

IN THE SUPREME COURT OF THE STATE OF NEVADA

RENARD TRUMAN POLK,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE SIXTH JUDICIAL
DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY
OF PERSHING,

Respondents,
and

THE STATE OF NEVADA; ROBERT
LEGRAND, WARDEN; WILLIAM
SANDIE; TARA CARPENTER;
CATHERINE CORTEZ MASTO; GREG
COX; ROSS MILLER; TERRY
LINDBERG; AND DAVID L.
CARPENTER,
Real Parties in Interest.

No. 62083

FILED

SEP 26 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

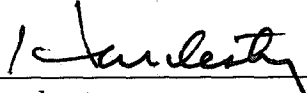
*ORDER DENYING PETITION FOR WRIT
OF MANDAMUS OR PROHIBITION*

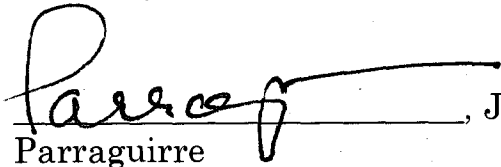
This is a proper person petition for a writ of mandamus or prohibition. A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; *Smith v. Eighth Judicial Dist. Court*,

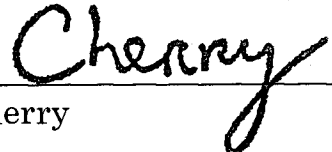
107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is within our discretion to determine if a writ petition will be considered. *Smith*, 107 Nev. at 677, 818 P.2d at 851. Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered both the petition and the amended petition,¹ we conclude that petitioner has failed to demonstrate that extraordinary relief is warranted. See *Pan*, 120 Nev. at 228, 88 P.3d at 844. Thus, we deny the petition. See NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.


Hardesty, J.


Parraguirre, J.


Cherry, J.

cc: Renard Truman Polk
Attorney General/Carson City
Eighth District Court Clerk
Pershing County Clerk

¹We direct the clerk of this court to file the amended petition, provisionally received in this court on August 1, 2013.