

App Ap 1.
Case 82879

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN ALFONSO NUNO-VELASCO,
Petitioner,
vs.
THE HONORABLE STEVE SISOLAK,
AS GOVERNOR OF THE STATE OF
NEVADA,
Respondent.

No. 82879

FILED

NOV 08 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR REVIEW

Review denied. NRAP 40B.

It is so ORDERED.

Hardesty, C.J.

Hardesty

Parraguirre, J.

Parraguirre

Stiglich, J.

Stiglich

Cadish, J.

Cadish

Silver, J.

Silver

Pickering, J.

Pickering

Herndon, J.

Herndon

cc: Juan Alfonso Nuno-Velasco
Attorney General/Carson City
Attorney General/Las Vegas

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUAN ALFONSO NUNO-VELASCO,
Petitioner,
vs.
THE HONORABLE STEVE SISOLAK,
AS GOVERNOR OF THE STATE OF
NEVADA,
Respondent.

No. 82879-COA

FILED

OCT 07 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

In this original petition for a writ of mandamus, Juan Alfonso Nuno-Velasco seeks an order directing the Governor to return him to California. 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 a manifest abuse or arbitrary or capricious exercise of discretion, *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). "Petitioner[] carr[ies] 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).

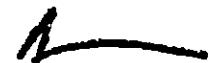
In support of his petition, Nuno-Velasco points to language in an Executive Agreement related to his 2002 extradition to Nevada from California. That agreement contemplates that the "executive authority of the State of Nevada" would surrender Nuno-Velasco "upon demand of the executive authority of the State of California." *See also* NRS 179.223; Cal. Penal Code § 1554.2. Nuno-Velasco has not demonstrated that the executive authority of the State of California has demanded his surrender.

Nuno-Velasco has thus failed to meet his burden of demonstrating the Governor has a duty to return him to California or has otherwise abused any discretion. Accordingly, we conclude extraordinary relief is not warranted, and we

ORDER the petition DENIED.¹


Gibbons, C.J.


Tao, J.


Bulla, J.

cc: Juan Alfonso Nuno-Velasco
Attorney General/Carson City

¹In light of the disposition herein, respondent's motion for leave to file Nuno-Velasco's presentence investigation report under seal is denied. The document is not necessary to this court's disposition of Nuno-Velasco's petition.

**Additional material
from this filing is
available in the
Clerk's Office.**