

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID LEVOYD REED,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK,
Respondent,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 78892

FILED

JUL 11 2019

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

ORDER DENYING PETITION

This pro se petition for a writ of mandamus challenges Judge Michael Villani's order denying petitioner's motion to recuse Judge William Kephart for bias or prejudice. We conclude petitioner has not demonstrated that the district court arbitrarily or capriciously exercised its discretion in denying his motion. See NRS 34.160; *Poulos v. Eighth Judicial Dist. Court*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982) (recognizing that a writ of mandamus is an extraordinary remedy and that the decision to entertain such a writ rests within this court's discretion); *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981) (recognizing that a writ of mandamus is available to control an arbitrary or capricious exercise of discretion); see also *State v. Eighth Judicial Dist. Court (Armstrong)*, 127 Nev. 927, 931-32, 267 P.3d 777, 780 (2011) ("An arbitrary or capricious exercise of discretion is one 'founded on prejudice or preference

rather than on reason' . . . or 'contrary to the evidence or established rules of law.'" (internal citations omitted)). Accordingly, we

ORDER the petition DENIED.

1- Hardesty, J.
Hardesty

Stiglich, J.
Stiglich

Silver, J.
Silver

cc: Hon. Michael P. Villani, Dist. Judge
Hon. William Kephart, Dist. Judge
David Levoyd Reed
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk