

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CURTIS LUNDY DOWNING,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; THE HONORABLE ELISSA F.
CADISH, DISTRICT JUDGE; AND THE
HONORABLE MICHAEL VILLANI,
DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

CURTIS LUNDY DOWNING,
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Respondents,

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THE STATE OF NEVADA,
Real Party in Interest.

No. 75679-COA

FILED

NOV 06 2018

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

No. 75680-COA ✓

ORDER DENYING PETITIONS


These are identical original petitions for a writ of mandamus. Curtis Lundy Downing informs this court that he has a pre-filing injunction against him in two district court cases. He asserts he submitted an actual innocence petition for a writ of habeas corpus, a request for evidentiary hearing, and a petition for leave of court to permit the filing of papers. He

further asserts District Court Judge Cadish and District Court Judge Villani have both directed the district court clerk to “return [his documents] unfiled to party,” but did not provide any reason for their decisions. Downing claims the judges arbitrarily and capriciously exercised their discretion by refusing to file his petitions. Downing asks this court to “find that the refusal of Judge Cadish and Judge Villani to file [his] pleadings, writs, etc., is contrary to decisions, opinions of this court, and or the United States Supreme Court.”

We have considered the petition, and we are not satisfied this court’s intervention by way of extraordinary writ is warranted at this time. See NRS 34.160. Downing has not provided this court with any documentation to support his allegations, and therefore, he has failed to meet his “burden of demonstrating that extraordinary relief is warranted.” *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); see also NRAP 21(a)(4). Accordingly, without deciding upon the merits of any claims raised, we

ORDER the petitions DENIED.¹


_____, C.J.
Silver


_____, J.
Gibbons

¹The Honorable Jerome T. Tao did not participate in the decision in these matters.

cc: Hon. Elissa F. Cadish, District Judge
Hon. Michael Villani, District Judge
Curtis Lundy Downing
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk