

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN SZCZEPANIK,  
Appellant,  
vs.  
LOVELOCK CORRECTIONAL CENTER  
AND NEVADA DEPARTMENT OF  
CORRECTIONS,  
Respondents.

No. 42484

FILED

MAR 04 2004

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order that denied appellant's petition for a writ of mandamus. Appellant is an inmate who requested a specific housing arrangement and asserted that he should receive mental health therapy. He petitioned the district court to issue a writ of mandamus directing the Nevada Department of Corrections to house him in a single medical cell, provide him with mental health treatment, and cease attempts to transfer him to another prison. The district court denied his petition.

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,<sup>1</sup> or to control an arbitrary or capricious exercise of discretion.<sup>2</sup> Mandamus will not issue, however, if petitioner has a plain, speedy and adequate remedy at law.<sup>3</sup> Further, mandamus is an extraordinary

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<sup>1</sup>See NRS 34.160.

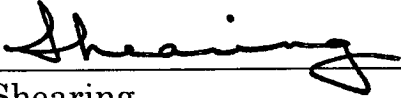
<sup>2</sup>See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).


<sup>3</sup>NRS 34.170.

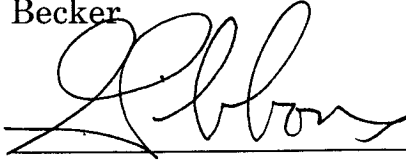
remedy, and whether a petition will be considered is entirely within the discretion of the court.<sup>4</sup>

A district court's decision to grant or deny a writ petition is reviewed by this court under an abuse of discretion standard.<sup>5</sup> Our review of the record reveals no abuse of discretion in this case. Szczepanik failed to substantiate his allegations or advance any argument that would entitle him to relief. The district court was justified in denying his petition. Accordingly, we affirm the judgment of the district court.

It is so ORDERED.

 \_\_\_\_\_, C.J.  
Shearing

 \_\_\_\_\_, J.  
Becker

 \_\_\_\_\_, J.  
Gibbons

cc: Hon. John M. Iroz, District Judge  
Attorney General Brian Sandoval/Carson City  
Stephen Szczepanik  
Pershing County Clerk

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<sup>4</sup>Poulos 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).

<sup>5</sup>City of Reno v. Reno Gazette-Journal, 119 Nev. \_\_\_, 63 P.3d 1147 (2003).