

IN THE SUPREME COURT OF THE STATE OF NEVADA

MITCHELL FIELDS,
Petitioner,
vs.
DIRECTOR, NEVADA DEPARTMENT
OF CORRECTIONS,
Respondent.

No. 51320

FILED

MAY 08 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original proper person petition for a writ of mandamus seeking to direct respondent to provide appropriate medical treatment to petitioner.

Under NRAP 21(a), a petition for extraordinary relief must contain, among other things, statements of “the facts necessary to an understanding of the issues presented by the application,” the issues presented and the relief sought, and the reasons why the writ should issue.¹ Thus, because petitioner bears the burden of demonstrating that extraordinary relief is warranted,² he must provide this court with any and all materials that are “essential to an understanding of the matters

¹See Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004).

²Id. at 228-29, 88 P.3d at 844.

set forth in the petition.”³ Further, we have consistently held that we generally will not entertain a petition for writ relief unless it is first sought in district court,⁴ particularly when there appear to be material disputed factual issues.⁵

Having reviewed the petition, we are not persuaded that writ relief is warranted. First, petitioner failed to provide copies of documents that are essential to our understanding of the matters addressed in his petition.⁶ Second, petitioner failed to first file his petition for writ relief in district court.⁷ Moreover, as the petition necessarily raises a material disputed factual issue concerning what is adequate medical treatment for petitioner’s condition, it is not appropriate for our review at this time. Accordingly, we deny the petition.

³NRAP 21(a).

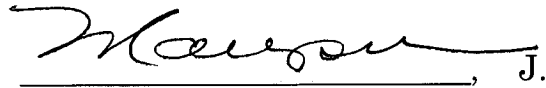
⁴Southwest Gas Corp. v. Public Serv. Comm’n, 92 Nev. 43, 57, 546 P.2d 219, 224-225 (1976); see also State of Nevada v. Justice Court, 112 Nev. 803, 805 n.3, 919 P.2d 401, 402 n.3 (1996); LaPorta v. Broadbent, 91 Nev. 27, 29, 530 P.2d 1404, 1405 (1975).

⁵Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981).

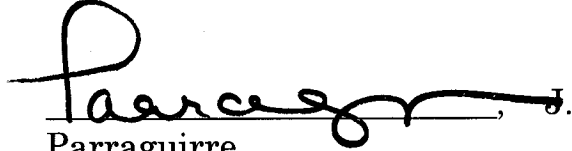
⁶NRAP 21(a); see also Pan, 120 Nev. at 228-29, 88 P.3d at 844.

⁷We note that petitioner’s alternative remedy, may be to seek an injunction in the district court to compel respondent to provide the requested treatment to petitioner.

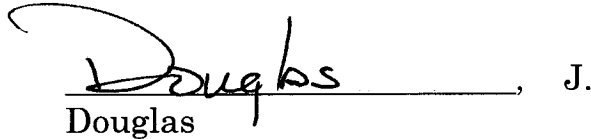
It is so ORDERED.⁸

 J.

Maupin

 J.

Parraguirre

 J.

Douglas

cc: Mitchell Fields
Attorney General Catherine Cortez Masto/Carson City

⁸Petitioner filed a motion to proceed in forma pauperis. Having considered the motion, we conclude that petitioner has demonstrated his indigency, and so a fee waiver is appropriate. Accordingly, no filing fee is due for this petition. NRAP 21(e). Further, we note that petitioner filed a motion for “leave to file proper person papers” on March 25, 2008. To the extent that petitioner’s March 25 motion refers to this petition, we deny his request as moot since the petition was filed when received on March 25, 2008. To the extent that petitioner in his March 25 motion is requesting leave to file papers in addition to his writ petition, we also deny that request since petitioner’s motion fails to indicate what additional documents he wished to file.