

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILIP THOMSON, JR.,  
Petitioner,  
vs.  
DIRECTOR, NEVADA DEPARTMENT  
OF CORRECTIONS,  
Respondent.

No. 51319

**FILED**

MAY 05 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS

This is a proper person petition for a writ of mandamus challenging respondent's alleged noncompliance with NRS 209.425.

A writ of mandamus is available to compel the performance of an act that the law requires, or to control an arbitrary or capricious exercise of discretion.<sup>1</sup> Writ petitions are addressed to the sound discretion of this court.<sup>2</sup> Further, such writs may issue only when there is no plain, speedy, and adequate remedy at law.<sup>3</sup>

Here, without attaching any supporting documents, petitioner alleges that respondent failed to enroll petitioner in a treatment program under NRS 209.425. Writ relief is not available, however, when an

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<sup>1</sup>See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

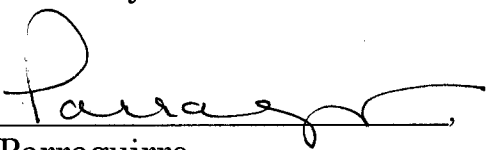
<sup>2</sup>Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

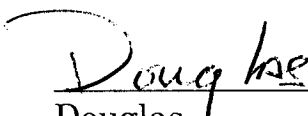
<sup>3</sup>NRS 34.170; NRS 34.330.

adequate and speedy legal remedy exists.<sup>4</sup> Here, petitioner may file a civil action in the district court to address his complaint. Under these circumstances, our intervention by way of extraordinary relief is not warranted. We therefore deny the petition.<sup>5</sup>

It is so ORDERED.<sup>6</sup>

 J.  
Hardesty

 J.  
Parraguirre

 J.  
Douglas

cc: Philip Thomson Jr.  
Attorney General Catherine Cortez Masto/Carson City

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<sup>4</sup>NRS 34.170; D.R. Horton v. Dist. Ct., 123 Nev. \_\_, \_\_, 168 P.3d 731, 736 (2007).

<sup>5</sup>See NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851.

<sup>6</sup>Having considered petitioner's March 25, 2008 motion to proceed in forma pauperis, we conclude that petitioner has demonstrated his indigent status, and thus a fee waiver is appropriate. Accordingly, no filing fee is due for this petition. NRAP 21(e).