

IN THE SUPREME COURT
OF THE STATE OF NEVADA

Anthony Gantt
Plaintiff

VS

EIGHTH JUDICIAL DISTRICT COURT
Defendant

Case No: 59024

DISTRICT COURT No: C175914

FILED

AUG 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

PETITION FOR WRIT OF MANDAMUS

Comes Now the plaintiff, Anthony Gantt, in proper and respectfully
Moves this honorable Court to issue A petition for writ of
Mandamus, being filed Contemporaneously herewith, directing
Judge Leavitt, to Reverse and Vacate her order and or
actions in denying plaintiff his Absolute Right to dismiss
Court appointed Counsel and hire private Counsel and to
Refrain from entering decisions in this Case as this Case is Not
and was Not assigned to her district.

This Motion is Made and based pursuant to the supporting
points and Authorities attached hereto, NRS. 34.150 through
NRS. 34.310, N.R.A.P. Rule 21 as well as all papers,
Pleadings and documents on file herein.

LEGAL ARGUMENT

Petitions for extraordinary writs are Addressed to the
Sound discretion of the Supreme Court of Nevada and May
be Issued when there is No plain, Speedy, and Adequate
remedy at law. SEE: STATE VS 2ND JUDICIAL DISTRICT COURT.

11 P3d 1209
AUG 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

11-25212

The plaintiff first asserts that Judge ^{Michelle} ~~Michael~~ Heavitt is a judge for district 12 and the plaintiff's case is not and has not been assigned to District 12, and as such Judge Heavitt has no jurisdiction over this case.

Judge Heavitt has shown a bias in this case by refusing to grant plaintiff's motion to disqualify court appointed counsel. The plaintiff now has funds to hire private counsel but this refusal literally causes the plaintiff to have appointed counsel which he does not qualify for. The judge's ruling essentially forced the plaintiff into an illegal situation. The plaintiff asserts that Judge Heavitt lacks judicial authority to issue an order which is contrary to Nevada law.

NRS 34.830 requires the district court to issue an order disposing of a petition, that contains specific findings of facts and conclusions of law supporting that decision. And, that an appeal cannot be taken until after the court clerk has served the petitioner with a copy of the decision or order.

By the district court refusing to issue any order regarding the merits of the petition, the district court is refusing to fulfill its duties as required by NRS: 34.830

A writ of Mandamus is issued to compel performance of an act which the law especially enjoins as a duty resulting from an office, trust or station. SEE: Lewis vs Stewart 619 P2d 1212 96 Nev 846.

A writ of Mandamus May be Issued to Control Arbitrary or Capricious exercise of discretion of Authority.
SEE: Barnes Vs. Eighth Judicial Dist. Court. 748 P2d 483, 103 Nev 679.

Plaintiff would assert that the Multiple denials for Dismissal of Counsel Can be Said to be an Arbitrary and Capricious exercise of discretion. DCR Rule 15 Specifically provides A party May Request a Motion be Submitted for a decision. By Refusing to Acknowledge the petition with A finding of facts and Conclusions of Law the Court was in fact telling the plaintiff he is Not entitled to A fair decision based on the Merits of his decision. There Can be No dispute that NRS 34.830 Compels the district Court to render a decision and Make Specific findings. The district Courts Refusal to do so when Requested by Rule and Mandated by Statute Can only be Said to be Arbitrary and Capricious.

Mandamus is the Appropriate Vehicle for Challenging Contested Orders Entered by the District Court. SEE: Angell Vs. Eighth Judicial District Court. 839 P2d 1329, 108 Nev 923

IT has Also been held that A writ of Mandamus is proper when the plaintiff raises urgent and important Issues of Law Requiring this Courts Clarification.

SEE: Faleke Vs. Douglas County 3P3d 661

The plaintiff asserts that his Motion Meets both of these Aspects.

Conclusion
The issues raised are Can A district Court Judge pick Cases that he or she want which are Not Assigned to their District. Petitioner would further assert the proposition that the District Court Rules, Rule 15, promulgated by the Court needs to be Clarified on whether or Not A District Court Can deny to file findings of facts and Conclusions of Law when denying A Motion

Conclusion

Wherefore, All the Above Reasons, plaintiff Requests this honorable Court to order Judge Michelle Leavitt, Eighth Judicial District Court to Vacate All denials of dismissal of Counsel Refrain from entering further judgments on this Case and transfer this Case to proper Dept.

Dated this 15th Day of August 2011.

Anthony Gantt
Anthony Gantt 73198
ELY STATE Prison
PO Box 1989
ELY NU 89301