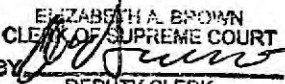IN THE SUPREME COURT OF THE STATE OF NEVADA

JOE PANICARO,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
DAVID A. HARDY, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.
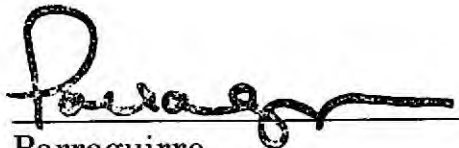
No. 81320

FILED

SEP 18 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK

ORDER DENYING PETITION

This is a pro se petition for a writ of mandamus challenging the decision to deny a motion to disqualify the judges of the First Judicial District Court. We have reviewed the documents submitted in this matter, and we conclude that this court's intervention by extraordinary writ is not warranted because petitioner did not demonstrate disqualification was required. *See* NRS 34.160; *Poulos v. Eighth Judicial Dist. Court*, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982) (recognizing that it is within this court's discretion to determine if a petition will be considered); *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981) (recognizing that a writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust or station, or to control an arbitrary or capricious exercise of discretion); *see also* NRS 1.230 (setting forth grounds for disqualification of district court judges); *PETA v. Bobby Berosini, Ltd.*, 111 Nev. 431, 435-38, 894 P.2d 337, 340-41 (1995) (recognizing that a violation of Nevada Code of Judicial Conduct may be a ground for disqualification and that this court

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will exercise its independent judgment in evaluating whether impartiality can reasonably be questioned under an objective standard), *overruled on other grounds by Towbin Dodge, LLC v. Eighth Judicial Dist. Court*, 121 Nev. 251, 112 P.3d 1063 (2005). Accordingly, we

ORDER the petition DENIED.

_____, J.
Parraguirre

_____, J.
Hardesty

_____, J.
Cadish

cc: Hon. David A. Hardy, District Judge
       Joe Panicaro
       Attorney General/Carson City
       Storey County District Attorney
       Carson City Clerk