

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID E. ST. PIERRE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND, THE HONORABLE
SALLY L. LOEHRER, DISTRICT
JUDGE, THE HONORABLE SHIRLEY
B. PARRAGUIRRE, CLARK COUNTY
CLERK,
Respondents,
THE STATE OF NEVADA,
Real Party in Interest.

No. 41304

FILED

SEP 15 2004

JANETTE M. BLOOM
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 requests that this court order the Eighth Judicial District Court and Clark County Clerk to furnish petitioner with copies of certain documents free of charge.

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 Mandamus will not issue, however, if petitioner has a plain, speedy and adequate remedy at law.³ Further, mandamus is an extraordinary

¹See NRS 34.160.

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

³NRS 34.170.

remedy, and whether a petition will be entertained is entirely within the discretion of this court.⁴

We have considered this petition, and we are not satisfied that our intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.⁵

It is so ORDERED.⁶

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. Sally L. Loehrer, District Judge
David E. St. Pierre
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁴Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982); see also Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

⁵NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851.

⁶We deny as moot petitioner's motion for leave to proceed in forma pauperis in this court. The filing fee was waived when petitioner filed his petition for writ of mandamus.