

NO. 84377

Justin D. Porter #10424-19
PO. BOX 650 (H DSP)
Indian Springs, NV 89070

FILED

MAR 15 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

NEVADA SUPREME COURT

Justin D. Porter,
Petitioner,

Dist. Ct. No. A-19-798035-W

VS.

Eighth Judicial Dist. Ct.,
Respondent(s)

STATE OF NEVADA,

Party of Real Interest.

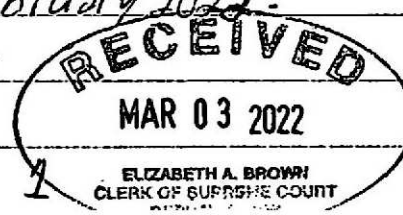
WRIT OF MANDAMUS.

This Petition is made by Petitioner, Justin D. Porter, in
proper Person, and moves this Honorable Court to
grant ~~the~~ writ of Mandamus. This writ is Pursuant
to Rule 21., and N.R.S. 34.170. Nevada State
Constitution, ART. 1 § 6. ART. 1 § 8, and 6. Sec. 4 of the Nevada
State Constitution.

This writ of Mandamus is based upon the Points and
Authorities, and all Pleadings and Documents on File in
this Case, as well as herein.

Dated this 26 day of February 2022.

Justin Porter
Justin D. Porter #10424-19
PO. BOX 650 (H DSP)
Indian Springs, NV 89070



22-08305

Legal Argument

1 Petitions ~~to~~ for Extraordinary writs are addressed to the
2 sound discretion of the Supreme Court of Nevada and
3 may issue when there is no plain, speedy, and adequate
4 remedy at law. See, State v. Second Judicial District
5 Court ex. rel. County of Washoe, 11 P.3d 1209, Nev (2000).

6 A writ of mandamus is issued to compel performance of an
7 act which the law especially enjoins as a duty resulting
8 from an office, trust or station. See, Lewis v. Stewart,
9 619 P.2d 1212, 96 Nev. 846 (1980). A writ of mandamus may
10 issue to control arbitrary or capricious exercise
11 of discretion. See Barnes v. Eighth Judicial District
12 Court of the State of Nevada, In and For Clark County, 748 P.2d
13 483, 103 Nev. 679 (1987). This court has also held that the
14 action being sought to be compelled must be one already
15 required by law. See, Mineral County v. State, Department
16 of Conservation and Natural Resources, 20 P.3d 800, Nev.
17 (2001). It has also been held that a writ of mandamus
18 is proper when the petitioner raises urgent and
19 important issue(s) of law requiring clarification.
20 See, Falcke v. Douglas County, 3 P.3d 661, Nev. (2000).

Points and Authorities

1 A. On November 23, 2021 Petitioner filed A WRIT OF
2 HABEAS CORPUS Post-conviction. Petitioner has A Right
3 to file A writ of Habeas corpus Post-conviction. Pursuant
4 to NRS. 34.724.

5
6
7 Pursuant to NRS. 34.740; Expeditious Judicial Examination
8 The Petition must be presented promptly to A district
9 judge by the clerk of the court. The Petition must
10 be examined expeditiously by the judge to
11 whom it is assigned.

12
13 On the day of November 23, 2021 Petitioner
14 filed A writ of Habeas corpus Post-conviction,
15 and has not received A judicial determination
16 on Petitioner's Post-conviction of Habeas corpus,
17 for the Pass three months now. Petitioner has
18 A Right to An judicial determination, Pursuant to
19 NRS. 34.770. Judicial determination of need for
20 evidentiary hearing; Dismissal of Petition or ~~grant~~
21 granting of writ.

22
23 The Petitioner Right to the Judicial determination
24 is based on NRS. 34.770. And has that Right to A
25 Judicial determination, on Petitioner's Habeas corpus
26 Post-conviction. This writ of Mandamus Pursuant to
27 NRS. 34.170; And RULE 21, NRAP

1 CONCLUSION

2
3 wherefore the Reason set forth herein, this
4 WRIT OF MANDAMUS, and Respectfully Request
5 that this Court Grant this WRIT OF MANDAMUS, and
6 Order the District Court to give A Judicial
7 determination, to Petitioner's writ of Habeas
Corpus post-conviction.

DATED this 26 day of February 2022.

By: Justin Porter
Justin D. Porter #1042119
P.O. Box 650 (HDSP)
Indian Springs, NV 89070

"AFFIDAVIT OF Justin D. Porter."

STATE OF NEVADA)

SS,...

COUNTY OF CLARK)

I, Justin D. Porter, being first duly sworn upon oath, Deposits and swears, to the following:

That I, Justin D. Porter, Filed an writ of Habeas Corpus Post-Conviction, on the day of November 23, 2021, and have not Received and A Judicial determination, to the day of this written Affidavit. I am the Affiant herein, of sound mind, age above 21 yrs. old, therefore qualified to testify to all matters herein.

Further affiant sayeth Nought.

Subscribed and sworn to, pursuant to NRS. 171.102 (2); and NRS. 208.165, under Penalty of Perjury.

Dated this 26 day of ~~Feb~~ February, 2022.

By: Justin Porter

Justin D. Porter #1042449

P.O. Box 650 (H DSP)

Indian Springs, NV 89070

27

28 Justin D. Porter - Affiant