IN THE SUPREME COURT OF THE STATE OF NEVADA

RODNEY CAMACHO,
Petitioner,
vs.
THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE;
AND THE HONORABLE KIMBERLY A.
WANKER, DISTRICT JUDGE,
Respondents,
and,
THE STATE OF NEVADA,
Real Party in Interest.

No. 86053

FILED

MAY 1 2 2023

CLERK OF SUPREME COURT

BY

DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus seeking to compel the respondent district court to either set aside petitioner Rodney Camacho's conviction pursuant to NRS 458A.220(2)(d), or provide him an honorable discharge pursuant to NRS 176A.850(1). See NRS 34.160; NRS 34.320; Round Hill Gen. Improvement Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Camacho has not demonstrated that this court should exercise its discretion to entertain this petition for two reasons. See Pan v. Eighth Judicial Dist. Court, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (recognizing that petitioner bears the burden of demonstrating that extraordinary relief is appropriate); State ex rel. Dep't of Transp. v. Thompson, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983) (recognizing that

¹Camacho alternatively seeks a writ of prohibition. However, a writ of prohibition is not available if, as here, "the court sought to be restrained had jurisdiction to hear and determine the matter under consideration." *Goicoechea v. Fourth Judicial Dist. Court*, 96 Nev. 287, 289, 607 P.2d 1140, 1141 (1980).

the decision to consider an extraordinary writ lies within this court's discretion). First, it appears that the district court has not yet made a final decision that is ripe for review by this court. Second, if the district court concludes that Camacho has not satisfied the conditions upon his election of treatment under NRS 458A.220 and enters a judgment of conviction, Camacho will have a plain, speedy, and adequate remedy at law—an appeal from the judgment of conviction. See NRS 34.170 (providing that writ of mandamus will issue when "there is not a plain, speedy and adequate remedy in the ordinary course of law"); Walker v. Second Judicial Dist. Court, 136 Nev. 678, 681, 476 P.3d 1194, 1197 (2020) (reiterating that the right to appeal generally is an adequate remedy that precludes mandamus relief). Accordingly, we

ORDER the petition DENIED.

Stiglich	, C.J.
Cadish	, J.
Pe	, J.

cc: Hon. Kimberly A. Wanker, District Judge JK Nelson Law LLC Attorney General /Carson City Nye County District Attorney Nye County Clerk

SUPREME COURT OF NEVADA