

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES STEPHEN MANLEY, JR.,
Petitioner,

vs.

THE SIXTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
PERSHING,
Respondent.

No. 63370

FILED

JUL 24 2013

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

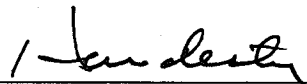
This is a proper person petition for a writ of mandamus seeking to compel the district court to resolve a motion pending in the district court.


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. 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). Writ relief is generally not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. *See* NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. 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).

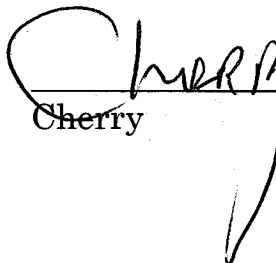
Having considered the petition and the attached documents, we conclude that our intervention by extraordinary writ relief is not warranted. *See* NRS 34.160; *Pan*, 120 Nev. at 228, 88 P.3d at 844. While

we are concerned by petitioner's contention that his motion has been pending for almost ten months, we trust that the district court will resolve the matters pending before it as promptly as its calendar permits. Accordingly, we

ORDER the petition DENIED.

_____, J.
Hardesty

_____, J.
Parraguirre

_____, J.
Cherry

cc: Charles Stephen Manley, Jr.
Attorney General/Carson City
Pershing County Clerk