

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT T. MACHLAN,
Petitioner,
vs.
THE ELEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
PERSHING,
Respondent.

No. 84379-COA

FILED

MAY 06 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION FOR A WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging the district court's alleged failure to enter an order resolving petitioner's civil action against the Nevada Department of Corrections.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court has the discretion to determine whether a writ petition will be considered. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that this court's extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

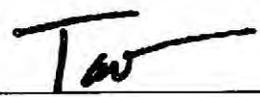
In this case, petitioner has failed to provide this court with supporting documentation from the underlying action that would enable this court to understand and decide the alleged issues presented in this

petition. See NRAP 21(a)(4) (requiring pro se parties to submit an appendix which complies with NRAP 30 in support of a writ petition). Specifically, although petitioner alleges that the district court failed to take actions to resolve his complaint and requests for injunctive relief, he has not submitted any documentation supporting these statements with his petition. It is thus not possible for us to consider petitioner's allegations. *Pan*, 120 Nev. at 229, 88 P.3d at 844 ("If essential information is left out of the petition and accompanying documentation, we have no way of properly evaluating the petition.").

Thus, having considered the petition filed in this matter, we conclude that petitioner has not demonstrated that our intervention by way of extraordinary relief is warranted. *Id.* at 228, 88 P.3d at 844; *Smith*, 107 Nev. at 677, 818 P.2d at 851; *see also* NRAP 21(b)(1). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Robert T. Machlan
Attorney General/Carson City
Clerk of the Court/Court Administrator