


IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK ANTHONY OSEGUERA-
CHAVEZ,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
EGAN K. WALKER, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 88576

FILED

JUN 18 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER GRANTING PETITION

This original petition for a writ of mandamus challenges a district court order striking a postconviction petition for a writ of habeas corpus.

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 an arbitrary or capricious exercise of discretion, *Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 680, 476 P.3d 1194, 1196 (2020). 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 Jud. Dist. Ct.*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982); *see also State ex rel. Dep’t Transp. v. Thompson*, 99 Nev. 358, 360, 662 P.2d 1338, 1339 (1983). Because petitioner Mark Anthony Oseguera-Chavez has no adequate remedy at law, we elect to entertain the

petition. *See Kabew v. Eighth Jud. Dist. Ct.*, 140 Nev., Adv. Op. 20, 545 P.3d 1137, 1139-40 (2024) (entertaining an extraordinary petition where petitioner “ha[d] no adequate remedy at law because the district court’s order is not appealable”).

Oseguera-Chavez was convicted in district court case number CR20-1952. During that litigation, Oseguera-Chavez appealed from a justice court order. That appeal was docketed in the district court as case number CR20-3137. Oseguera-Chavez filed a timely postconviction habeas petition challenging the conviction and sentence in case number CR20-1952. But the petition mistakenly identified the district court case number for the appeal (CR20-3137) not the judgment of conviction (CR20-1952). The district court determined that the misidentified case number provided a legal basis to strike the petition. Oseguera-Chavez argues that the district court manifestly abused its discretion by striking the timely postconviction habeas petition on this basis. We agree.

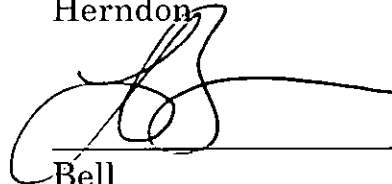
Oseguera-Chavez identified the wrong case number in the postconviction habeas petition filed in district court. But the petition provided enough accurate information about the judgment of conviction being challenged that the district court was able to identify the correct case number. And the defect in the petition (identifying the wrong case number) did not deprive the district court of jurisdiction. *See Tanner v. State*, 744 So. 2d 1017, 1019 (Fla. Dist. Ct. App. 1997) (“[F]ile numbers are merely an administrative convenience for the clerk but not a statutory prerequisite for filing by the parties to the action.”). Instead, it is similar to other defects that this court has concluded may be cured. *See Miles v. State*, 120 Nev. 383, 385-87, 91 P.3d 588, 589-90 (2004) (recognizing that defects in a postconviction petition may be cured by amendment to the petition).

Because it was clear from the postconviction petition that Oseguera-Chavez intended to challenge the judgment of conviction in case number CR20-1952, the district court should not have stricken the petition based on the erroneous identification of another case number. Rather, the district court should have transferred the petition to the correct case number. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (recognizing implicitly “the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants”). Accordingly, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to (1) vacate its order striking the postconviction habeas petition filed on January 27, 2023, in district court case number CR20-3137 and (2) instruct the district court clerk to transfer that postconviction habeas petition to district court case number CR-20-1952.



_____, C.J.
Herndon



_____, J.
Bell



_____, J.
Stiglich

cc: Hon. Egan K. Walker, District Judge
Federal Public Defender/Las Vegas
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk