

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ERICKSON,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF

CLARK; THE HONORABLE ERIKA L.

MENDOZA; AND THE HONORABLE

MICHAEL VILLANI,

Respondents,

and

ODP BUSINESS SOLUTIONS, LLC,

Real Party in Interest.

MICHAEL ERICKSON,

Appellant,

vs.

ODP BUSINESS SOLUTIONS, LLC,

Respondent.

✓ No. 90544

FILED

MAY 27 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

No. 90560

*ORDER ADMINISTRATIVELY CLOSING DOCKET NO. 90544,
DIRECTING TRANSMISSION OF RECORD IN DOCKET NO. 90560,
AND ADDRESSING MOTIONS*

On April 1, 2025, the district court dismissed Case No. A-24-902278-P under NRCP 4(e)(2) for failure to timely effectuate service of process. Five notices of appeal from the April 1 order were filed by Michael Erickson, pro se, in the district court on April 29, May 5, May 6, and May 15, 2025. Confusingly, the notices of appeal were also labelled "Petition for Writ of Certiorari." In the Nevada state judicial system, a petition for a writ of certiorari is not the same thing as a notice of appeal and is subject to

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different filing and other processes. Nevertheless, these notices of appeal were then transmitted to this court and filed under Docket No. 90560.¹

Meanwhile, on April 29, 2025, Erickson filed with this court a document titled both “Appellant’s Opening Brief” and “Petition for Writ of Certiorari,” referencing Case No. A-24-902278-P and asserting arguments concerning the April 1 dismissal order, particularly that the district court incorrectly concluded that service was not properly effectuated and that it improperly delayed issuing an order. The brief mentions both a writ of certiorari and “this appeal,” and the same brief was attached to several of the notices of appeal docketed in No. 89560. The brief received on April 29 was docketed as a writ petition under Docket No. 90544.

However, a writ of certiorari is not available when the petitioner may appeal from the challenged order. NRS 34.020(2) (“The writ shall be granted in all cases when an inferior tribunal . . . has exceeded the jurisdiction of such tribunal . . . and there is no appeal, nor, in the judgment of the court, any plain, speedy and adequate remedy.”); *see also Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (explaining that an appeal is “an adequate legal remedy that precludes writ relief”). Erickson can and has appealed from the April 1 dismissal order, and he may raise the issues contained in the brief in his appeal in Docket No. 90560. Because it appears that Erickson intended the brief to be filed as his opening brief in the appeal and because writ relief is not separately available here, this court concludes that Docket No. 90544 should be administratively closed, and the brief and other documents filed in that

¹Erickson has provided sufficient proof of the notice of appeal’s service on respondent ODP Business Solutions, LLC, and ODP Business Solutions has filed a notice of appearance in this appeal.

docket should be transferred to the appeal in Docket No. 90560. Accordingly, the clerk of this court is directed to administratively close Docket No. 90544 and to transfer the brief (as appellant's opening brief) and other documents filed therein to Docket No. 90560. Erickson may proceed with the appeal in Docket No. 90560. Within 45 days of the date of this order, respondent may, but is not required to, file an answering brief. *See* NRAP 28(b); NRAP 31(a)(1); NRAP 46A(c).

Transmission of record

Having reviewed the documents on file in this appeal, Docket No. 90560, this court concludes that review of the complete record is warranted. NRAP 10(a)(1). Accordingly, within 30 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the trial court record in District Court Case No. A-24-902278-P. *See* NRAP 11(a)(2) (providing that the complete "record must contain each and every paper, pleading, and other document filed in, or submitted for filing in, the district court," as well as "any previously prepared transcripts of the proceedings in the district court"). The record shall not include any exhibits filed in the district court. NRAP 11(a)(1).

Motions for return of filing fee

In Docket No. 90560, Erickson has filed two motions to return the filing fee, also asking for clarification of certain case appeal statements.²

²The motions have been accepted for filing. Therefore, Erickson's May 19, 2025, motion for an order striking the motions as deficient, filed in Docket No. 90560, is denied.

NRS 2.250, subsections (1)(a) and (1)(c)(1) combined, requires a \$250 filing fee for appeals. *See also* NRAP 3(e).

The motions point out that Erickson has been granted leave to proceed with in forma pauperis status in a separate district court action and in the writ proceeding in Docket No. 90544. Nonetheless, it appears that on May 12, 2025, in the underlying district court case, Erickson filed an application to proceed with this appeal in forma pauperis, which remains pending. Accordingly, this court defers ruling on the motions to return the filing fee pending a decision on Erickson's district court application. The district court online docket entries indicate that the court is scheduled to hear the motion on June 18, 2025. The clerk of the district court should immediately transmit to this court a copy of the district court's decision on the matter.

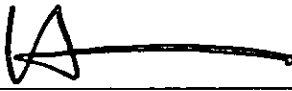
Transcripts

In Docket No. 90560, Erickson on May 13, 2025, filed a certificate that he would not be requesting transcripts in the appeal. In Docket No. 90544, Erickson on May 16, 2025, filed a motion to waive the costs associated with preparing and delivering transcripts per NRAP 9(a)(9), indicating that he would like the appellate court to review the transcript from a January 15, 2025, show cause hearing. Erickson did not comply with NRAP 9(a)(2) in that docket, however, by filing an original transcript request form with the district court and a file-stamped copy of that form with this court. Accordingly, Erickson shall have 14 days from the date of this order to comply with NRAP 9(a) if he would like to request the January 15 transcript for review by the appellate court in this appeal. This court will deem Erickson's failure to comply with NRAP 9(a) and this

The case appeal statement filed on May 1, 2025, mistakenly indicates that Erickson had previously filed an application to proceed in forma pauperis. As other case appeal statements correctly show, no application was filed in the underlying district court case before May 12, 2025.

order as indication that he does not wish to request the January 15 transcript. This court defers ruling on the motion to waive costs pending receipt of any district-court-file-stamped transcript request form and the district court's decision on Erickson's application to proceed in forma pauperis. *See* NRAP 9(a)(9).

It is so ORDERED.

 C.J.

cc: Hon. Erika L. Mendoza, District Judge
Hon. Michael Villani, District Judge
Michael Erickson
Backus | Burden
Eighth District Court Clerk