

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIMOTHY DONALD LARSON,
Petitioner,
vs.
E.K. MCDANIEL; AND WARDEN
WILLIAMS,
Respondents.

No. 69227

FILED

DEC 17 2015

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

ORDER DENYING PETITION

This is a pro se petition for a writ of mandamus. Petitioner seeks an order directing respondents to comply with NRS 209.429 and place him in the 305 house arrest program. Petitioner argues that he qualifies for placement in the program and that he should have been assigned to the program nine months ago.

We decline to exercise original jurisdiction in this matter. See NRS 34.160; NRS 34.170. Petitioner's request is premature as he has not demonstrated that he has even applied for placement in the program. Further, whether petitioner is eligible for the program involves issues of fact that should be litigated in the district court in the first instance.¹ *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981). Accordingly, we

ORDER the petition DENIED.

[Signature], J.
Saitta

[Signature], J.
Gibbons

[Signature], J.
Pickering

¹Petitioner failed to provide this court with any documents in support of this petition.

15-38663

cc: Timothy Donald Larson
Attorney General/Carson City
Third District Court Clerk