

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SHANE DONOVAN BROOKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84347-COA

FILED

JUL 20 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Shane Donovan Brooks 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.

Brooks argues the district court erred by denying his August 26, 2021, petition. In his petition, Brooks claimed the employees of the Nevada Department of Corrections (NDOC) violated his due process rights during a disciplinary hearing proceeding. Brooks contended that the NDOC employees refused to permit him to call witnesses at the disciplinary hearing and there was insufficient evidence to support a finding that he committed battery.

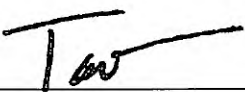
A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station, NRS 34.160, or to control a manifest abuse or arbitrary or capricious exercise or discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 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. "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 (2003).

The district court found that Brooks had a plain, speedy, and adequate remedy in the ordinary course of law to raise claims alleging due process violations because of the availability of a civil rights action. Therefore, the district court found that Brooks did not meet his burden of demonstrating that extraordinary relief was warranted to address his claim. The record supports the district court’s decision, and we conclude the district court did not abuse its discretion by denying Brooks’ petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Gary Fairman, District Judge
Shane Donovan Brooks
Attorney General/Carson City
Attorney General/Ely
White Pine County Clerk