

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES STAPLETON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE CAROLYN
ELLSWORTH, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 71570

FILED

JAN 12 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION


This petition for a writ of mandamus asks this court to order the district court to consider petitioner's *ex parte* application for medical records on the merits. Having reviewed petitioner's arguments and the documents submitted, we conclude that petitioner has not demonstrated that extraordinary relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted."). Petitioner has not identified any legal authority supporting his claim that the district court must hear his application *ex parte*, *see* NRS 34.160 (providing that a writ of mandamus may issue to compel performance of "an act which the law especially enjoins as a duty resulting from an office, trust or station"), and he has not shown that the district court arbitrarily or capriciously exercised or manifestly abused its discretion, *see State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) (defining arbitrary or capricious exercise of discretion and manifest abuse of discretion in the context of mandamus). Moreover,

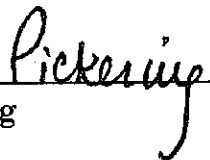
petitioner has an adequate legal remedy, as an interlocutory decision of the district court may be challenged on direct appeal if petitioner is convicted. See NRS 34.170; NRS 177.045; see also *Mitchell v. Eighth Judicial Dist. Court*, 131 Nev., Adv. Op. 21, 359 P.3d 1096, 1099 (2015) (concluding that extraordinary writs are generally not available to challenge discovery orders because such orders can be adequately challenged on appeal but recognizing writ relief may be warranted where a pretrial order allows discovery of privileged information).

Accordingly, we

ORDER the petition DENIED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Carolyn Ellsworth, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk