

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KIM BLANDINO, AND NEXT FRIEND
TO ALEX YANKO AND SIMILARLY
SITUATED INMATES IN CCDC,
Petitioner,

vs.

JOSEPH LOMBARDO; THE
HONORABLE JOSEPH HARDY, JR.,
DISTRICT JUDGE; THE HONORABLE
CRISTINA D. SILVA, DISTRICT
JUDGE; THE HONORABLE LINDA
MARQUIS, DISTRICT JUDGE; THE
CURRENT ACTING ADMINISTRATOR
OF THE NEVADA DIVISION OF
MENTAL HEALTH & DEVELOPMENT
SERVICES; AND AARON D. FORD,
ATTORNEY GENERAL FOR THE
STATE OF NEVADA,

Respondents.

KIM BLANDINO,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
LINDA MARIE BELL,

Respondents,

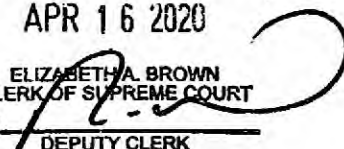
and

THE STATE OF NEVADA,
Real Party in Interest.

No. 80541-COA

FILED

APR 16 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

No. 80606-COA ✓

*ORDER DENYING PETITIONS
FOR EXTRAORDINARY WRIT RELIEF*

These are emergency, original pro se petitions for a writ of
mandamus, and/or prohibition, and/or certiorari raising numerous issues

and complaints concerning the criminal proceedings below and custody pending a competency evaluation and possible treatment.

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). A writ of prohibition is a proper remedy to restrain a district court from exercising judicial function without or in excess of its jurisdiction. *See* NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). A writ of certiorari is a proper remedy when an inferior tribunal, board, or officer, exercising judicial functions, has exceeded the jurisdiction of such tribunal, board, or officer. *See* NRS 34.020; *Nev. Public Access Land Coal. Inc. v. Humboldt Co. Bd. of Co. Comm'rs*, 111 Nev. 749, 895 P.2d 640 (1995). None of these writs will issue, however, if the petitioner has a plain, speedy, and adequate remedy at law. *See* NRS 34.170; NRS 34.330; NRS 34.020; *Pan v. Dist. Ct.*, 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. at 677, 679, 818 P.2d at 851, 853. Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered petitioner's petitions, supplements and updates, and other documents, we conclude that petitioner has failed to demonstrate that our extraordinary intervention is warranted. In particular, to the extent petitioner challenges district court orders, we discern from the petitions no arbitrary and capricious exercise of discretion or clear legal right to relief sufficient to intervene mid-criminal proceeding; absent this, the matter must be allowed to proceed to conclusion below.

Further, with regard to the other complaints made, the petitions raise many factual concerns, which the appellate courts are not well-suited to determine in the first instance. *See Round Hill General Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981). We note petitioner's concern that he may not file documents in the district court because he has been declared a vexatious litigant and he has moved to disqualify district court judges. Under the vexatious litigant order, petitioner may ask the district court for permission to file documents seeking relief, including a motion for return to house arrest due to COVID-19 concerns, and we anticipate that the district court will promptly resolve any hindrances to its ability to answer any such requests. Accordingly, we deny the petitions. *See* NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Hon. Cristina D. Silva, District Judge
Hon. Joseph Hardy, Jr., District Judge
Hon. Linda Marquis, District Judge, Family Court Division
Kim Blandino
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹In light of this order, all pending motions and requests for relief are denied as moot.