

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERCY LAVAE BACON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DOUG SMITH, DISTRICT JUDGE,
Respondents,
and
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Real Party in Interest.

No. 60470

FILED

APR 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *D. Malone*
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

This is an original proper person petition for a writ of mandamus or prohibition seeking to direct respondent, Doug Smith, District Judge, to permit petitioner to intervene and become a claimant in a forfeiture action.¹

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. NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be

¹Petitioner provided this court with documents indicating that he filed in the district court forfeiture action a “pro se motion to appear, defend, and plead, as a[n] interested person,” a “first amended co-complaint as a real interest party,” and a “pro se first amended pro se motion to join” in the action. He did not provide copies of any district court orders that he seeks to challenge related to these filings.

warranted when the district court exceeds its jurisdiction. NRS 34.320. Where there is no plain, speedy, and adequate remedy in the ordinary course of law, NRS 34.170; NRS 34.330, extraordinary relief may be available. Smith v. District Court, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Either writ is an extraordinary remedy, and whether such a writ will be considered is within this court's sole discretion. Id. at 677, 818 P.2d at 851. It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and its supporting documents, we conclude that our intervention by way of extraordinary relief is not warranted. NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851.

Accordingly, we

ORDER the petition DENIED.

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Doug Smith, District Judge
Percy Lavae Bacon
Clark County District Attorney
Eighth District Court Clerk