

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIM BLANDINO,

Petitioner,

vs.

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

Respondent,

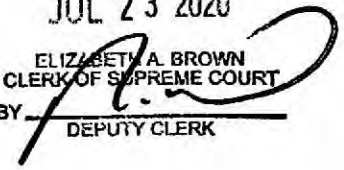
and

THE HONORABLE STEVE SISOLAK,
GOVERNOR OF NEVADA; CHIEF
JUDGE LINDA MARIE BELL IN HER
JUDICIAL AND ADMINISTRATIVE
EXECUTIVE CAPACITY; AND SENIOR
JUDGE DAVID BARKER IN HIS
JUDICIAL, EXECUTIVE AND
ADMINISTRATIVE CAPACITY,
Real Parties in Interest.

No. 81431

FILED

JUL 23 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER DENYING MOTIONS TO DISQUALIFY
AND FOR RECONSIDERATION*

On July 8, 2020, this court denied petitioner's motion to file a writ petition in excess of the NRAP 21(d) page/word count limit and struck the proposed petition. Petitioner has now filed a motion seeking to disqualify Chief Justice Pickering and all the members of this court based on an administrative order she signed, as well as a motion for reconsideration of our July 8 decision denying his motion to exceed the NRAP 21(d) limits.

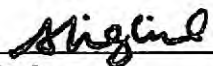
Petitioner improperly seeks to disqualify all members of this court based on an administrative order signed by one member. Accordingly, we have considered his motion as to Chief Justice Pickering, only, and hereby deny it as meritless. The party seeking disqualification bears the burden to demonstrate that disqualification is warranted, and speculation

is not sufficient. *People for Ethical Treatment of Animals v. Bobby Berosini, Ltd.*, 111 Nev. 431, 437, 894 P.2d 337, 341 (1995), *overruled on other grounds by Towbin Dodge, LLC v. Eighth Judicial Dist. Court*, 121 Nev. 251, 112 P.3d 1063 (2005). Moreover, a justice has a duty to sit in the absence of disqualifying bias, and the justice's determination that she should not voluntarily disqualify herself is entitled to substantial weight. *Bobby Berosini*, 111 Nev. at 437, 894 P.2d at 341. Here, petitioner has not demonstrated any basis for disqualification under NRS 1.225 or NCJC 2.11. The motion is based on information that was available to him before his proposed writ petition was filed and concerns only speculative future plans to challenge the administrative order, which was not at issue in the stricken petition. Accordingly, we deny the motion to disqualify.

Further, as petitioner has not pointed to any material matter that we overlooked or misapprehended or other circumstances warranting reconsideration, *see Matter of Dunleavy*, 104 Nev. 784, 786, 769 P.2d 1271, 1272 (1988), we deny his motion for reconsideration.¹ This case is now closed, and the clerk of this court shall not receive or file any further documents in this matter.

It is so ORDERED.²


_____, J.
Gibbons


_____, J.
Stiglich

¹As the motion for reconsideration is denied, we direct the clerk of this court to return, unfiled, petitioner's proposed emergency petition for writ, provisionally received in this court on July 14, 2020.

²In light of petitioner's motion to disqualify, Chief Justice Pickering did not participate in the decision of the matters resolved herein.

cc: Kim Blandino
Attorney General/Carson City
Adrian S. Viesca
Attorney General/Las Vegas
Eighth District Court Clerk