

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN SAMUEL BRAUNSTEIN,
Petitioner,
vs.
BRIAN WILLIAMS, WARDEN; HDSP;
AND THE STATE OF NEVADA,
Respondents.

No. 75357

FILED

OCT 12 2018

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

ORDER DENYING PETITION


In this original petition for a writ of habeas corpus, mandamus, and/or prohibition, Steven Samuel Braunstein raises several claims challenging his judgment of conviction. Braunstein asserts he has no other plain, speedy, or adequate remedy available to him for raising these claims because the district court has imposed a pre-filing injunction against him and refuses to file and consider his petition raising these claims.

We have considered all documents filed in this matter, and we are not satisfied this court's intervention by way of extraordinary writ is warranted at this time. *See* NRS 34.160; NRS 34.320; NRAP 22; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) ("Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted."). Although the district court has imposed a pre-filing injunction against Braunstein, this injunction does not absolutely preclude Braunstein from seeking relief in the district court. Rather, pursuant to the pre-filing injunction, Braunstein must submit a "Petition for Leave of Court to Permit Filing of Court Papers" along with any document he wishes to file. The record before this court demonstrates Braunstein submitted, and the district court returned unfiled, a "Motion for Submission of Habeas Corpus

filed on December 20, 2017 28 USC 2254 Illegal Sentence 176.555 NRS by Court.” This document did not comply with the requirements for a “Petition for Leave of Court to Permit Filing of Court Papers” as stated in the pre-filing injunction. Therefore, it does not appear Braunstein has followed the proper procedure for seeking his relief in the district court in the first instance. Under this circumstance, we conclude Braunstein has not demonstrated that he does not have a plain, speedy, and adequate remedy at law available to raise his claims. See NRS 34.170; NRS 34.330. Accordingly, without deciding upon the merits of any claims raised, we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Steven Samuel Braunstein
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk