

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEXANDER OCASIO,
Petitioner,
vs.
THE STATE BAR OF NEVADA,
Respondent.

No. 53171

FILED

JUL 24 2009

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus challenges respondent State Bar of Nevada's failure to properly pursue petitioner's grievance against Bar Counsel.¹ As directed, respondent timely filed an answer, and petitioner submitted a proposed reply.²

A writ of mandamus is available to compel the performance of an act that the law requires or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). Mandamus is an extraordinary remedy, however, and the decision to entertain such a petition is addressed to our sole discretion. See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982).

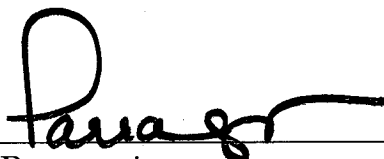
¹The petition also challenged respondent's failure to present petitioner's grievance against his former criminal defense counsel to a screening panel; this portion of the petition was denied in our March 5, 2009, order. We deny petitioner's March 13, 2009, motion for reconsideration of that order. As we have considered the motion, we direct the clerk of this court to file it.

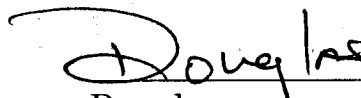
²We direct the clerk of this court to file the proposed reply provisionally received on April 13, 2009.

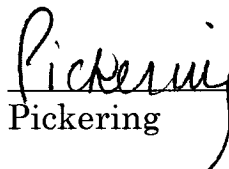
Petitions for extraordinary relief generally may only issue when there is no plain, speedy, and adequate remedy at law. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Petitioner bears the burden to demonstrate that our extraordinary intervention is warranted. Id. at 228, 88 P.3d at 844.

Here, respondent's answer demonstrates that petitioner has a plain, speedy, and adequate remedy in the procedure set forth in SCR 104(3). Accordingly, writ relief is unavailable, and we

ORDER the petition DENIED.³


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Alexander Ocasio
State Bar of Nevada/Las Vegas

³We grant petitioner's requests to waive the filing fee in this matter. NRAP 21(e).