

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND GILLEN,

Petitioner,

vs.

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

Respondent,

and

STEVEN GRIERSON, DISTRICT
COURT CLERK; AND SANDRA L.
MERLINO, NYE COUNTY CLERK,
Real Parties in Interest.

No. 62249

FILED

SEP 20 2013

TACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Shagor
DEPUTY CLERK


ORDER DENYING PETITION FOR WRIT OF MANDAMUS

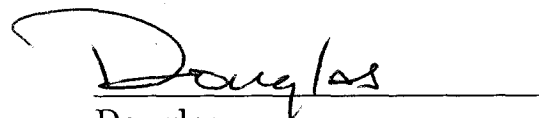
This is an original proper person petition for a writ of mandamus seeking an order directing the Eighth Judicial District Court clerk to docket a constitutional action purportedly transferred to it from the Fifth Judicial District Court.


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). It is within this court's sole discretion to determine if a writ petition will be considered. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). 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 the parties' arguments and the supporting documents presented to this court, we conclude that our intervention by way of extraordinary writ relief is not warranted, *see Smith*, 107 Nev. at 677, 818 P.2d at 851, and petitioner's underlying action shall therefore proceed forward in the Fifth Judicial District Court, where it is currently docketed. To the extent that the order transferring petitioner's case to the Eighth Judicial District Court has not been vacated, however, petitioner should take appropriate action in the Fifth Judicial District Court to ensure that the transfer order is set aside. Accordingly, we

ORDER the petition DENIED.¹


Gibbons, J.


Douglas, J.


Saitta, J.

¹The clerk of this court shall file petitioner's July 9, 2013, motion, his August 6, 2013, correction of address, and his August 20, 2013, reply. In light of this order, we deny all further requests for relief pending in this matter.

cc: Raymond Gillen
Attorney General/Carson City
Clark County District Attorney/Civil Division
Eighth District Court Clerk
Nye County Clerk