

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN ELVIN TURNER,
Petitioner,

vs.

THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
NEVADA; AND THE UNITED STATES
COURT OF APPEALS FOR THE NINTH
CIRCUIT,
Respondents.

No. 65884

FILED

FEB 04 2015

TRACIE K. LINDEMAN,
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original pro se petition for a writ of mandamus challenges decisions issued by the United States Court of Appeals for the Ninth Circuit and the United States District Court for the District of Nevada related to a federal district court complaint filed by petitioner.¹


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. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Mandamus relief is generally available only when there is no plain, speedy and adequate remedy in the ordinary course of the law. NRS 34.170.


Here, while the precise relief sought by this petition and the specific rulings being challenged are not entirely clear, petitioner appears


¹The clerk of the court shall modify the caption on the docket for this case to conform to the caption on this order.

to challenge the dismissal of his federal district court complaint by the United States District Court for the District of Nevada, and the handling of his subsequent appeal from that decision by the United States Court of Appeals for the Ninth Circuit. A state court, however, cannot issue a writ of mandamus directing federal courts to reconsider or otherwise alter their decisions or rulings. *Cozine v. Crabtree*, 15 F. Supp. 2d 997, 1013 (D. Or. 1998) ("State courts have no power to mandamus federal officials."). Accordingly, we conclude that the petition must be denied. NRAP 21(b)(1); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

It is so ORDERED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: John Elvin Turner
Attorney General/Carson City

²In light of our resolution of this petition, we deny all other relief requested by petitioner.