IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN ELVIN TURNER,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK,
Respondent.

No. 66165

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original pro se petition for a writ of mandamus challenging the dismissal of petitioner's small claims action against the Nevada Inmate Bank System.

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). Petitioner bears the burden of demonstrating that writ relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). 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.

Petitioner initiated a small claims action in justice court after money was allegedly removed from his inmate trust account without his knowledge or consent. To the extent that petitioner seeks our direct review of the dismissal of his small claims action, petitioner had a speedy and adequate remedy in the form of an appeal by filing a formal objection to the justice court, and thereafter, an appeal to the district court. *See* JCRCP 98 (providing for an appeal from a small claims judgment to the district court). As a result, writ relief is not appropriate to directly review

the small claims court's decision. *See Pan*, 120 Nev. at 224, 88 P.3d at 841 (explaining that "the right to appeal is generally an adequate legal remedy that precludes writ relief").

Alternatively, as petitioner named the Eighth Judicial District Court as a respondent in this action, it appears that he may have exercised his right to appeal and that he may now be seeking our review of the district court's resolution of that appeal. In this regard, however, petitioner has failed to provide an adequate appendix in support of his petition. *See* NRAP 21(a)(4) (requiring a petitioner seeking writ relief to provide an appendix that includes copies "of any . . . parts of the record" or other documents "essential to understand the matters set forth in the petition"). Among other things, petitioner has not provided copies of the motion practice resulting in the dismissal of petitioner's small claims complaint, copies of any motions or briefing on appeal to the justice court, and his appeal to the district court, or a copy of any district court order resolving petitioner's appeal of the justice court case. Under these circumstances, we conclude that petitioner has not demonstrated that our intervention by way of extraordinary relief is warranted, and we therefore deny the petition. NRAP 21(b)(1); *Pan*, 120 Nev. at 228, 88 P.3d at 844.

It is so ORDERED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Silver

cc: John Elvin Turner
Attorney General/Carson City
Eighth District Court Clerk