

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN FLOYD VOSS,
Petitioner,

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CARSON CITY,

Respondent,

and

KYLE OLSEN, WARDEN; AND AARON
D. FORD, NEVADA ATTORNEY
GENERAL,

Real Parties in Interest.

No. 84381-COA

FILED

JUN 17 2022

BY: *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION

In this original pro se petition for a writ of mandamus, Steven Floyd Voss seeks an order directing the First Judicial District Court to grant Voss's petition for a writ of habeas corpus and to order the real parties in interest to file a return certifying the cause of his restraint. In the alternative, Voss seeks an order directing the real parties in interest to file a return in this court and serve it on Voss as well as to allow for further briefing.¹

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

¹Voss's pleading is titled "first amendment petition for extraordinary relief." We construe Voss's petition as one seeking issuance of a writ of mandamus because he requests mandamus relief. Further, his arguments do not implicate an unconstitutional prior restraint of his First Amendment rights. See NRS 34.185.

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 mandamus will not issue, however, if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170. Further, mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. *See Poulos v. Eighth Judicial Dist. Court*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982); *see also State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983). "Petitioner[] carr[ies] 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).

The First Judicial District Court transferred the petition to the Second Judicial District Court. Voss has a plain, speedy, and adequate remedy in the ordinary course of law: He may appeal if the Second Judicial District Court denies his petition. Accordingly, we conclude Voss has not demonstrated this court's intervention by way of extraordinary relief is warranted, and we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Steven Floyd Voss
Attorney General/Carson City
Carson City Clerk