


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84886-COA

FILED

JUL 27 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER AFFIRMING IN PART AND DISMISSING IN PART

Matthew Travis Houston appeals from an order of the district court denying a motion to withdraw guilty plea filed on April 13, 2022, a motion requesting to suppress the sentencing hearing filed on April 2, 2022, a motion requesting a hearing and release on to intensive supervision filed on April 6, 2022, and a motion requesting an appearance by telephone or video conference filed on April 18, 2022. Eighth Judicial District Court, Clark County; Elham Roohani, Judge.

In his motion to withdraw guilty plea, Houston alleged persons stole his dogs, contended he suffers from battered person syndrome and was a victim in a mass shooting incident, contended that the district court and other persons disrespected him, and stated that he did not place phone calls to the victims in this matter. Houston's motion challenges his judgment of conviction, and he does not allege that he meets the requirements of NRS 34.724(3). Therefore, Houston's motion should be construed as a postconviction petition for a writ of habeas corpus in accordance with *Harris v. State*, 130 Nev. 435, 448-49, 329 P.3d 619, 628 (2014). However, Houston's claims were outside the scope of claims permissible in a postconviction petition for a writ of habeas corpus arising from a guilty plea.

See NRS 34.810(1)(a); *Gonzales v. State*, 137 Nev. 398, 403, 492 P.3d 556, 562 (2021). Therefore, we conclude that the district court did not err by denying the motion.

Houston also appeals from the district court's denial of his motion requesting to suppress the sentencing hearing, motion requesting a hearing and release on to intensive supervision, and motion requesting an appearance by telephone or video conference. However, no statute or court rule permits an appeal from an order denying these motions. Therefore, we lack jurisdiction to consider this portion of Houston's appeal. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990) (explaining the right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists). Accordingly, we dismiss this portion of Houston's appeal.

Houston appears to argue on appeal that the district court was biased against him. We conclude that relief is unwarranted because Houston has not demonstrated that the district court's denial of Houston's motions was based on knowledge acquired outside of the proceedings and the decision does not otherwise reflect "a deep-seated favoritism or antagonism that would make fair judgment impossible." *Canarelli v. Eighth Judicial Dist. Court*, 138 Nev. 104, 107, 506 P.3d 334, 337 (2022) (internal quotation marks omitted) (explaining that unless an alleged bias has its origins in an extrajudicial source, disqualification is unwarranted absent a showing that the judge formed an opinion based on facts introduced during official judicial proceedings and which reflects deep-seated favoritism or antagonism that would render fair judgment impossible); *see In re Petition to Recall Dunleavy*, 104 Nev. 784, 789, 769 P.2d 1271, 1275 (1988) (providing that rulings made during official judicial

proceedings generally “do not establish legally cognizable grounds for disqualification”); *see also Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) (stating that the burden is on the party asserting bias to establish sufficient factual grounds for disqualification), *overruled on other grounds by Romano v. Romano*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022). Therefore, Houston is not entitled to relief based on this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED in part and DISMISSED in part.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Department 11
Matthew Travis Houston
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹We have reviewed the document that Houston filed with this court on July 25, 2023, and we conclude no relief is warranted.

Further, having reviewed all of the documents Houston has filed in this matter, to the extent Houston attempts to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance. *See McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999).