


IN THE SUPREME COURT OF THE STATE OF NEVADA

APRIL LOARIS,
Petitioner,
vs.
THE HONORABLE JERRY A. WIESE,
CHIEF DISTRICT JUDGE,
Respondent.

No. 89201

FILED

DEC 11 2024

ELIZABETH A. BRYAN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order denying a motion to recuse a district court judge in a criminal matter. Having considered petitioner April Loaris's petition, we conclude that our extraordinary and discretionary intervention is not warranted. *See* NRS 34.160; *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition).

Loaris is charged with violating an extended protection order (EPO) and moved to dismiss the charge because the justice court failed to record the proceeding in which it entered the EPO. In opposing Loaris's motion, the State attached the police report associated with the charge of violating the EPO. Loaris claims that this report prejudiced the district court judge against her and that the judge should have been recused.

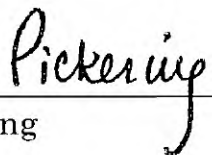
Loaris has not shown that recusal was warranted. See *Canarelli v. Eighth Jud. Dist. Ct.*, 138 Nev. 104, 107, 506 P.3d 334, 337 (2022) (“Generally, what a judge learns in his official capacity does not result in disqualification, so a party alleging judicial bias must show that the judge learned prejudicial information from an extrajudicial source.” (internal quotation marks omitted)). Loaris’s contention that the police report constituted an extrajudicial source is mistaken. Evidence attached to a motion is not an extrajudicial source. *Christo v. Padgett*, 223 F.3d 1324, 1333-34 (11th Cir. 2000) (determining that newspaper articles attached to a motion were not extrajudicial sources). And Loaris’s contention that *Canarelli* permits a judge with actual bias to hear the case is misplaced given that Loaris has not shown that the district judge had actual bias against her, and we decline Loaris’s invitation to overrule *Canarelli*. Additionally, Loaris failed to name the State of Nevada as a real party in interest notwithstanding the State’s interest in this matter. See NRAP 21(a).

Accordingly, we

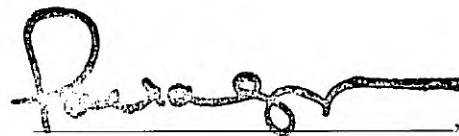
ORDER the petition DENIED.

 _____, J.

Stiglich

 _____, J.

Pickering

 _____, J.

Parraguirre

cc: Hon. Jerry A. Wiese, Chief Judge
The Pariente Law Firm, P.C.
Clark County District Attorney
Eighth District Court Clerk