

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES WELLER,
Petitioner,
vs.
NEVADA COMMISSION ON JUDICIAL
DISCIPLINE,
Respondent.

No. 76183

FILED

JUL 26 2018

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

ORDER DENYING PETITION

This original petition for a writ of prohibition or mandamus asks this court to arrest the Nevada Commission on Judicial Discipline's proceedings against petitioner based on the First Amendment of the United States Constitution. We decline to intervene at this time because the First Amendment issues do not implicate the Commission's jurisdiction, *see* NRS 1.440(1), and depend in part on factual determinations that this court cannot make in the first instance but instead must be made by the Commission, *see Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981). *See also Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (setting forth scope of prohibition and mandamus and stating that both are "purely discretionary with this court"). Accordingly, we

ORDER the petition DENIED.

Pickering, J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

cc: Law Office of David R. Houston
Arrascada & Aramini, Ltd.
Law Offices of Kathleen M. Paustian, Chtd.
Nevada Commission on Judicial Discipline