

Diego Rodriguez
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IN THE SUPREME COURT OF THE STATE OF IDAHO

Diego Rodriguez,

Petitioner,

vs.

Judge Nancy A. Baskin, District Judge of the
Fourth Judicial District, Ada County,

Respondent,

Idaho Supreme Court Case No. _____

Ada County Case No. CV01-22-06789

**PETITION FOR SUPERVISORY
RELIEF**

COMES NOW, Petitioner Diego Rodriguez, appearing pro se, and respectfully petitions this Honorable Court to exercise its constitutional and supervisory authority over the trial court proceedings in *St. Luke's Health System, Ltd. v. Diego Rodriguez*, Ada County Case No. CV01-22-06789. This Petition is necessitated by an unprecedented jurisdictional breakdown and failure of judicial accountability in the district court. The presiding judge, Nancy Baskin, has continued to exercise judicial power—including scheduling hearings and issuing orders—despite being the subject of a timely and properly filed *Motion for Disqualification* under I.R.C.P. 40(b). Critically, no written order denying the motion has ever been entered or served, in direct violation of I.R.C.P. 2.3(b).

Under Idaho law, this procedural failure creates a jurisdictional defect and renders all subsequent actions void. Multiple filings have been submitted to preserve this objection and to demand resolution. Nonetheless, the Administrative District Judge has disclaimed authority to intervene, leaving Petitioner with no legal remedy other than this request for supervisory intervention. Without action by this Court, the proceedings below will continue under a cloud of judicial

misconduct and irreparable due process violations, undermining the legitimacy of Idaho's judicial process.

I. BASIS FOR SUPERVISORY JURISDICTION

This Petition is properly before the Idaho Supreme Court pursuant to its constitutional and statutory authority to exercise supervisory control over the lower courts of this state.

- **Article V, Section 9 of the Idaho Constitution** provides: *"The Supreme Court shall also have jurisdiction to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all writs necessary to the complete exercise of its appellate jurisdiction."*
- **Idaho Code § 1-203** states: *"Its original jurisdiction extends to the issuance of writs of mandamus, certiorari, prohibition, habeas corpus, and all writs necessary or proper to the exercise of its appellate jurisdiction."*
- **Idaho Appellate Rule 5(a)** provides: *"Any person may apply to the Supreme Court for the issuance of any extraordinary writ or other proceeding over which the Supreme Court has original jurisdiction. Except for petitions for writs filed by incarcerated persons and petitions for writs of habeas corpus, petitions for writs and motions seeking to intervene in such petitions shall contemporaneously be served by mail on all affected parties, including the real party in interest. There shall be no response to applications filed pursuant to this rule unless the Supreme Court requests a party to respond to the application before granting or denying the same. The Supreme Court shall process petitions for such special writs as are established by law in the manner provided in this rule."*

Accordingly, the Idaho Supreme Court has both constitutional and procedural jurisdiction to hear this Petition and to issue appropriate supervisory writs to preserve the integrity of the judicial process and ensure compliance with law by lower courts. In this matter, Petitioner asserts that:

- Judge Baskin has acted without jurisdiction by continuing to preside over the case after a disqualification motion was filed and never lawfully denied.
- No written order denying the motion has ever been entered or served, in violation of I.R.C.P. 2.3(b) and I.R.C.P. 40(d).

- Petitioner’s attempts to resolve the issue before the Administrative District Judge (Hon. Steven Hippler) were denied on jurisdictional grounds, with Judge Hippler directing Petitioner to bring the matter before this Court.

II. PROCEDURAL BACKGROUND

1. On June 14, 2024, Petitioner filed a *Motion to Disqualify Judge Baskin for Cause* pursuant to I.R.C.P. 40(b).
2. Judge Baskin continued presiding over the case and issuing orders without ever issuing a written denial of the disqualification motion as required by I.R.C.P. 40(d).
3. On May 23, 2025, Petitioner filed a *Renewed Motion to Disqualify Judge Nancy Baskin*.
4. On July 15, 2025, Petitioner filed an *Emergency Motion to Enforce Disqualification* with the Administrative District Judge.
5. On July 29, 2025, Judge Steven Hippler entered an Order Denying the Motion, stating: “*To the extent Rodriguez believes Judge Baskin is improperly exercising jurisdiction in the case, it is a matter he must address with Judge Baskin, on appeal, or through some other procedurally appropriate petition with the Idaho Supreme Court.*”
6. Petitioner now brings this Petition in direct response to that instruction.

III. BASIS FOR RELIEF

A. Rule 2.3(b) Was Violated.

Idaho Rule of Civil Procedure 2.3(b) mandates that: “*Immediately after entering an order or judgment, the clerk of the district court, or magistrates division, must serve a copy of it on every party, with the clerk’s filing stamp showing the date of filing.*” To date:

- No such written order denying the disqualification motion exists.
- The docket reflects no entry of any order denying the motion.
- Petitioner has never been served with any such order.

B. Rule 40(d) Bars Further Action Without a Ruling.

Rule 40(d) states: “*Upon the filing of a motion for disqualification, the presiding judge must not act further in the action except to grant or deny the motion for disqualification.*”

By continuing to preside over the case without a valid written denial, Judge Baskin has violated Rule 40(d). Her jurisdiction to act was suspended the moment the disqualification motion was filed.

C. Case Law Confirms That Orders Issued Without Jurisdiction Are Void.

In *State v. Gorringer*, 168 Idaho 175, 481 P.3d 723 (2021), the Idaho Supreme Court held: “*An order entered without subject matter jurisdiction is void.*”

This principle applies equally to orders issued by a disqualified judge who has not lawfully denied a pending motion to disqualify. Every ruling entered after June 14, 2024, is therefore void.

IV. THE NEED FOR EXTRAORDINARY INTERVENTION

Judge Baskin has never issued or served a written order denying the disqualification motion as required under I.R.C.P. 2.3(b), despite multiple formal notices and filings drawing attention to this omission. Instead, she has proceeded to exercise judicial power—including scheduling an upcoming hearing (scheduled for August 19th, 2025) on “all pending motions”—without first resolving the threshold jurisdictional issue. Her continued silence and inaction on this matter, while asserting ongoing authority over the case, reflects a disregard for the procedural safeguards designed to ensure fairness and neutrality.

These circumstances raise serious concerns about judicial bias and the impartial administration of justice. When a sitting judge proceeds despite a pending disqualification motion and fails to follow procedural mandates, it undermines public confidence in the courts. This conduct warrants this Court’s immediate supervisory intervention to preserve the integrity of the judicial process and prevent further harm.

V. CONCLUSION

Petitioner has exhausted all procedural remedies available. The Administrative District Judge has denied jurisdiction to act. The only remaining forum with the authority to remedy this constitutional and procedural violation is the Idaho Supreme Court.

VI. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Exercise supervisory authority over the District Court proceedings below;
2. Declare all orders entered by Judge Baskin after June 14, 2024, to be *void ab initio* for want of jurisdiction;
3. Direct the assignment of a new and neutral judge to preside over the case in accordance with I.R.C.P. 40(d);
4. Enter such further relief as the Court deems just and proper to prevent continued judicial misconduct and to preserve the integrity of Idaho's judicial process.

VII. VERIFICATION

I, Diego Rodriguez, declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

DATED: July 29th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy to:

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DATED: July 29th, 2025

By: /s/ Diego Rodriguez
Diego Rodriguez