

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID E. ST. PIERRE,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND RONALD A. LONGTIN,
JR., CLERK OF THE COURT,
Respondents.

No. 41306

FILED

SEP 15 2004

JANETTE 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 asks this court to order the Washoe District Court Clerk to file several documents petitioner allegedly sent to the Second Judicial District Court.

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

¹See NRS 34.160.

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

³NRS 34.170.

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).

We have considered this petition, and we are not satisfied that our intervention by way of extraordinary relief is warranted at this time. This writ petition appears to raise disputed issues of fact, which this court is ill-suited to resolve.⁵ As we have previously noted, “[w]hen disputed factual issues are critical in demonstrating the propriety of a writ of mandamus, the writ should be sought in the district court, with appeal from an adverse judgment to this court.”⁶ Here, it appears that petitioner has filed a writ petition in the district court requesting the same relief. According to the documentation presented to this court, petitioner’s writ petition remains pending in the district court. Consequently, our intervention at this stage is unwarranted, and we deny the petition.⁷

It is so ORDERED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. Jerome Polaha, District Judge
Washoe County District Attorney Richard A. Gammick
David E. St. Pierre
Washoe District Court Clerk

⁵Round Hill, 97 Nev at 604, 637 P.2d at 536.

⁶Id.

⁷NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851.