

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL W. CRIPPS,
Petitioner,

vs.

THE SEVENTH JUDICIAL
DISTRICT COURT OF THE STATE
OF NEVADA, IN AND FOR THE
COUNTY OF WHITE PINE, AND
THE HONORABLE JOSEPH S.
PAVLIKOWSKI, SENIOR JUDGE,

Respondents,

and

DONNA M. BATH, CLERK OF THE
SEVENTH JUDICIAL DISTRICT
COURT, WHITE PINE COUNTY,
Real Party in Interest.

No. 43679

FILED

OCT 19 2004


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

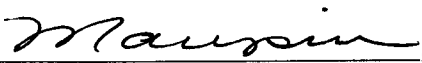
ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This proper person petition for a writ of mandamus seeks to compel the Seventh Judicial District Court to hold a hearing on petitioner's NRS 283.440 complaint. We have considered this petition, and we are not satisfied that this court's intervention by way of

extraordinary relief is warranted at this time.¹ Accordingly, we deny the petition.²

It is so ORDERED.³


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

¹We note that a writ of mandamus will issue only when a clear legal right to the requested relief is shown. Conklin Ex Rel. v. Buckingham, 58 Nev. 450, 453, 83 P.2d 462, 463 (1938). It appears that petitioner failed to pay the filing fee due in the district court on his complaint. There is no right to the commencement of civil proceedings for which filing fees have not been paid or waived. See, e.g., Hawkins v. 8th District Court, 67 Nev. 248, 257-58, 216 P.2d 601, 605-06 (1950) (noting that NRS 283.440 actions are civil in nature) (citing Ex Parte Jones and Gregory, 41 Nev. 523, 530, 173 P. 885, 887 (1918)) (McCarran, J., concurring); NRS 19.020(4) (providing that civil actions may not proceed until court fees are paid); NRS 12.015 (governing the waiving of civil action filing fees for indigent persons).

²See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

³We conclude that petitioner has demonstrated good cause to waive the filing fee in this appeal, see NRAP 21(e); therefore, no filing fee is due.

cc: Hon. Joseph S. Pavlikowski, Senior Judge
White Pine County District Attorney
Michael W. Cripps
White Pine County Clerk