

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD ELRY MORRISON,  
Petitioner,  
vs.  
EIGHTH DISTRICT COURT CLERK,  
Respondent.

No. 53178

**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 seeks enforcement of this court's writ of mandamus, issued in Docket No. 49756 on February 14, 2008, directing the Eighth District Court Clerk to file documents properly submitted by petitioner and to return file-stamped copies if petitioner provided an extra copy and a postage-paid envelope. Petitioner claims in the instant petition that the district court clerk has failed to file a complaint he has submitted. We construe this petition seeking enforcement as a petition for a writ of mandamus.

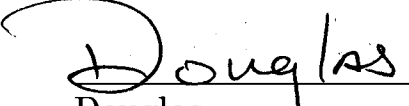
A writ of mandamus is available to compel the performance of an act that the law requires or to control a manifest abuse of discretion. NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Mandamus is an extraordinary remedy, and whether a petition will be considered is within our sole discretion. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden to demonstrate that our intervention by way of extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

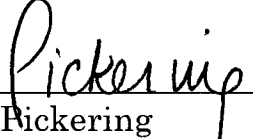
Having reviewed the writ petition and supporting documents, we conclude that extraordinary relief is not warranted. Specifically, the

documents, including the supplemental exhibits,<sup>1</sup> submitted by petitioner establish that the district court clerk has instructed petitioner that he needs to submit a proper motion and proposed order to proceed in forma pauperis or pay the filing fee in order to receive a case number and have the case assigned to a department. Once petitioner has complied with this requirement, we expect that petitioner's complaint will be properly filed and assigned to a department. As a result, petitioner has failed to establish that extraordinary relief is necessary at this time. Accordingly, we

ORDER the petition DENIED.<sup>2</sup>

 J.  
Parraguirre

 J.  
Douglas

 J.  
Pickering

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<sup>1</sup>Petitioner submitted a motion to file supplemental exhibits to his writ petition. We grant the motion and direct the clerk of this court to file the supplemental exhibits provisionally received in this court on March 6, 2009.

<sup>2</sup>Petitioner filed a motion to proceed in forma pauperis. Good cause appearing, we hereby waive petitioner's filing fee. NRAP 21(e).

cc: Edward Elry Morrison  
Attorney General Catherine Cortez Masto/Carson City  
Eighth District Court Clerk