

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER JASON HELFRICH,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent.

No. 66606

FILED

NOV 24 2014

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

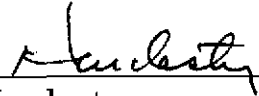
ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original proper person petition for a writ of mandamus seeks to compel the Nye County Sheriff's Office to properly serve petitioner's summons and complaint.

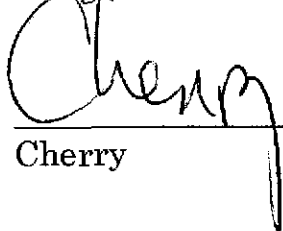
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether a petition for mandamus relief will be considered is purely discretionary with this court, *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991), and it is petitioner's burden to demonstrate that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Moreover, writ relief is typically unavailable 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. Generally, an appeal is an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

Having considered the documents submitted by petitioner, we are not persuaded that our intervention is warranted at this time. *Pan*, 120 Nev. at 224, 228, 88 P.3d at 841, 844; *Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we deny petitioner's writ petition. We trust that the district court presiding over this matter will ensure that the Nye County Sheriff's Office fulfills its legal obligations. See NRS 12.015(2)(b).

It is so ORDERED.¹


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Peter Jason Helfrich
Attorney General/Carson City
Eighth District Court Clerk

¹In light of this order, petitioner's Motion to Extend Prison Copywork Limit is denied. The clerk of this court is directed to file the Appendix to Exhibits provisionally received in this court on October 1, 2014. Lastly, because the filing fee was waived for this writ petition, no action needs to be taken regarding petitioner's October 21, 2014, Application to Proceed In Forma Pauperis.