

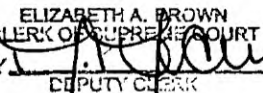
IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE STEVEN HUDSON,  
Petitioner,  
vs.  
MELISSA DAWN SCHACK; AND MARK  
A. MARSH,  
Respondents.

No. 87870

**FILED**

MAR 21 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION*

This original pro se petition for a writ of habeas corpus seeks to compel the district court to divide respondent Melissa Schack's retirement account, award petitioner spousal support, and dismiss or modify a domestic violence extended protection order. Petitioner additionally appears to seek damages for various civil claims against respondents, which do not appear to have been raised below.

As an initial matter, we note that a writ of habeas corpus is available as a remedy only to one who is held in actual custody or incarcerated pursuant to a criminal conviction. Nev. Const. art. 6, § 6(1); NRS 34.724(1); *Jackson v. State*, 115 Nev. 21, 973 P.2d 241 (1999). It has no application to a party who is dissatisfied with the district court's rulings in a family law matter. Accordingly, a writ of habeas corpus is not available to petitioner.<sup>1</sup>

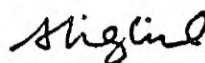
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<sup>1</sup>Although it appears that petitioner was previously in actual custody, the petition includes a change of address that indicates that petitioner has been released from custody.

To the extent that we might construe the instant petition as one for a writ of mandamus, we note that it is petitioner's burden to demonstrate that such extraordinary relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). 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. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Petitioner fails to raise any argument that the district court failed to perform a required act or manifestly abused its discretion and thus has not established that extraordinary relief is warranted in this matter. Further, petitioner has not provided this court with exhibits or documentation that would support his claims for relief. *See* NRAP 21(a)(4) (providing the petitioner shall submit an appendix containing all documents "essential to understand the matters set forth in the petition"). For these reasons, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Cadish

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Herndon

cc: George Steven Hudson  
Law Office of Mark A. Marsh  
Melissa Dawn Schack  
Washoe District Court Clerk  
Carson City Clerk