

APPENDIX A

APPENDIX A

14

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KIM BLANDINO, AND SIMILARLY
SITUATED PERSON (NEIGHBORS),
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND DISTRICT COURT
JUDGES OF THE EIGHTH JUDICIAL
DISTRICT COURT,

Respondents,

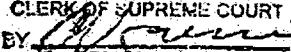
and

THE STATE OF NEVADA,
Real Party in Interest.

No. 81765-COA

FILED

SEP 25 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING PETITION
FOR EXTRAORDINARY WRIT RELIEF*

This is an emergency, original pro se petition for a writ of mandamus, prohibition, certiorari and/or habeas corpus. Petitioner has also filed a motion for stay of district court proceedings.

Writ relief is not available if the petitioner has a plain, speedy, and adequate remedy at law. *See NRS 34.020; NRS 34.170; NRS 34.330; Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Further, writ relief is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *See Pan*, 120 Nev. at 228, 88 P.3d at 844. And,

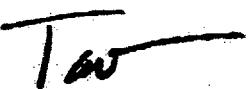
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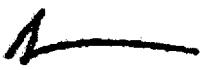
generally, an appeal is an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

Having considered petitioner's petition and supporting documents, we conclude that petitioner has failed to demonstrate that our extraordinary intervention is warranted. Petitioner again raises several issues that we declined considering pretrial in *Blandino v. Lombardo*, Docket Nos. 80541-COA & 80606-COA (Order Denying Petitions for Extraordinary Writ Relief, April 16, 2020). And we conclude that appellant has an adequate legal remedy in the form of an appeal after trial. Additionally, the petition raises many factual concerns, which we have explained are better handled by the district court in the first instance. See *Round Hill General Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981). Accordingly, we deny the petition.

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

In light of this order, petitioner's motion to stay the district court proceedings is denied as moot.

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cc: Kim Blandino
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

APPENDIX B

APPENDIX B

1 DAO

 2
 3 **EIGHTH JUDICIAL DISTRICT COURT**
 4
 5 **CLARK COUNTY, NEVADA**

6 STATE OF NEVADA,

7 vs. Plaintiff,

8 KIM BLANDINO,

9 Defendant.

 Case No. C-19-341767-1
 Dept. No. 12

 10
 11 **DECISION AND ORDER DENYING THE MOTIONS FOR RECONSIDERATION AND DISQUALIFICATION**
 12

 13 Kim Blandino filed two motions on August 11, 2020. Mr. Blandino's first motion moved for
 14 reconsideration of the Court's August 3, 2020, Decision and Order. Mr. Blandino's second motion
 15 moved for the disqualification of the Court. The Court now rules based solely on the papers
 16 pursuant to EDCR 2.23(c). After review of Mr. Blandino's motions, the Court denies both Mr.
 17 Blandino's motion for reconsideration and Mr. Blandino's motion for disqualification. The August
 18 25, 2020, hearing on this matter is vacated.

 19 **I. Factual and Procedural Background**

 20 On May 7, 2020, Mr. Blandino filed a motion to disqualify Judge Leavitt and all judges of
 21 the Eighth Judicial District Court. No certificate of service was included with the May 7th motion.
 22 On July 1, 2020, parties appeared before Senior Judge Barker for a trial readiness conference.
 23 Following the trial readiness conference, Mr. Blandino filed a motion to disqualify Senior Judge
 24 Barker on July 10, 2020.

 25 On August 3, 2020, the Court issued a Decision and Order which denied both the May 7,
 26 2020, and July 10, 2020, disqualification motions. The motions were denied for improperly
 27 attempting to disqualify judges who were not assigned to Mr. Blandino's case, lack of service, and
 28 for failing to establish factual or legal grounds for disqualification.

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1 On August 11, 2020, Mr. Blandino moved for reconsideration of the August 3, 2020,
2 decision. Mr. Blandino also moved to disqualify the Court for hearing the May 7, 2020, and July 10,
3 2020, disqualification motions.

II. Discussion

A. Mr. Blandino's motion to disqualify the Court is denied as moot.

6 As a preliminary matter, the Court addresses Mr. Blandino's request to disqualify the Court.
7 Mr. Blandino moves to retroactively disqualify the Court from hearing the May 7, 2020, and July 10,
8 2020, disqualification motions. NRS 1.235 provides the procedure for the disqualification of a
9 judge. NRS 1.235 does not provide for retroactive disqualifications and the Court has already issued
10 a decision on the May 7, 2020, and July 10, 2020, disqualification motions. Therefore, Mr.
11 Blandino's motion to disqualify the Court is denied as moot.

B. Reconsideration is not warranted because there is no new information, misrepresentation, or misconduct that would impact the Court's decision.

Mr. Blandino argues that his May 7, 2020, and July 10, 2020, disqualification motions were based on erroneous fact and law. Mr. Blandino asserts that his disqualification motions were properly served and provides a copy of the notification of service. The notification indicates that the May 7th motion was served on the DA's office, Mr. Blandino's standby counsel, and Mr. Blandino. Mr. Blandino then used his personal e-mail address to e-mail the notification of service to various judicial departments. Mr. Blandino also argues that the Court did not consider legal authority which supports the disqualification of judges due to bias.

A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd., 941 P.2d 486, 489 (Nev. 1997), see also Moore v. City of Las Vegas, 551 P.2d 244, 246 (Nev. 1976) (holding that motions should only be reheard when there are new issues of fact or law raised).

Here, reconsideration is not warranted because Mr. Blandino has failed to offer substantially different evidence nor has Mr. Blandino demonstrated that the August 3, 2020, decision was clearly erroneous. The August 3rd decision addressed the lack of service and the merits of Mr. Blandino's

1 arguments. In the May 7th disqualification motion, Mr. Blandino moved to disqualify Judge Leavitt
2 based on Judge Leavitt's rulings and actions during official proceedings, specifically Judge Leavitt's
3 appellate record. The motion was denied on its merits because the rulings and actions of a judge
4 during the course of official judicial proceedings do not establish legally cognizable grounds for
5 disqualification. In re Pet. To recall Dunleavy, 769 P.2d 1271, 1275 (Nev. 1988).

6 Mr. Blandino asserts that his May 7th disqualification motion was properly served. The
7 Rules of Practice for the Eighth Judicial District Court provide that electronic service must be made
8 "through the Court's electronic filing system." EDCR 7.26(a)(4). Mr. Blandino's notification of
9 service for the May 7th motion indicates that the electronic filing system served only the DA's
10 office, Mr. Blandino's standby counsel, and Mr. Blandino. Even if Mr. Blandino's disqualification
11 motion was served properly, Mr. Blandino fails to provide any new evidence of alleged bias or
12 prejudice by Judge Leavitt. Instead, Mr. Blandino continues to rely on Judge Leavitt's appellate
13 record as evidence of bias or prejudice. Mr. Blandino argues that Judge Leavitt's appellate record
14 demonstrates bias because Mr. Blandino is privately investigating Judge Leavitt. This argument is
15 meritless as Mr. Blandino is not a party to any of the appellate cases included with his May 7th
16 motion and none of the cases are related to Mr. Blandino's current criminal case. Furthermore, none
17 of the legal authority cited by Mr. Blandino supports disqualification based solely on a judge's
18 rulings and actions during official proceedings, related or not to Mr. Blandino's current criminal
19 case. Mr. Blandino does not raise new issues of fact or law that would warrant reconsideration.
20 Therefore, Mr. Blandino's motion for reconsideration is denied on these grounds.

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III. Conclusion

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2 Mr. Blandino's motion to disqualify the Court from hearing the May 7, 2020, and July 10,
3 2020, disqualification motions is denied as moot because the Court has already ruled on both
4 motions. Mr. Blandino's motion for reconsideration does present any new evidence, facts, or issues
5 of law that would be grounds for the Court to reconsider its decision on Mr. Blandino's request to
6 disqualify Judge Leavitt. Thus, Mr. Blandino's motion for reconsideration is also denied. The
7 August 25, 2020, hearing for this matter is vacated.

8 Dated this 19th day of August, 2020



12 6D9 6BD CF13 3AE5
13 Linda Marie Bell
14 District Court Judge

APPENDIX B.1

APPENDIX B.1

1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT

3 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 KIM BLANDINO,

9 Defendant.

10 Case No. C-19-341767-1
11 Dept. No. 12

12 **DECISION AND ORDER DENYING THE MAY 7, 2020, AND JULY 10, 2020,**

13 **MOTIONS TO DISQUALIFY JUDGE**

14 Kim Blandino filed two motions to disqualify judicial officers. Mr. Blandino's motions
15 request disqualification of Judge Leavitt, who is actually assigned to Mr. Blandino's case, as well as
16 the disqualification of Senior Judge Barker and every judge in the Eighth Judicial District Court.
17 The Court now rules based solely on the papers pursuant to EDCR 2.23(c). After review of Mr.
18 Blandino's motions, the Court denies Mr. Blandino's request to disqualify Judge Leavitt, Senior
19 Judge Barker, and all the judges of the Eighth Judicial District Court.

20 **I. Factual and Procedural Background**

21 On July 12, 2019, Kim Blandino was indicted on felony and gross misdemeanor charges.
22 The case was assigned to Judge Leavitt. Judge Leavitt referred Mr. Blandino for competency
23 evaluation on September 17, 2019. On December 13, 2019, Mr. Blandino filed a motion to
24 disqualify Judge Leavitt and all judges of the Eighth Judicial District Court. Three days later, Judge
25 Leavitt filed an affidavit denying any bias or prejudice towards any party in this case. The motion
26 was denied on January 23, 2020. Mr. Blandino was found competent to proceed with adjudication
27 on April 9, 2020.

1 On May 7, 2020, Mr. Blandino filed another motion to disqualify Judge Leavitt and all
 2 judges of the Eighth Judicial District Court. No certificate of service was included with the May 7th
 3 motion. On July 1, 2020, parties appeared before Senior Judge Barker for a trial readiness
 4 conference. Following the trial readiness conference, Mr. Blandino filed a motion to disqualify
 5 Senior Judge Barker on July 10, 2020. The Court now denies both the May 7, 2020, and July 10,
 6 2020, disqualification motions.

7 **II. Discussion**

8 **A. Legal Standard**

9 Nevada Revised Statute 1.230 provides the statutory grounds for disqualifying district Court
 10 judges. The statute in pertinent part provides:

- 11 1. A judge shall not act in an action or proceeding when the judge entertains actual
 12 bias or prejudice for or against one of the parties to the action.
- 13 2. A judge shall not act as such in an action or proceeding when implied bias exists
 14 in any of the following respects:
 - 15 (a) When the judge is a party to or interested in the action or proceeding.
 - 16 (b) When the judge is related to either party by consanguinity or affinity within the
 17 third degree.
 - 18 (c) When the judge has been attorney or counsel for either of the parties in the
 19 particular action or proceeding before the court.
 - 20 (d) When the judge is related to an attorney or counselor for either of the parties by
 21 consanguinity or affinity within the third degree. This paragraph does not apply
 22 to the presentation of ex parte or contested matters, except in fixing fees for an
 23 attorney so related to the judge.

24 The Revised Nevada Code of Judicial Conduct provides substantive grounds for judicial
 25 disqualification. Pursuant to NCJC 2.11(A):

- 26 (A) A judge shall disqualify himself or herself in any proceeding in which the
 27 judge's impartiality might reasonably be questioned, including but not limited to the
 28 following circumstances:
 - 29 (1) The judge has a personal bias or prejudice concerning a party or a party's
 30 lawyer, or personal knowledge of facts that are in dispute in the proceeding.

31 A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might
 32 be reasonably questioned. Ybarra v. State, 247 P.3d 269, 271 (Nev. 2011). The test for whether a
 33 judge's impartiality might be reasonably questioned is objective and courts must decide whether a
 34

1 reasonable person, knowing all the facts, would harbor reasonable doubts about a judge's
 2 impartiality. Id. at 272.

3 The burden is on the party asserting the challenge to establish sufficient factual and legal
 4 grounds warranting disqualification. Las Vegas Downtown Redevelopment Agency v. District
 5 Court, 5 P.3d 1059, 1061 (Nev. 2000). A judge has a duty to preside to the conclusion of all
 6 proceedings, in the absence of some statute, rule of court, ethical standard, or compelling reason
 7 otherwise. Id. A judge is presumed to be unbiased. Millen v. District Court, 148 P.3d 694, 701
 8 (Nev. 2006). A judge is presumed to be impartial, and the burden is on the party asserting the
 9 challenge to establish sufficient factual grounds warranting disqualification. Yabarra, 247 P.3d at
 10 272. Additionally, the Court must give substantial weight to a judge's determination that the judge
 11 may not voluntarily disqualify themselves, and the judge's decision cannot be overturned in the
 12 absence of clear abuse of discretion. In re Pet. To recall Dunleavy, 769 P.2d 1271, 1274 (Nev.
 13 1988).

14 The Nevada Supreme Court has stated "rulings and actions of a judge during the course of
 15 official judicial proceedings do not establish legally cognizable grounds for disqualifications." Id. at
 16 1275. The personal bias necessary to disqualify must 'stem from an extrajudicial source and result
 17 in an opinion on the merits on some basis other than what the judge learned from participation in the
 18 case.' Id. "To permit an allegation of bias, partially founded upon a justice's performance of his [or
 19 her] constitutionally mandated responsibilities, to disqualify that justice from discharging those
 20 duties would nullify the court's authority and permit manipulation of justice, as well as the court."

21 Id.

22 The Nevada Supreme Court has noted that while the general rule is that what a judge learns
 23 in his or her official capacity does not result in disqualification, "an opinion formed by a judge on
 24 the basis of facts introduced or events occurring in the course of the current proceedings, or of prior
 25 proceedings, constitutes a basis for a bias or partiality motion where the opinion displays 'a deep-
 26 seated favoritism or antagonism that would make fair judgment impossible.' Kirksey v. State, 923
 27 P.2d 1102, 1107 (Nev. 1996). However, "remarks of a judge made in the context of a court
 28 proceeding are not considered indicative of improper bias or prejudice unless they show that the

1 judge has closed his or her mind to the presentation of all the evidence." Cameron v. State, 968 P.2d
 2 1169, 1171 (Nev. 1998).

3 **B. Mr. Blandino improperly seeks to disqualify judges who are not assigned to the case.**

4 As a preliminary matter, the Court addresses Mr. Blandino's requests to disqualify all judges
 5 from the Eighth Judicial District Court and Senior Judge Barker. Mr. Blandino asserts that
 6 disqualification of the entire Eighth Judicial District Court is necessary because Mr. Blandino is
 7 privately investigating the District Court for corruption and misconduct. In the July 7th motion, Mr.
 8 Blandino moves for the disqualification of Senior Judge Barker because Mr. Blandino was not
 9 informed that Senior Judge Barker was assigned to the case.

10 Under Nevada Revised Statute, disqualification motions or affidavits are used to disqualify
 11 the judge assigned to a movant's case. NRS 1.235 does not provide for the disqualification of a
 12 judge who is not assigned to a movant's case. A motion to disqualify a judge must be supported by
 13 specific facts that show actual or implied bias against the judge. NRS 1.235(1). As the instant case
 14 is assigned to Judge Leavitt, it is improper for Mr. Blandino to request disqualification of unassigned
 15 judges. Additionally, Senior Judge Barker only heard the trial readiness conference in the case;
 16 Senior Judge Barker has not been assigned to the case. Therefore, Mr. Blandino's requests to
 17 disqualify all Judges from the Eighth Judicial District Court and Senior Judge Barker are denied
 18 because only Judge Leavitt is assigned to the case.

19 **C. Disqualification of Judge Leavitt is not warranted because Mr. Blandino has not
 20 established sufficient factual and legal grounds for disqualification.**

21 NRS 1.235 provides that at the time an affidavit to disqualify a judge is filed, "a copy must
 22 be served upon the judge sought to be disqualified." NRS 1.235(4). Here, there is no evidence that
 23 Mr. Blandino' May 7th motion was served upon Judge Leavitt or the District Court staff attorney.
 24 This procedural defect requires denial of Mr. Blandino's motion. But, even if the lack of personal
 25 service were not fatal, Mr. Blandino has not demonstrated sufficient grounds to support the
 26 disqualification of Judge Leavitt.

27 Mr. Blandino argues that the competency referral and Judge Leavitt's rulings in the case are
 28 evidence that Judge Leavitt is biased in favor of the District Attorney. Mr. Blandino also argues that

1 III. Conclusion

2 This case is assigned to Judge Leavitt. Mr. Blandino improperly requests the disqualification
3 of judges who are not assigned to this case. Furthermore, neither Judge Leavitt nor the District
4 Court staff attorney was served with Mr. Blandino's May 7th disqualification motion. This
5 procedural defect requires denial of Mr. Blandino's motion. Even if the lack of personal service
6 were not fatal, Mr. Blandino does not bring any cognizable claims supported by factual or legal
7 allegations against Judge Leavitt. Judge Leavitt's rulings and actions in the course of official
8 judicial proceedings are not evidence of bias or prejudice. Thus, Mr. Blandino's May 7, 2020, and
9 July 10, 2020, disqualification motions are both denied.

10 Dated this 3rd day of August, 2021



14 7F9 28D A3DE 554C
15 Linda Marie Bell
16 District Court Judge

APPENDIX B.2

APPENDIX B.2

1 DAO
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EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA

6 Plaintiff,

7 vs.

8 KIM BLANDINO,

9 Defendant.

10 Case No. C-19-341767-1
11 Dept. No. XII

DECISION AND ORDER

12 Kim Blandino ("Defendant") filed a "Motion to Disqualify Judges Michelle Leavitt,
13 Bell and Marquis and All Judges of the Eighth Judicial District Court Pursuant to NRS 1.230
14 and 1.235 and Rule 2.11 of the Revised Nevada Code of Judicial Conduct ("Code") and
15 Why this Matter Must be Heard by a Judge from Another District Pursuant to NRS
16 1.235(5)(a) and the Code." This matter came before the Court on January 2, 2020. Chamber
17 Calendar. After reviewing Defendant's motion, Judge Bell's affidavit, and Judge Leavitt's
18 affidavit, the Court denies Defendant's motion.

19 1. Factual and Procedural Background

20 On July 12, 2019, Defendant was indicted on one count of Extortion and one count of
21 Impersonation of an Officer. The case was assigned to Department 12 and Judge Leavitt
22 ordered competency evaluations for Defendant on September 17, 2019. The first
23 competency hearing in this matter was on October 4, 2019, but Defendant had not yet been
24 evaluated and the hearing was continued for a status check on November 1, 2019. At the
25 November 1 status check, Defendant still had not been evaluated. The matter was continued
26 to December 6, 2019, where the Court was informed again that Defendant had not
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1 participated in evaluations. Defendant then sought leave to file a motion disqualifying the
 2 entire Eighth Judicial District from hearing his case.

3 Defendant filed the instant Motion on December 13, 2019, alleging that Judge Leavitt
 4 and Judge Bell are biased against him. Judge Leavitt filed an affidavit denying all
 5 allegations On December 16, 2019. Judge Bell filed an affidavit denying all allegations on
 6 December 18, 2019. This matter came before this Court on January 2, 2020, Chamber
 7 Calendar.

8 II. Discussion

9 A. Legal Standard

10 Nevada Revised Statute 1.230 provides the statutory grounds for disqualifying district
 11 Court judges. The statue in pertinent part provides:

- 12 1. A judge shall not act in an action or proceeding when the judge entertains
 13 actual bias or prejudice for or against one of the parties to the action.
- 14 2. A judge shall not act as such in an action or proceeding when implied bias
 15 exists in any of the following respects:
 - 16 (a) When the judge is a party to or interested in the action or proceeding.
 - 17 (b) When the judge is related to either party by consanguinity or affinity
 18 within the third degree.
 - 19 (c) When the judge has been attorney or counsel for either of the parties in
 20 the particular action or proceeding before the court.
 - 21 (d) When the judge is related to an attorney or counselor for either of the
 22 parties by consanguinity or affinity within the third degree. This
 23 paragraph does not apply to the presentation of ex parte or contested
 24 matters, except in fixing fees for an attorney so related to the judge.

25 The Revised Nevada Code of Judicial Conduct provides substantive grounds for judicial
 26 disqualification. Pursuant to NCJC 2.11(A):

- 27 (A) A judge shall disqualify himself or herself in any proceeding in which
 28 the judge's impartiality might reasonably be questioned, including but not
 29 limited to the following circumstances:
 - 30 (1) The judge has a personal bias or prejudice concerning a party or a party's
 31 lawyer, or personal knowledge of facts that are in dispute in the proceeding.

1 A judge shall disqualify himself or herself in any proceeding in which the judge's
 2 impartiality might be reasonably questioned. Ybarra v. State, 247 P.3d 269, 271 (Nev. 2011).
 3 The test for whether a judge's impartiality might be reasonably questioned is objective and
 4 courts must decide whether a reasonable person, knowing all the facts, would harbor
 5 reasonable doubts about a judge's impartiality. Id. at 272.

6 The burden is on the party asserting the challenge to establish sufficient factual and
 7 legal grounds warranting disqualification. Las Vegas Downtown Redevelopment Agency v.
District Court, 5 P.3d 1059, 1061 (Nev. 2000). A judge has a duty to preside to the
 8 conclusion of all proceedings, in the absence of some statute, rule of court, ethical standard,
 9 or compelling reason otherwise. Id. A judge is presumed to be unbiased. Millen v. District
Court, 148 P.3d 694, 701 (Nev. 2006). A judge is presumed to be impartial, and the burden
 10 is on the party asserting the challenge to establish sufficient factual grounds warranting
 11 disqualification. Yabarra, 247 P.3d at 272. Additionally, the Court must give substantial
 12 weight to a judge's determination that the judge may not voluntarily disqualify themselves,
 13 and the judge's decision cannot be overturned in the absence of clear abuse of discretion. In
 14 re Pet. To recall Dunleavy, 769 P.2d 1271, 1274 (Nev. 1988).

15 The Nevada Supreme Court has stated "rulings and actions of a judge during the
 16 course of official judicial proceedings do not establish legally cognizable grounds for
 17 disqualifications." Id. at 1275. The personal bias necessary to disqualify must 'stem from
 18 an extrajudicial source and result in an opinion on the merits on some basis other than what
 19 the judge learned from participation in the case.' Id. "To permit an allegation of bias,
 20 partially founded upon a justice's performance of his [or her] constitutionally mandated
 21 responsibilities, to disqualify that justice from discharging those duties would nullify the
 22 court's authority and permit manipulation of justice, as well as the court." Id.

23 The Nevada Supreme Court has noted that while the general rule is that what a judge
 24 learns in his or her official capacity does not result in disqualification, "an opinion formed by
 25 a judge on the basis of facts introduced or events occurring in the course of the current

1 proceedings, or of prior proceedings, constitutes a basis for a bias or partiality motion where
 2 the opinion displays 'a deep-seated favoritism or antagonism that would make fair judgment
 3 impossible.' Kirksey v. State, 923 P.2d 1102, 1107 (Nev. 1996). However, "remarks of a
 4 judge made in the context of a court proceeding are not considered indicative of improper
 5 bias or prejudice unless they show that the judge has closed his or her mind to the
 6 presentation of all the evidence." Cameron v. State, 968 P.2d 1169, 1171 (Nev. 1998).

7 **B. Disqualification of Judge Bell is not warranted because Defendant has not
 8 established sufficient factual and legal grounds for disqualification.**

9 Defendant's arguments do not demonstrate extreme bias or prejudice against
 10 Defendant that would support the disqualification of Judge Bell. Defendant alleges that
 11 Judge Bell cannot adjudicate anything in this case due to an outstanding motion against her.
 12 Defendant fails to set forth any specific facts to demonstrate bias or prejudice by Judge Bell.
 13 In her response, Judge Bell affirms that at the November 1, 2019 competency hearing, she
 14 made no substantive decisions and encouraged Defendant to cooperate with evaluating
 15 doctors. Judge Bell states that due to concerns regarding Defendant's pending criminal case.
 16 she has not heard any of Defendant's subsequent competency proceedings.

17 A judge's remarks during court proceedings are indicative of improper bias when the
 18 remarks show that the judge has closed their mind to the presentation of evidence. Cameron,
 19 968 P.2d at 1171. The party seeking disqualification, however, must establish sufficient
 20 factual grounds warranting disqualification. Yabarra, 247 P.3d at 272. Here, Defendant has
 21 not established sufficient factual grounds for his allegations against Judge Bell. Defendant
 22 has not provided the Court with any evidence of the alleged bias, nor has Defendant
 23 informed the Court of specific instances of the prejudicial behavior.

24 The Court's review of the record and the November 1, 2019 competency hearing does
 25 not show Judge Bell behaving in a prejudicial or biased manner. Therefore, Defendant's
 26 request to disqualify Judge Bell is denied.

C. Disqualification of Judge Leavitt is not warranted because Defendant has not established sufficient factual and legal grounds for disqualification.

Defendant argues that Judge Leavitt demonstrated bias against him on September 17, 2019 by granting the State's ex parte motion to remand Defendant to competency proceedings without allowing him to file an opposition. In her response, Judge Leavitt affirms that she has no actual or implied bias of prejudice against Defendant or the State of Nevada.

The Court has reviewed the record surrounding this matter and notes that on September 10, 2019, a senior Judge directed Defendant to file his opposition to the State's motion to refer him to competency proceedings. At the September 17, 2019 hearing before Judge Leavitt, Defendant maintained that he could not file an opposition because he is a vexatious litigant. Judge Leavitt informed Defendant that he could request permission from the Court to file his motion. Despite this, Defendant argued that Judge Leavitt had no authority to grant that permission. Based upon the record and everything Judge Leavitt observed at this hearing, she referred Defendant to Competency Court.

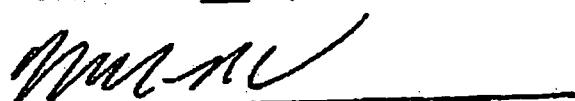
The rulings and actions of a judge during the course of official judicial proceedings do not establish legally cognizable grounds for disqualifications. A motion or affidavit for disqualification is an inappropriate vehicle to attack the substantive rulings of the underlying case. If a litigant disagrees with the substantive rulings of a judge, they must go through the appellate process. Here, the facts do not demonstrate the extreme bias or prejudice against Defendant that would be necessary for disqualification. Defendant's request to disqualify Judge Leavitt on these grounds is denied.

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III. Conclusion

Defendant does not bring any cognizable claims supported by factual or legal allegations against Judge Bell or Judge Leavitt. There is no evidence that Judge Bell or Judge Leavitt have been biased against Defendant. Further, Judge Leavitt's rulings in the course of official judicial proceedings are not evidence of bias or prejudice. Thus, Defendant's request to disqualify Judge Bell and Judge Leavitt is denied.

DATED this 23 day of January, 2020.



MICHAEL P. VILLANI
DISTRICT COURT JUDGE

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date of filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Name	Party
Kim Blandino c/o 441 N 16 th Las Vegas, Nevada 89101	Defendant
Melanie H. Harland 520 S. 7 th Street, Suite A Las Vegas, NV 89101	Attorney for Plaintiff
The Honorable Linda Marie Bell	Judge
The Honorable Michelle Leavitt	Judge

**OLIVIA BLACK
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT XVII**

AFFIRMATION

Pursuant to NRS 2393.030

Pursuant to Rule 2009(e)(2)(B)(i)
The undersigned does hereby affirm that the preceding Decision and Order filed
in District Court case number D508164 DOES NOT contain the social security
number of any person.

1/s/ Michael Villani
District Court Judge

Date: 11/23/2020

APPENDIX C

APPENDIX C

214

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIM BLANDINO, AND SIMILARLY
SITUATED PERSON (NEIGHBORS),

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND DISTRICT COURT
JUDGES OF THE EIGHTH JUDICIAL
DISTRICT COURT,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 81765

FILED

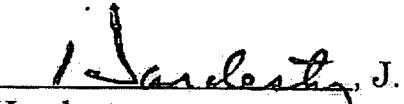
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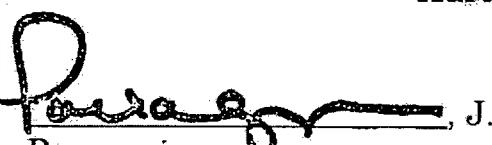
SUSANNAH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

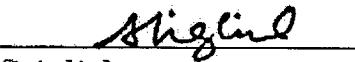
ORDER DENYING PETITION FOR REVIEW

Review denied. NRAP 40B.¹

It is so ORDERED.²


Hardesty


Parraguirre


Stiglich


Cadish


Silver

¹Kristina Pickering, Chief Justice, and Mark Gibbons, Justice, did not participate in the decision of this matter.

²We deny petitioner's motion for stay of the district court proceedings and motion to take judicial notice filed on October 13, 2020.

20-40457

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cc: Kim Blandino
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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