

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOEY KADMIRI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 82298-COA

FILED

AUG 05 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY Elizabeth A. Brown
DEPUTY CLERK

ORDER OF AFFIRMANCE

Joey Kadmiri appeals from an order of the district court denying a petition for a writ of mandamus. Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

In his March 31, 2020, petition and later-filed supplement, Kadmiri asserted he was battered by employees of a casino, and he sought an order directing the Attorney General to investigate that incident and the failure of the Las Vegas Metropolitan Police Department and the Clark County District Attorney's Office to properly review the evidence concerning the battery. Kadmiri also sought an order directing the preservation of evidence related to the incident.

A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Petitioners carry the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). "We generally review a district court's grant or denial of writ relief for an

abuse of discretion.” *Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006).

The district court concluded that Kadmiri did not demonstrate government officials failed to perform an act which the law requires as a duty resulting from an office, trust, or station, and it found that Kadmiri failed to allege mandamus relief was necessary to control a manifest abuse or arbitrary or capricious exercise of discretion. The district court also concluded Kadmiri did not meet his burden of demonstrating that extraordinary relief was warranted to address his claims. For those reasons, the district court concluded Kadmiri was not entitled to relief and denied the petition. The record supports the district court’s decisions. Accordingly, we conclude the district court did not abuse its discretion by denying Kadmiri’s petition, and we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Bulla

cc: Hon. Gary Fairman, District Judge
Joey Kadmiri
Attorney General/Carson City
Attorney General/Ely
White Pine County Clerk

¹The Honorable Jerome T. Tao did not participate in the decision in this matter.