

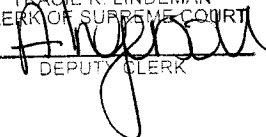
IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN STEVEN OLAUSEN,  
Petitioner,  
vs.  
NEVADA COMMISSION ON JUDICIAL  
DISCIPLINE,  
Respondent.

No. 58719

**FILED**

JAN 24 2013

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 and a “motion to disqualify justices.”<sup>1</sup>

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Writ relief is generally not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; International Game Tech., 124 Nev. at 197, 179 P.3d at 558. It is within our discretion to determine if a writ petition will be considered.

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<sup>1</sup>Although petitioner challenges the actions of each of the justices of this court in the petition, we determine that we have a duty to sit and decide this matter. See In re Ross, 99 Nev. 1, 10, 656 P.2d 832, 837 (1983) (recognizing the “rule of necessity” exception to judicial disqualification, in which disqualification is inappropriate when such disqualification “would leave the parties without a forum”).

Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Petitioner asserts that the justices of this court have exhibited bias against him and committed misconduct in various ways in connection with appeals previously filed by him in this court, as well as in connection with a pardons board proceeding.<sup>2</sup> As a result, he seeks to have this court's justices investigated by the Nevada Commission on Judicial Discipline, and he asks that the justices be recused from presiding in his cases. While petitioner disagrees with this court's decisions, he has not demonstrated that any justice of this court has committed misconduct requiring investigation or recusal.

Moreover, with regard to the relief sought in this petition, petitioner has not shown that the Nevada Commission on Judicial Discipline has either failed to take any action that it is required by law to perform or taken any action that would constitute an arbitrary or capricious exercise of discretion. See International Game Tech., 124 Nev. at 197, 179 P.3d at 558. Thus, he has not established that extraordinary relief is warranted. See Pan, 120 Nev. at 228, 88 P.3d at 844.

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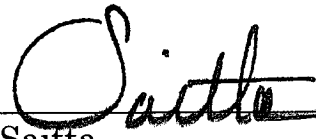
<sup>2</sup>With regard to petitioner's allegations regarding the denial of a pardon, we note that the State Board of Pardons Commissioners is made up of nine members, including the Governor and the Attorney General, see NRS 213.010(1), and that the members of the Board may not grant a pardon without the approval of the Governor. See Nev. Const. art. 5, § 14(1).

Accordingly, we deny the petition and all other relief sought by petitioner.<sup>3</sup>  
NRAP 21(b)(1).

It is so ORDERED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: John Steven Olausen  
Nevada Commission on Judicial Discipline

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<sup>3</sup>We direct the clerk of this court to file petitioner's July 8, 2011, letter regarding waiver of the filing fee. As the filing fee was waived in this proceeding, we take no further action with regard to this letter. We also direct the clerk of this court to file petitioner's "judicial notice and affidavit," provisionally received by this court on July 12, 2011. To the extent that petitioner seeks to have this court take judicial notice of the assertions in the filing, we decline to do so. As petitioner does not appear to seek any relief in the document, no further action will be taken as to it.