

IN THE SUPREME COURT OF THE STATE OF NEVADA

JO ANN JACKSON,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
STEPHEN L. HUFFAKER, DISTRICT  
JUDGE; AND MICHAEL BUCHANAN,  
SENIOR LAW CLERK,

Respondents,

and

JANET RAFAEL, A/K/A JANET  
JACKSON; AND WILSON RAFAEL,  
A/K/A WILSON JACKSON,  
Real Parties in Interest.

No. 45039

**FILED**

JAN 10 2006

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DENYING WRIT PETITION

This original proper person writ petition, entitled "Independent Action Relief From Fraud," seems to ask this court to void a district court order setting a jury trial date in District Court Case No. A389572. The petition includes numerous fraud allegations against Senior Judge Stephen L. Huffaker, including that he presided over her case without jurisdiction and acted as real parties in interest's attorney while he presided over her case.

In a supplement to her petition, petitioner contends that, by fraudulently "reassigning Judge Huffaker to determine the timeliness of [petitioner's] motion to disqualify Judge Huffaker," this court has also forfeited jurisdiction over Case No. A389572. In an addendum to her petition, petitioner asserts that this court is "personally involved in



diligently affecting the outcome of case [No.] A389572 in favor of defendants blatantly violating petitioner's civil and constitutional rights."

Petitioner has also attached a request to stay the proceedings while her allegations of fraud are being reviewed, arguing that she is being "railroad[ed] into a fraudulent jury trial." In her stay request, petitioner asks this court to grant her counter motions for summary judgment in the underlying case.

In addition to her writ petition, supplements, and stay request, petitioner has submitted "Objections to Judge Huffaker's issuing an Order Without Jurisdiction," noting that it was submitted "under duress" and "in fear of life, liberty and safety." In addition to reiterating all of the allegations and accusations made in the above-referenced submissions, petitioner contends that this court has engaged in "entrapment" by "continuously refusing to rule according to the law," and has compelled her to "suffer involuntary servitude."

A writ petition seeks an extraordinary remedy and is proper only when there is no plain, adequate and speedy legal remedy, or there are either urgent circumstances or important legal issues that need clarification.<sup>1</sup> Petitioner has the burden of demonstrating that extraordinary relief is warranted and must provide this court with a statement of facts necessary to understand all issues raised, and attach to her petition all documents, including copies of any orders, necessary for this court to render its decision.<sup>2</sup>

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<sup>1</sup>NRS 34.170; NRS 34.330; State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 449, 92 P.3d 1239, 1242 (2004).

<sup>2</sup>NRAP 21(a); Pan v. Dist. Ct., 120 Nev. 222, 228-29, 88 P.3d 840, 844 (2004).

We have considered the petition, supplements, and attached documents, and are not satisfied that this court's intervention by way of extraordinary relief is warranted.<sup>3</sup> In particular, the district court is responsible for managing its docket, and petitioner has not demonstrated anything fraudulent about the court's order setting petitioner's case for trial.<sup>4</sup> Indeed, as defendants in the underlying case had moved to dismiss the case under NRCP 41(e), and the case had been filed more than five years earlier, it was in petitioner's best interest to move the case forward according to the court's order.<sup>5</sup> Additionally, in an appeal from this same district court case, we issued an order on February 3, 2005, reversing the dismissal of petitioner's complaint, and instructing the district court to allow petitioner a "reasonable period of time" to bring her case to trial, but also warning petitioner to act expeditiously or again face dismissal. In so doing, we noted that petitioner had spent an inordinate amount of time seeking summary judgment and judge disqualifications, in contradiction to NRCP 41(e).

On March 30, 2004, the district court, acting in accordance with our order, set the trial date for August 2, 2005. Instead of heeding our warning and litigating her case as scheduled, petitioner has again delayed the proceedings by filing numerous documents in this court, all

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<sup>3</sup>Although petitioner was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from her.


<sup>4</sup>See NRCP 40 (providing that the district court shall place actions upon the trial calendar).

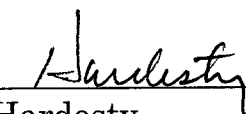
<sup>5</sup>See NRCP 40(3) (giving trial date precedence to actions entitled thereto by any statute).

the while maintaining that this court has forfeited jurisdiction over the case.<sup>6</sup> Petitioner has not supported any of her conclusory allegations of fraud with any reliable evidence. Thus, we conclude that extraordinary relief from the order setting the case for trial is not warranted and, accordingly, we

ORDER the petition DENIED.<sup>7</sup>

  
\_\_\_\_\_, C.J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Hardesty

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<sup>6</sup>Petitioner contends that, as a result of our earlier order directing Judge Huffaker to determine the timeliness of petitioner's judge disqualification motion, we have forfeited jurisdiction over this case. We disagree. See Towbin Dodge, LLC v. Dist. Ct., 121 Nev. \_\_\_, 112 P.3d 1063 (2005).

<sup>7</sup>NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). We also deny as moot petitioner's request for a stay. Additionally, as the case remains pending in the district court, we deny her request that we grant her summary judgment motions. See NRAP 4(a)(1); Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987).

cc: Hon. Stephen L. Huffaker, Senior Judge  
Jo Ann Jackson  
Janet Rafael  
Wilson Rafael  
Clark County Clerk