

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN SAMUEL BRAUNSTEIN,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
KATHY A. HARDCASTLE,
Respondents.

No. 64136

FILED

NOV 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

*ORDER DENYING PETITION AND REFERRING
PETITIONER FOR FORFEITURE OF CREDITS
PURSUANT TO NRS 209.451*


This is a proper person petition for a writ of quo warranto and mandamus/prohibition. Petitioner challenges his judgment of conviction. Because petitioner's claims are outside the scope of those for which quo warranto, mandamus, or prohibition may be granted, we decline to exercise original jurisdiction in this matter. See NRS 34.160; NRS 34.170; NRS 34.320; NRS 34.330. A challenge to the validity of the judgment of conviction must be raised in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.¹ NRS 34.724(2)(b); NRS 34.738(1).

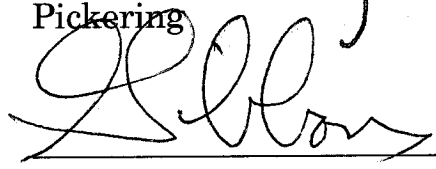
Further, petitioner has filed numerous documents in the district court and this court raising substantially similar claims, as well as claims that are not warranted by existing law or by a reasonable

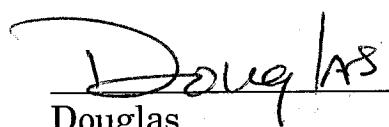
¹We express no opinion as to whether petitioner could meet the procedural requirements of NRS chapter 34.

argument for change in the law. In denying a proper person petition for a “first amendment petition” for a writ of mandamus in Docket No. 63270 and a proper person petition for extraordinary relief in Docket No. 63411, this court cautioned appellant that a prisoner could forfeit all deductions of time he has earned if the court finds that he filed a document in a civil action for an “improper purpose.” See NRS 209.451(2)(d). A petition for writ of quo warranto and/or mandamus/prohibition is a civil action. Appellant’s continuous stream of filings is an abuse of judicial resources, and the inclusion of these repetitive and unwarranted claims in the instant petition constitutes an improper purpose. Therefore, we refer this matter to the Director of the Department of Corrections to determine what forfeiture, if any, is warranted. See NRS 209.451(3). Accordingly, we

ORDER the petition DENIED and REFER this matter to the Director of the Department of Corrections.


_____, C.J.
Pickering


_____, J.
Gibbons


_____, J.
Douglas

cc: Chief Judge, Eighth Judicial District Court
Hon. Kathy A. Hardcastle, Senior Judge
Steven Samuel Braunstein
Attorney General/Carson City
Eighth District Court Clerk
Director, Department of Corrections