conclude that petitioner has demonstrated that good cause exists to waive the filing fee in this matter. See NRAP 21(e).