

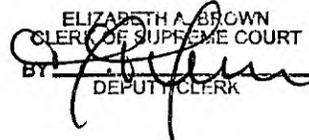
IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER JASON HELFRICH,  
Petitioner,  
vs.  
THE FIFTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF NYE;  
AND THE HONORABLE DAVID R.  
GAMBLE, SENIOR JUDGE,  
Respondents.

No. 85862

FILED

JAN 05 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING PETITION*

This is a pro se original petition for a writ of mandamus seeking an order that would compel the district court to calendar petitioner's motion for an evidentiary hearing within 90 days.

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 Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether a petition for extraordinary writ relief will be entertained rests within this court's sound discretion. *D.H. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Further, it is petitioner's responsibility to provide this court with all documents essential to understand the matters set forth in the petition. NRAP 21(a)(4).

Having reviewed the petition and the limited documents provided in support by petitioner, we conclude, without reaching the merits

