

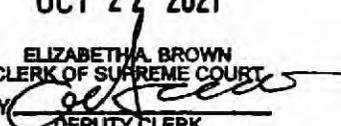
IN THE SUPREME COURT OF THE STATE OF NEVADA

DEMARENE COLEMAN,
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. 83607

FILED

OCT 22 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus/prohibition which challenges alleged inaction by the district court on petitioner's motion for postconviction relief.

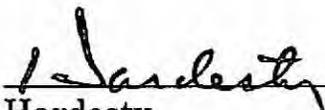
The decision to entertain a petition for extraordinary writ relief lies within the discretion of this court. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). A writ of mandamus is available only to compel the performance of a legally required act or to cure an arbitrary and capricious exercise of discretion. *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). "This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction." NRS 34.320; *Smith v.*

Eighth Judicial Dist. Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Here, petitioner has not shown that the district court has failed to perform a legally required act or has arbitrarily or capriciously exercised its discretion. And, petitioner has not shown that the district court as acted in excess of its jurisdiction.

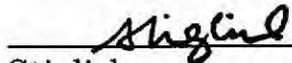
Further, problematically, petitioner has not provided this court with exhibits or other documentation that would support his claims for relief. See NRAP 21(a)(4) (providing the petitioner shall submit an appendix containing all documents "essential to understand the matters set forth in the petition").

Having considered the petition, the answer, and its accompanying documents, we are not satisfied that our intervention by way of extraordinary writ is warranted. Accordingly, we deny the petition.

It is so ORDERED.


Hardesty, C.J.


Parraguirre J.


Stiglich, J.

cc: Demarene Coleman
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk