

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONNELLE B. JOHNSON,  
Appellant,  
vs.  
NEVADA DEPARTMENT OF  
CORRECTIONS,  
Respondent.

No. 42573

**FILED**

**OCT 18 2006**

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 denying a petition for a writ of mandamus. Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

Appellant Donnelle B. Johnson petitioned the district court for a writ of mandamus compelling respondent, the Nevada Department of Corrections (NDOC), to provide him with a copy of his FBI fingerprint card and to follow rules and regulations designed to provide inmates with "meaningful and substantial" responses to grievances. The district court, determining that Johnson had failed to establish a clear legal right to the relief requested or any sufficient basis for intervention, denied the petition. Johnson appeals.<sup>1</sup>

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<sup>1</sup>Although Johnson did not request, and accordingly was not granted, leave to proceed in proper person, see NRAP 46(b), we have received and considered the proper person documents submitted by him, including his (proposed) opening brief. While Johnson was assertedly unable to serve his (proposed) opening brief on NDOC because he had reached the prison copy fee debt limit, in light of this order, Johnson's requests for relief from the copy fee debt limit are denied as moot. His  
*continued on next page . . .*

This court reviews a district court order denying a petition for a writ of mandamus for abuse of discretion.<sup>2</sup> While a writ of mandamus is available to compel the performance of an act that the law requires as a duty, or to control an arbitrary or capricious exercise of discretion,<sup>3</sup> it will issue only when a clear legal right to the requested relief is shown.<sup>4</sup>

Here, Johnson's petition does not point to any legal authority entitling him to a photocopy of his FBI fingerprint card, nor does any such authority appear to exist.<sup>5</sup> Moreover, the record does not substantiate his claim that NDOC failed to properly respond to his grievances or disregarded any rules or regulations with respect to Johnson's print card requests.<sup>6</sup> Finally, for these same reasons, the district court did not abuse its discretion by denying the writ petition before having received any

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*... continued*

request that a copy of his proposed motion to extend the copy fee debt limit be returned to him is granted; the clerk of this court shall return to appellant his February 2, 2004 motion.

<sup>2</sup>Willmes v. Reno Mun. Ct., 118 Nev. 831, 835, 59 P.3d 1197, 1200 (2002).

<sup>3</sup>NRS 34.160.


<sup>4</sup>Conklin Ex Rel. v. Buckingham, 58 Nev. 450, 453, 83 P.2d 462, 463 (1938).

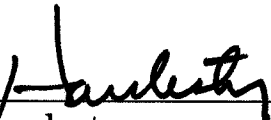
<sup>5</sup>None of the authorities cited by Johnson, including NRS 34.430, NRS 209.131, and 28 C.F.R. § 16, entitle him to a copy of his FBI fingerprint card. Further, Johnson's petition failed to demonstrate that a copy of the FBI fingerprint card at issue is necessary to correct criminal file information.

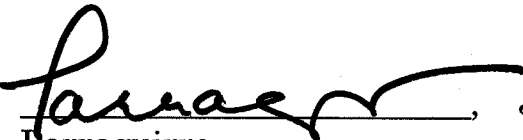
<sup>6</sup>See generally Sandin v. Conner, 515 U.S. 472, 481-82 (1995) (recognizing that prison regulations provide guidance to those persons who administer prisons and generally do not confer rights on inmates).

NDOC answer.<sup>7</sup> Accordingly, we affirm the district court's order denying Johnson's petition for a writ of mandamus.

It is so ORDERED.

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

 \_\_\_\_\_, J.  
Hardesty

 \_\_\_\_\_, J.  
Parraguirre

cc: Hon. Richard Wagner, District Judge  
Donnelle B. Johnson  
Attorney General George Chanos/Carson City  
Pershing County Clerk

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<sup>7</sup>See NRS 34.210.