

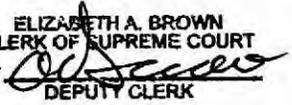
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CARY JERARD PICKETT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 83328-COA

**FILED**

FEB 03 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Cary Jerard Pickett appeals from an order of the district court denying a petition for a writ of mandamus or prohibition. Eighth Judicial District Court, Clark County; Monica Trujillo, Judge.

Pickett argues the district court erred by denying his June 16, 2021, petition. In his petition, Pickett claimed the Nevada Department of Corrections (NDOC) improperly calculated his remaining restitution and he requested an order directing NDOC to create an accurate accounting of his remaining restitution obligation before it collects additional restitution payments.

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). A writ of prohibition may issue to arrest the proceedings of a lower court exercising its judicial functions when such proceedings are in excess of the jurisdiction of the lower court. NRS 34.320. A writ of mandamus or prohibition will not issue, however, if the petitioner has a plain, speedy, and adequate remedy

in the ordinary course of law. NRS 34.170; NRS 34.330. "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).

Pickett had a plain, speedy, and adequate remedy in the ordinary course of law to challenge the calculation of his restitution due to the availability of administrative remedies or a civil action. Therefore, Pickett did not meet his burden of demonstrating that extraordinary relief was warranted to address his claim. Accordingly, we conclude the district court did not abuse its discretion by denying Pickett's petition, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Monica Trujillo, District Judge  
Cary Jerard Pickett  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk