IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCISCO ENRIQUE VIDAL,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 80716





ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This pro se emergency petition for a writ of mandamus challenges a district court ruling denying petitioner's motion to vacate sentence/conviction.

Based upon our review of the documents submitted in this matter, which do not include the written order being challenged, we conclude that our intervention by extraordinary writ is not warranted. See NRS 34.160 (explaining the purpose of a writ of mandamus); NRS 34.170 (explaining that mandamus will not issue when an adequate legal remedy is available); see also Smith v. Eighth Judicial Dist. Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that the issuance of a writ of mandamus is discretionary); NRAP 21(a)(4) (providing that the petitioner

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must submit an appendix containing all documents "essential to understand the matters set forth in the petition"). Accordingly, we ORDER the petition DENIED.1

Pickering, C.J.

Pickering, J.

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cc: Francisco Enrique Vidal Attorney General/Carson City Clark County District Attorney Eighth District Court Clerk

(O) 1947A

¹We note that petitioner may be able to appeal from the district court's written order. See NRS 34.575; Edwards v. State, 112 Nev. 704, 709, 918 P.2d 321, 325 (1996). As the filing fee in this matter has been waived, petitioner's motion to proceed with in forma pauperis status is denied as moot.