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2 ROBERT BEADLES
3 10580 N. McCarran Blvd. #115, Apt. 386
4 Reno, NV 89503
5 Appellant, In Pro Per

6 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

7 MR ROBERT BEADLES, an individual,
8 Appellant,
9 vs.

NVSC Case No.: 87683
District 1 Case No: 23-OC-00105 1B
District 2 Case No: CV23-01341

10 JAMIE RODRIGUEZ, in her official
11 capacity as Registrar of Voters and in her
12 personal capacity; the WASHOE COUNTY
13 REGISTRAR OF VOTERS, a government
14 agency; ERIC BROWN in his official
15 capacity as WASHOE COUNTY
16 MANAGER and in his personal capacity,
17 ALEXIS HILL in her official capacity as
18 CHAIRWOMAN OF WASHOE COUNTY
19 BOARD OF COMMISSIONERS and in her
20 personal capacity; WASHOE COUNTY,
21 Nevada a political subdivision of the State
22 of Nevada, and DOES I-X; and ROE
23 CORPORATIONS I-X.

24 Respondents.

25 **Certificate of Compliance**

26 I hereby certify that this petition complies with the formatting requirements of [NRAP](#)
27 [32\(a\)\(4\)](#), the typeface requirements of [NRAP 32\(a\)\(5\)](#), and the type style requirements
28 of [NRAP 32\(a\)\(6\)](#) because:

This petition has been prepared in a proportionally spaced typeface using Microsoft
Word Version 16.75 in 14 point Times New Roman Font.

1 I further certify that this brief complies with the page- or type-volume limitations of
2 [NRAP 32\(a\)\(7\)](#) because, excluding the parts of the petition exempted by [NRAP](#)
3 [32\(a\)\(7\)\(C\)](#), it is:

4 Proportionately spaced, has a typeface of 14 points or more, contains 4,664 words,
5 which does not exceed 4,667 words.

6
7 Finally, I hereby certify that I have read this petition, and to the best of my knowledge,
8 information, and belief, it is not frivolous or interposed for any improper purpose. I
9 further certify that to the best of my knowledge, this petition complies with all
10 applicable Nevada Rules of Appellate Procedure, in particular [NRAP 28\(e\)\(1\)](#), which
11 requires every assertion in the brief regarding matters in the record to be supported by
12 a reference to the page and volume number, if any, of the transcript or appendix where
13 the matter relied on is to be found. I understand that I may be subject to sanctions in the
14 event that the accompanying brief is not in conformity with the requirements of the
15 Nevada Rules of Appellate Procedure.
16

17 Dated this 10th day of June, 2024
18

19
20
21
22 By: _____

23 ROBERT BEADLES, Appellant In Pro Per,

24 10580 N. McCarran Blvd. #115, Apt. 386,

25 Reno, NV 89503 916-573-7133
26
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23 Respondents.

24 **MOTION TO EXPEDITE RULING ON PETITION FOR EN BANC**

25 **RECONSIDERATION NRAP RULE 40A**

26 **I. INTRODUCTION**

27 Pursuant to NRAP Rule 27, I, Robert Beadles, respectfully submit this *Motion to*
28 *Expedite* the Ruling on my *Petition for En Banc Reconsideration*. This follows this
Court's affirmation of dismissal with prejudice by the lower Court D1, and its denial
of my *Rule 40 Petition For Rehearing*. This request is crucial due to the imminent

1 election and the urgent public need to address significant legal issues promptly. The
2 initial rulings by a panel of three judges contains substantial legal and procedural
3 errors that significantly impact justice, accountability, and the integrity of public
4 office. Therefore, an urgent review by all seven judges is necessary well before the
5 November general elections. This motion seeks a prompt resolution due to the critical
6 nature of the legal issues involved and their broad implications for the administration
7 of justice and public governance in Nevada.
8
9

10 **II. NECESSITY FOR EN BANC RECONSIDERATION**

11
12 The court's prior dismissal and denial fundamentally misapprehends the duty of
13 public officials to respond to lawful grievances. This misapprehension of material
14 questions of law or fact, if uncorrected, threatens to create unconstitutional case law
15 and perpetuate injustice. My Petition for *En Banc Reconsideration* argues that this
16 Court, in its previous composition, overlooked or misapplied critical statutory
17 obligations, thereby jeopardizing the principles of transparency and accountability in
18 governance.
19
20
21

22 **III. ARGUMENT AND ANALYSIS**

- 23
24 **1. Urgency Due to Imminent Election:** The upcoming election necessitates
25 swift judicial intervention to ensure electoral integrity and maintain public
26 trust in the legal system.
27
28

1 2. **Significant Public Interest and Precedent:** This Court has recognized the
2 urgency in cases affecting public governance and electoral integrity. Under
3 NRAP Rule 27 and Rule 40A, expedited *En Banc Reconsideration* is essential
4 to prevent an erosion of public trust and ensure that upcoming electoral
5 processes are conducted within a just legal framework.

6 3. **Legal Ramifications of Non-Expedition:** Failure to expedite the *En Banc*
7 *Reconsideration* will solidify erroneous case law and allow the perpetuation
8 of legal errors, absolving public officials from accountability, undermining
9 the rule of law, and denying justice to the citizens of Nevada.
10

11 **IV. PRECEDENT FOR EXPEDITED RULINGS:**

12 The Nevada Supreme Court has the authority to expedite proceedings in situations of
13 significant public interest or urgency related to elections, as demonstrated in *Miller v.*
14 *Burk*, 124 Nev. 579, 188 P.3d 1112 (Nev. 2008) and *Election Integrity Project of*
15 *Nevada, LLC v. Eighth Judicial District Court*, 136 Nev. 804, 473 P.3d 1021 (Nev.
16 2020). Additionally, NRAP Rule 2 empowers this honorable court to expedite its
17 decision for other good causes.
18

19 **V. CONCLUSION**

20 Your Honors, I recognize the Court’s demanding caseload and regret adding to it with
21 this motion. However, given the substantial issues at stake and the impending general
22 elections, the need for an expedited *En Banc Reconsideration* is crucial. This Court
23

1 plays a pivotal role in ensuring public officials are held to the highest standards of
2 accountability and that the electoral system operates transparently and justly. I
3 respectfully urge the Court to grant *this Motion to Expedite the En Banc*
4 *Reconsideration* under NRAP Rule 27 to address these significant issues promptly and
5 restore public trust in our judicial and electoral systems.
6

7
8 Respectfully submitted,

9
10 By: _____

11
12 ROBERT BEADLES, Appellant In Pro Per,

13 10580 N. McCarran Blvd. #115, Apt. 386,

14
15 Reno, NV 89503 916-573-7133
16

17
18 **AFFIRMATION PURSUANT TO NRS 239B.030**

19 The undersigned does hereby affirm that the preceding document
20 does not contain the Social Security Number of any person.
21

22 DATED: June 10th, 2024.
23
24
25
26

27 _____
28 Robert Beadles, Appellant In Pro Per

CERTIFICATE OF SERVICE

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Pursuant to NRCP 5(b), I hereby certify that on June 10th, 2024, I served all parties by electronically emailing the defense counsel and by sending via first-class mail with sufficient postage prepaid to Lindsay Liddell, the respondents' defense attorney.

Haldeman, Suzanne shaldeman@da.washoecounty.gov
Hickman, Elizabeth ehickman@da.washoecounty.gov
Liddell, Lindsay L lliddell@da.washoecounty.gov

And mailed to:
One South Sierra Street Reno, Nevada 89501

Robert Beadles, Appellant In Pro Per

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22 of Nevada, and DOES I-X; and ROE
23 CORPORATIONS I-X.

24 Respondents.

25 **NRAP RULE 40A, PETITION FOR EN BANC RECONSIDERATION**

26 Robert Beadles, in Proper Person
27 10580 N. McCarran Blvd. #115, Apt. 386
28 Reno, NV 89503
916-573-7133
RobertBeadles@protonmail.com

1
2 **NRAP 26.1 DISCLOSURE**

3 The undersigned in proper person appellant certifies that the following are persons and
4 entities as described in NRAP 26.1(a), and must be disclosed. These representations are
5 made in order that the judges of this court may evaluate possible disqualification or
6 recusal. There are no parent corporations or publicly-held companies that own 10% or
7 more of the Appellant. The Appellant is not using a pseudonym.
8
9

10 DATED: 6/10/24
11

12 _____
13 Robert Beadles, Appellant In Pro Per
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- 13 Exhibit A Original Complaint Filed On 8/4/23 in D2. 19 pg.
14 Exhibit 1 ROV 11-17-22- Petition. 40 pg.
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18 Exhibit 3 Unanswered Petition served upon defendants 12/1/22. 19 pg.
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20 Exhibit 4 Email exchange between the plaintiff and defendants. 5 pg.
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30 Exhibit 9 Email exchange between the plaintiff and defendants. 16 pg.
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32 Exhibit 10 Addresses from tax records appearing in conflict to vote. 6 pg.
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1 Exhibit 12 Addresses from tax records appearing in conflict to vote. 51 pg.

2 Exhibit 13 Addresses from tax records appearing in conflict to vote. 22 pg.

3 Exhibit 14 Addresses from tax records appearing in conflict to vote. 99 pg.

4 Exhibit 15 Detailed report showing tax record vs voter record concerns. 15 pg.

5 Exhibit 33 Petition proof 1 pg.

6 Exhibit 34 Petition proof 20 pg.

7 Exhibit 72 Washoe Observation Court Orders 6 pg.

8 Exhibit 109 Highlights of Supplemental Statements 4 pg.

9 Exhibit 120 NV SOS 700 Complaints RGJ Article.pdf 4 pg.

10 Exhibit 127 Small Sample Of Violation Complaints sent to the SOS 33 pg.

11 Exhibit 163 11_20_23 Hearing Transcript-Court Reporter 37 pg.

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17 **NRAP RULE 2 and NRCP RULE 61:**

18 I ask this Honorable Court to adhere to NRAP Rule 2:

19 "On the court's own or a party's motion, the court may—to expedite its decision or for
20 other good cause—suspend any provision of these Rules in a particular case and order
21 proceedings as the court directs, except as otherwise provided in NRAP Rule 26(b),"
22 if it applies. I additionally ask this Honorable Court to adhere to NRAP Rule 26(d),
23 which grants the authority to: "Shorten Time. Except as otherwise provided in these
24 Rules, or when not otherwise controlled by statute, the time prescribed by these Rules
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1 to perform any act may be shortened by stipulation of the parties, or by order of the
2 court or a justice or judge.”

3 If I made any errors in the procedures or structure of this brief or prior filings with this
4 Honorable Court, I ask, in the pursuit of justice, to allow this appeal and brief to
5 proceed as per NRCPC Rule 61, which states, "Unless justice requires otherwise, no
6 error in admitting or excluding evidence—or any other error by the court or a party—
7 is ground for granting a new trial, for setting aside a verdict, or for vacating,
8 modifying, or otherwise disturbing a judgment or order. At every stage of the
9 proceeding, the court must disregard all errors and defects that do not affect any
10 party’s substantial rights."
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1 **I. Introduction**

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3 On May 15, 2024, this Court affirmed the District Court's erroneous decision
4 to dismiss my case with prejudice. On 6/7/24 this court denied my *Rule 40*
5 *Petition For Rehearing*. I now seek *En Banc Reconsideration* under NRAP
6 Rule 40A to address substantial legal errors that jeopardize my
7
8 constitutionally protected rights and the integrity of Nevada’s judicial
9 process. The three-justice panel’s decisions conflict with established legal
10 precedents, overlooks critical facts, and creates harmful case law. Full court
11 review is essential to ensure uniformity of decisions, uphold constitutional
12 principles, and restore public trust in Nevada's judiciary regarding election
13 law enforcement and public accountability.
14
15

16 **II. Statement of the Case**

17
18 On August 4, 2023, I filed a comprehensive complaint in the Second Judicial
19 District Court in Washoe County, alleging numerous violations of Nevada
20 election laws and constitutional provisions by the Secretary of State and
21 other respondents. The case was transferred to the First Judicial District
22 Court under Judge Russell, who dismissed the complaint with prejudice
23 based on NRCP Rule 12(b)(5), despite substantial evidence and procedural
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1 compliance under NRCP Rule 8(a)(2). My subsequent appeal to this Court
2 highlighted procedural and substantive errors, including the misapplication
3 of legal standards and the dismissal of critical evidence. The three-justice
4 panel affirmed the lower court's decision and denied my *Request For*
5 *Rehearing* without adequately addressing these errors. This petition seeks *En*
6 *Banc Reconsideration* to correct these judicial missteps, ensure uniform
7 application of the law, and protect the constitutional rights of Nevada's
8 citizens.
9
10

11 **III. Questions Presented**

- 12 **1. Should this Court have dismissed the case with prejudice**
13 **instead of allowing leave to amend, considering NRCP Rule**
14 **8(a)(2) requires only a short and plain statement of the claim**
15 **showing entitlement to relief?**
- 16 **2. If NRCP Rule 8(a)(2) was adhered to, can a NRCP Rule 12(b)(5)**
17 **dismissal stand when substantial evidence and specific**
18 **allegations support the claims made?**
- 19 **3. Does the panel's decision conflict with established precedents**
20 **regarding the duty of public officials to respond to election**
21
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1 grievances and procedural safeguards ensuring due process and
2 equal protection under Nevada and U.S. Constitutions?

3 4. Does the procedural and substantive handling of this case by
4 both the lower court and the panel undermine the constitutional
5 rights guaranteed under the Nevada Constitution, including the
6 right to petition for redress of grievances and the right to a fair
7 trial?
8

9 5. Is *En Banc Reconsideration* necessary to maintain uniformity in
10 the application of legal standards regarding the dismissal of
11 claims involving substantial public interest, constitutional
12 violations, and the integrity of electoral processes?
13
14

15
16 **IV. Duty of This Court to Grant En Banc Reconsideration**
17

18 Pursuant to NRAP Rule 40A, this petition seeks *En Banc Reconsideration*
19 on the grounds that the panel's decision overlooks or misapprehends critical
20 material facts essential to due process, thereby creating erroneous case law
21 that undermines the interpretative integrity of NAC 293.025, Nev. Const.
22 Art. 2 Sec. 1A § 11, NRS 293.2546, NRCP Rule 12(b)(5), and Rule 8(a)(2),
23 as well as the enforcement of valid court orders in Nevada. The panel's
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1 decision involves substantial constitutional and public policy issues that
2 impact not only the immediate litigants but also the broader legal standards
3 applied within Nevada. This reconsideration is crucial to maintain the
4 uniformity of judicial decisions and to correct any deviations from
5 established precedents of the Supreme Court or Court of Appeals, ensuring
6 the integrity and consistent application of judicial decisions across the state.
7

8 The errors made by the panel have far-reaching implications for due process,
9 equal protection under the law, and the public's confidence in the judicial
10 system.
11

12
13 **V. NVSC Error: Early Engagement With The Secretary of State via**
14 **NAC 293.025 Was Adhered To**
15

16 Under NAC 293.025, individuals alleging violations of Title 24 of the NRS
17 must submit a written, signed complaint to the Secretary of State. In strict
18 compliance with this regulation, I filed a detailed written complaint with the
19 Secretary of State, documenting numerous violations under NRS 293.124.
20

21 Exhibits 1 and 3 show the initial grievances filed, while Exhibits 33-34
22 confirm receipt by the Secretary of State and Respondents. Exhibit 120
23 indicates that the Secretary of State received over 700 complaints, including
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27

1 mine, and Exhibit 127 provides further evidence of my adherence to NAC
2 293.025 procedures.

3
4 Despite my exhaustive efforts and complete adherence to all prescribed
5 administrative procedures, the Secretary of State and other respondents
6 failed to provide any remedy or acknowledgment of my grievances. Exhibits
7 1-15 detail the persistent neglect and systemic refusal to address the election
8 grievances, in clear violation of Nevada law.

9
10
11 The respondents' inaction violates due process and equal protection clauses
12 under the Nevada Constitution and NRS 293.2546, rendering NAC 293.025
13 an unconstitutional barrier to public redress. This concern is echoed by
14 *James Madison in Federalist No. 10*, emphasizing the need for impartial
15 adjudication. Judicial intervention is necessary when administrative
16 remedies are exhausted without resolution, as reinforced by *Darby v.*
17 *Cisneros*, 509 U.S. 137 (1993).

18
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21 Additionally, precedents in *Law v. Whitmer* (136 Nev. 840, 2020) and
22 *Anthony v. Miller* (137 Nev. 276, 2021) highlight the necessity of judicial
23 review in election-related complaints, irrespective of initial outcomes. Even
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27

1 if my compliance with NAC 293.025 were in question, established precedent
2 supports the judicial review of my case.

3
4 This Court's responsibility extends beyond procedural review to ensuring
5 substantial justice through fair application of the law, particularly in cases
6 affecting electoral integrity and public trust.
7

8 **VI. Error NVSC, My Exhibits Were Not Rogue**

9
10 The Respondents' counsel drafted the lower court's ruling, which Judge
11 Russell subsequently signed, erroneously labeling my exhibits as "rogue"
12 simply because they are detrimental to their defense. These exhibits were not
13 rogue, as they were filed concurrently with my *Original Complaint* (Exhibit
14 A) on August 4, 2023, and subsequently with additional pleadings.
15
16

17
18 The docket clearly shows that four exhibits were filed on August 4, 2023,
19 along with the *Original Complaint*. These exhibits, including Exhibits 1-3
20 and 109, provide substantial proof to overcome an NRCP Rule 12(b)(5)
21 motion to dismiss. They contain numerous allegations, supporting evidence,
22 affidavits, and petitions, effectively meeting the NRCP Rule 8(a)(2) standard
23 for stating a claim.
24
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27

1 Additionally, on August 9, 2023, I filed 112 supplemental exhibits, as
2 indicated in Exhibit 109, and have filed 54 more exhibits with various
3 responses and motions since then. These exhibits, totaling 170, were
4 meticulously documented and submitted in compliance with procedural
5 rules.
6

7
8 The original exhibits and subsequent filings demonstrate a robust body of
9 evidence that refutes the dismissal under NRCP Rule 12(b)(5). For instance,
10 court orders in Exhibit 72, along with video evidence in Exhibits 23-24
11 showing the Respondents violating these orders, clearly establish grounds
12 for judicial relief.
13

14
15 The *Original Complaint* and its exhibits, filed on August 4, 2023, along
16 with subsequent filings, provide ample evidence to support my claims and
17 overcome the erroneous dismissal. These exhibits were filed in accordance
18 with procedural requirements and should not have been disregarded as
19 "rogue".
20
21

22 **VII. Error NVSC, The Respondents Do Have A Duty To Respond**

23

24 As stated previously, I adhered to NAC 293.025 and NRS 293.407,
25 exhausting all administrative avenues prior to filing my complaint in
26

1 Washoe D2 Court. If the Secretary of State, the Washoe County Registrar of
2 Voters (ROV), and the other Respondents who oversee our elections have no
3 duty to respond to my election grievances, who does? If this Court refuses to
4 enjoin them to respond, who will? The plain language of the U.S.

5
6 Constitution and the Nevada Constitution must be interpreted to protect
7 individuals like myself, rather than shield those who might be committing
8 misconduct, like the Respondents. Without such judicial intervention, there
9 can be no justice in this Court.
10

11
12 The necessity for judicial oversight is underscored by several landmark
13 cases. In *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), the U.S.
14 Supreme Court recognized the need for judicial intervention to prevent bias
15 and ensure fair judicial processes. Similarly, *Ex parte McCardle*, 74 U.S.
16 506 (1868), emphasized the judiciary's role in safeguarding constitutional
17 rights. In *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982), the Court
18 reinforced the necessity of due process in administrative proceedings,
19 and *Herrera v. Collins*, 506 U.S. 390 (1993), highlighted the importance of
20 fair legal procedures. NRS 293.2546(11) mandates the fair, accurate, and
21 efficient resolution of election complaints. My attempts to secure such
22 resolution through administrative channels, as required by NAC 293.025,
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1 were met with silence and inaction. This failure to address my grievances
2 constitutes a violation of my due process and equal protection rights under
3 Article 1, Section 8 of the Nevada Constitution and the 14th Amendment of
4 the U.S. Constitution, which states: “*nor shall any State deprive any person*
5 *of life, liberty, or property, without due process of law; nor deny to any*
6 *person within its jurisdiction the equal protection of the laws.*”
7
8

9 In the landmark case of *Myers v. Reno Cab Co., Inc.*, 137 Nev. Adv. Op. 36
10 (July 29, 2021), the Supreme Court of Nevada emphasized the critical
11 importance of applying precise legal standards to assess employment status,
12 firmly establishing that mere contractual labels are insufficient to bypass
13 statutory and constitutional safeguards. This principle is directly applicable
14 to my situation. Despite the Respondents’ attempts to characterize our
15 relationship through contractual terms, the actual dynamics of our
16 interaction and my reliance on their statutory obligations call for substantive
17 judicial examination. Much like *Myers*, who pursued all required
18 administrative remedies before approaching the courts, I too methodically
19 fulfilled every procedural requirement, engaging thoroughly with both the
20 Secretary of State and the Respondents before seeking judicial recourse.
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1 This conscientious adherence underscores the necessity for judicial
2 intervention to uphold accountability.

3
4 The Nevada Supreme Court's role transcends simple procedural reviews; it
5 acts as a stalwart guardian of justice, charged with preserving the integrity of
6 both administrative and legal processes, ensuring that public trust is not
7 breached and that individuals like myself are afforded the justice they seek.

8 The court's decisions in *Zgombic v. State*, 798 P.2d 548 (1990) and *Clem v.*
9 *State*, 104 Nev. 351, 760 P.2d 103 (1988), among others, illustrate its pivotal
10 responsibility to interpret statutory language fairly and judiciously,
11 protecting all citizens from disproportionate or unjust outcomes.

12
13
14
15 In my case, the premature dismissal of my complaint, disregarding my
16 exhaustive pursuit of all available administrative remedies, risks setting a
17 dangerous precedent where public officials can evade accountability, thus
18 undermining the rule of law and contradicting the judiciary's duty to prevent
19 the misapplication of administrative powers. It is therefore crucial for the
20 Supreme Court of Nevada to correct this oversight, reaffirming that no one,
21 especially those in public service, is above the law. The court must assert
22 where administrative mechanisms and self-regulation fail, reinforcing its
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1 dedication to equal justice and the strict enforcement of legal standards. This
2 is not merely a procedural necessity but a fundamental imperative to
3 maintain public confidence in the judicial system's capacity to dispense
4 unbiased justice.
5

6 **VIII. The Inconsistencies and Constitutional Implications of Dismissing**
7 **My Complaint**
8

9
10 The lower court's dismissal of my complaint contradicts established legal
11 standards and constitutional protections. It overlooks substantial evidence
12 and detailed allegations, which demonstrate violations of election laws and
13 constitutional rights, undermining due process and equal protection
14 principles.
15

16
17 This denial of my complaint prevents redress for legitimate grievances,
18 violating protections in the Nevada and U.S. Constitutions. The Fourteenth
19 Amendment ensures no state shall deprive any person of life, liberty, or
20 property without due process of law, nor deny equal protection of the laws.
21 Article 1, Section 8 of the Nevada Constitution echoes this guarantee.
22

23
24 The court's ruling lets election officials evade accountability, jeopardizing
25 electoral integrity. Judicial oversight is crucial for fair enforcement of
26

1 election laws. By dismissing my complaint, the court neglects its duty to
2 protect voters' rights.

3
4 Precedents such as *Zgombic v. State* and *Clem v. State* emphasize judicial
5 oversight's role in upholding statutory and constitutional standards. The
6 dismissal of my complaint, despite substantial evidence, departs from these
7 principles and undermines the rule of law.
8

9
10 This Court must correct this error, hold election officials accountable,
11 uphold electoral integrity, and protect voters' rights.
12

13 **IX. Error NVSC, NRS 283.440 Does Apply**

14
15 In Cause Two of my *Original Complaint*, I assert that the Respondents
16 should be removed from office under NRS 283.440. Although NRS 266.430
17 was also listed as an option, NRS 283.440 unequivocally applies and should
18 not result in the dismissal of my cause of action merely because both statutes
19 were mentioned.
20

21
22 At the time of my *Original Complaint*, all Respondents held public office.
23 NRS 283.440(1) clearly states, “*Any person who is now holding or who shall*
24 *hereafter hold any office in this State and who refuses or neglects to perform*
25
26

1 *any official act in the manner and form prescribed by law, or who is guilty*
2 *of any malpractice or malfeasance in office, may be removed therefrom as*
3 *hereinafter prescribed in this section.”* This statute applies to all
4
5 officeholders, including the Respondents.

6
7 Case law supports this interpretation. In *Mason v. Gammick, No. 71691*
8 *(Nev. App. June 26, 2017)* and *Charles A. Muth v. Robert Loux, No. 2008*
9 *WL 6498697 (Nev. Dist. Ct., First Judicial Dist., Carson City County, Trial*
10 *Order)*, the courts acknowledged the applicability of NRS 283.440 for the
11 removal of public officials. Even the defense, in their Motion to Dismiss
12 *(citing Madsen v. Brown, 701 P.2d 1086, 1093 (Utah 1985))*, acknowledges
13 my authority to seek removal under NRS 283.440.

14
15
16 Exhibit 109, filed with my ***Original Complaint*** on August 4, 2023, provides
17 numerous allegations and substantial evidence of the Respondents'
18 malpractice and malfeasance. These include violations of election laws and
19 court orders, which justify their removal from office. Allowing public
20 officials to break laws without repercussions undermines the rule of law and
21 public trust. The NRCP Rule 12(b)(5) dismissal of this cause of action must
22 be overturned.
23
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1 A trial is necessary to evaluate the evidence of the Respondents' misconduct
2 and their potential removal from office. At the very least, leave to amend
3 should be granted to allow these serious allegations to be properly
4 addressed.
5

6
7 **X. Error NVSC, Change of Venue vs. Jury Trial**

8 The reasons for granting a change of venue were clearly presented and
9 supported by compelling evidence. My motions and pleadings illustrate that
10 I could not receive a fair hearing in Judge Russell's courtroom, underscored
11 by Judge Russell's denial of my motion to change venue based on his claim
12 of not knowing who I was (See *Official Transcript*, Exhibit 163, page 13,
13 lines 12-24, and page 14, lines 1-6). Multiple sources affirm Judge Russell
14 knew my identity before his ruling, making his decision questionable.
15
16
17

18 If this Court will not change the venue to an unbiased court, it must uphold
19 my constitutional rights by granting a jury trial in District 1, Carson City.
20

21 This allows citizens to weigh the evidence. According to NRCP Rules 38-39
22 and the Nevada Constitution Article 1 Section 3: "*The right of trial by Jury*
23 *shall be secured to all and remain inviolate forever; but a Jury trial may be*
24 *waived by the parties in all civil cases in the manner to be prescribed by*
25
26
27

1 *law; and in civil cases, if three-fourths of the Jurors agree upon a verdict it*
2 *shall stand and have the same force and effect as a verdict by the whole*
3 *Jury.”*

4
5 I did not waive my right to a jury trial. My complaint, supported by
6 substantial evidence and exhibits, overcomes a Rule 12(b)(5) dismissal. If a
7 change of venue is not granted, my constitutional right to a jury trial must be
8 honored. *Roethlisberger v. McNulty, 127 Nev. Adv. Op. No. 48, 54774*
9 *(2011), 256 P.3d 955*, confirms that even if a motion to change venue is
10 denied, the case proceeds in the original court where the motion was filed.
11
12

13
14 **XI. Error NVSC, There are Numerous Claims Remedy Can Be Granted**
15 **On**

16
17 There are multiple claims in the Original Complaint that do not warrant
18 dismissal under NRCP Rule 12(b)(5). Here are some specific claims that
19 survive.
20

21
22 The *Original Complaint* (Exhibit A), filed on August 4, 2023, and its
23 accompanying exhibits, should not have been dismissed pursuant to NRCP
24 Rule 12(b)(5). The plain language of the complaint and accompanying
25 exhibits, starting with Exhibit 109, align with NRCP Rule 8(a)(2). Exhibit
26

1 109 lists numerous allegations corroborated by Exhibits 1-3 and further
2 evidenced by the 116 additional exhibits referenced.

3
4 For example, Exhibit 3 contains affidavits from Washoe County Election
5 Workers and observers, stating that the Respondents failed to perform
6 signature verification required by law. These witnesses, under penalty of
7
8 perjury, declared they were instructed by the ROV to disregard lawful
9 signature verification procedures or observed others doing so. All witnesses
10 have agreed to be cross-examined in court.

11
12 Another example is Exhibit 72, which includes valid court orders that the
13 defendants broke, documented on video in Exhibits 23-24. All of this was
14 originally pled in the filing on August 4, 2023, in Exhibit 109. The ***Original***
15 ***Complaint*** lists two causes of action. On page 12, paragraph 80, it states: “*In*
16 *addition, Defendants have failed to address, correct, or rectify the issues*
17 *raised in the underlying Petitions, including but not limited to, (1) updating*
18 *and resolving the voter registration lists; (2) providing proper vote counting*
19 *mechanisms; (3) counting votes in secret; (4) inadequate signature*
20 *verification; (5) illegal function within the election system; (6) violations of*
21 *election procedures as required under Nevada law.*”

1 *[Exhibit 109]. Plaintiff seeks an injunction regarding the foregoing.”*

2
3 Further, the August 4, 2023, **Original Complaint** states on page 11,
4 paragraph 70, “*Defendants, and each of them, have a duty to uphold*
5 *Plaintiff’s constitutional rights.*” The respondents, who swore an oath to
6 defend and uphold our constitution, by breaking the law and not redressing
7 my grievances, have harmed me, for which this court can grant a remedy. As
8 stated on pages 15-16 of the **Original Complaint**, *vii*, “*Enjoin Defendants*
9 *from their continued violations of the following NRSs and strictly comply*
10 *with NRS 293.530, NRS 293.2546(11), NRS 293B.033, NRS 293.269927,*
11 *NRS 293.740, NRS 293B.063, NRS 293B.104, NRS 293B.1045(1), NAC*
12 *293B.110(1)(b), NRS 293.269931(1), NRS 293.3606(1), NRS 293.363(1),*
13 *NRS 293B.353, NRS 293B.354, NRS 293B.380(2)(a), NAC 293.311(4), NRS*
14 *293.423, NRS 293.269927(4)(b), NRS 293.277(3), NRS 293.285(1)(b)(4),*
15 *NRS 293.3075(4), NRS 293.3585(1)(d), NRS 293.403(2), NRS 293.404(2),*
16 *Nev. Const. Art. 2 Sec. 1A § 1(b).*” Exhibit 109 states they broke my court
17 orders and counted our votes in secret, disregarding my court orders in
18 Exhibit 72. In these examples, this court has the duty to reverse its ruling
19 and the ruling of the lower court, as numerous remedies are available to me.
20
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1 At a minimum, all this court or the lower court had to do was simply enjoin
2 the Respondents to follow the law.

3
4 NRCF Rule 12(b)(5) states, “*failure to state a claim upon which relief can*
5 *be granted.*”

6
7 NRCF Rule 8(a)(2) states, “*a short and plain statement of the claim showing*
8 *that the pleader is entitled to relief.*”

9
10 In these examples shown in *my Original Complaint* and its attached
11 exhibits, I overcome the NRCF Rule 12(b)(5) dismissal and adhered to Rule
12 8(a)(2). There is no legitimate reason why my *Original Complaint* does not
13 overcome a NRCF Rule 12(b)(5) motion based on these examples.

14
15
16 If this court says the respondents have no duty to answer me, I urge you to
17 read *Section VII* above. If the respondents, who are conducting the
18 elections, have no duty to follow the law or face consequences for breaking
19 it, then what is the use of having courts in Nevada if they won't distribute
20 law and justice equally among all who live under it? An example of the
21 necessity of this court's role to grant my petition is *Oregon v. Mitchell, 400*
22 *U.S. 112 (1970)*, where the Supreme Court upheld key provisions of the
23 *1970 Voting Rights Act amendments*, emphasizing the judiciary's vital role in
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1 enforcing laws that ensure fair electoral processes. This case underscores the
2 necessity of judicial oversight in maintaining the integrity of elections and
3 adherence to constitutional standards. Our case similarly requires such
4 judicial intervention to uphold the legality and fairness of election
5 administration.
6

7
8 In the case of *Jason A. Crowe v. McCarthy & Holthus, LLP et al.*, the United
9 States District Court for the District of Nevada outlined the legal standards
10 for amending complaints and dismissing cases that fail to state a claim under
11 Rule 12(b)(6) or do not meet the pleading requirements of Rule 8. This
12 framework is crucial when comparing it to my case, where numerous well-
13 documented allegations conform to the requirements of NRCP Rule 12(b)(5)
14 for stating a claim upon which relief can be granted, and Rule 8(a)(2), which
15 demands a clear and concise statement of claims showing entitlement to
16 relief. My *Original Complaint*, backed by a wealth of evidence and detailed
17 in multiple exhibits, points to systematic violations of legal procedures and
18 rights, each potentially grounding separate claims for relief.
19

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21
22
23 In *Crowe's* scenario, failure to conform to court rules resulted in dismissal;
24 however, his opportunity to amend was also curtailed by these failures. In
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26
27

1 contrast, my complaint presents a situation where, even if some claims might
2 be dismissed as in *Crowe's* case, the multitude of other claims—each
3 substantiated by specific allegations and evidence—provides an absolute
4 need for the case to proceed. This underscores the necessity of the court's
5 oversight in ensuring that each claim is individually assessed for its merit
6 and illustrates that even a single viable claim can sustain an action.
7

8
9 Therefore, the principles laid out in *Crowe's* dismissal should justify a
10 reevaluation of my case, emphasizing that the presence of multiple claims, if
11 even one is actionable, mandates the continuation of legal proceedings to
12 ensure justice and the proper application of the law. This is integral to
13 uphold the judicial responsibility to distribute law and justice equitably,
14 adhering to established legal standards and principles, thereby safeguarding
15 the procedural rights of individuals against arbitrary dismissals.
16
17

18 **XII. Error NVSC, Leave to Amend or Errors Not Granted**

19
20
21 *“In the absence of any apparent or declared reason—such as undue delay,*
22 *bad faith, or dilatory motive on the part of the movant—the leave sought*
23 *should be freely given.”* This principle, articulated in *Stephens v. S. Nev.*
24 *Music Co., DeSoto v. Yellow Freight Sys., Inc., 957 F.2d 655, 658*
25

1 (9th Cir. 1992), and *Nutton v. Sunset Station, Inc.*, 131 Nev. 279, 357 P.3d
2 966 (2015), as well as NRCPC Rule 15, underscores the court's duty to permit
3 amendments unless specific negative factors are present.
4

5 Moreover, NRCPC Rule 61 mandates that “at every stage of the proceeding,
6 the court must disregard all errors and defects that do not affect any party’s
7 substantial rights.” This is supported by precedents such as *Paterson v.*
8 *Condos*, 30 P.2d 283 (Nev. 1934), and *Sweeney v. Schultes*, alongside NRCPC
9 8(e) and *S. Nev. Adult Mental Health Servs. v. Brown*.
10
11

12 The NRCPC, paralleling the FRCP, requires that pleadings be construed in
13 favor of the pleader. This is affirmed by *Charles Alan Wright & Arthur R.*
14 *Miller in Federal Practice and Procedure: Civil § 1286, at 747-48 (3d ed.*
15 *2004)*. Given that I drafted and filed all pleadings pro se, any mistakes or
16 omissions should be met with leave to amend, not dismissal with prejudice.
17 Pleadings should be interpreted favorably towards me, not the defense.
18
19

20
21 It is also disconcerting that the defense is funded by my tax dollars,
22 effectively using public funds to shield officials from accountability. This
23 Court has an obligation to rectify its ruling, ensuring that the principles of
24 justice are upheld and that my right to amend is granted where necessary.
25
26

1 **XIII. Additional Evidence Demonstrating the Respondents, Including**
2 **the Washoe County Registrar of Voters, Can Be Sued and Refuting the**
3 **Futility Argument**
4

5 The Respondents, including the Washoe County Registrar of Voters, have
6 previously argued that they cannot be sued and that granting me leave to
7 amend would be futile. This claim is erroneous and has been consistently
8 refuted through case law and detailed arguments in my prior pleadings.
9

10 Recent developments further invalidate their position.
11

12 **On May 10, 2024**, Public Interest Legal Foundation (PILF) filed a lawsuit
13 against the Washoe County Registrar of Voters in case #CV24-01051 in
14 Washoe D2. This lawsuit directly contradicts the Respondents' assertion that
15 the Registrar of Voters is immune from legal action. The fact that PILF's
16 lawsuit is proceeding provides compelling evidence that such officials can
17 indeed be sued under appropriate legal grounds.
18
19

20
21 This new case complements the arguments and case law I have presented in
22 my prior pleadings, demonstrating that election officials, including the
23 Washoe County Registrar of Voters, are subject to judicial review and
24 accountability. The court's acceptance of PILF's lawsuit reinforces the legal
25
26

1 framework allowing such actions and highlights the necessity of judicial
2 oversight to ensure adherence to election laws and constitutional protections.

3
4 Furthermore, the Respondents' argument that granting me leave to amend
5 would be futile is baseless. The PILF lawsuit exemplifies that legal actions
6 against election officials are valid and actionable. Therefore, amending my
7 complaint to address any deficiencies is not only warranted but essential to
8 uphold justice and ensure that my claims are fully and fairly adjudicated.
9

10
11 The dismissal of my complaint on the grounds of futility is not supported by
12 recent legal developments or established legal principles. Granting leave to
13 amend is a procedural right that should be afforded unless there is a clear
14 and convincing reason to deny it, which is not present in this case. The
15 precedent set by the PILF lawsuit further undermines any argument of
16 futility, demonstrating that claims against the Washoe County Registrar of
17 Voters are legitimate and justiciable.
18
19

20
21 Therefore, this Court must recognize that the Washoe County Registrar of
22 Voters, along with the other Respondents, can be sued. This recognition is
23 crucial for maintaining the integrity of the judicial process and ensuring that
24 public officials remain accountable for their actions. Additionally, the Court
25
26

1 should grant leave to amend to ensure that my claims are properly and
2 thoroughly considered, in line with the principles of justice and due process.

3 4 **XIV. Conclusion**

5
6 The request for *En Banc Reconsideration* is driven by a critical need for
7 justice and adherence to legal integrity, both overlooked in the prior rulings.

8 This petition seeks to ensure justice, equity, and the proper application of
9 law as mandated by our constitutions.

10
11 I have provided substantial evidence, including affidavits and statutory
12 references, proving breaches of duty and malfeasance by the Respondents
13 that directly violate NRS 283.440. I fully exhausted all administrative
14 remedies under NAC 293.025, adhering to NRCP Rule 8(a)(2), and
15 presented claims that overcome an NRCP Rule 12(b)(5) dismissal. The
16 dismissal of my case on procedural grounds unjustly ignored these merits,
17 depriving me of a fair trial and undermining judicial integrity.
18
19

20
21 Even if there were deficiencies in my initial pleading, it is the duty of this
22 Court to grant leave to amend. This procedural oversight threatens the due
23 process rights guaranteed by our constitutions. Claims involving public
24
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1 officials and electoral integrity must be thoroughly and impartially
2 examined.

3
4 This Court must correct its errors by overturning its affirmation of dismissal
5 and reconsidering my appeal, ensuring justice and preventing future judicial
6 failures. Granting reconsideration is vital to uphold the judiciary's role in
7 enforcing the law and ensuring that no individual, especially those in public
8 service, can evade accountability. This Court must reaffirm its commitment
9 to justice and legal standards, restoring public trust in the judicial process.
10

11
12 The necessity for judicial oversight is underscored by *New York Times Co. v.*
13 *United States (1971)*, where the Supreme Court reinforced the importance of
14 judicial intervention in maintaining governmental integrity and upholding
15 constitutional principles. Just as in the *New York Times* case, where the
16 Court acted to prevent unjust suppression of information, this Court must act
17 to ensure public officials are held accountable and the electoral process
18 remains fair and transparent.
19
20

21
22 My case, as highlighted in *Darby v. Cisneros*, must advance for the public
23 benefit. The principles in these landmark cases demonstrate the judiciary's
24
25
26

1 role in safeguarding democratic processes and protecting individual rights
2 against arbitrary actions by public officials.

3
4 This is a call for justice and accountability at the highest levels of our legal
5 system. It is an opportunity for the Nevada Supreme Court to demonstrate
6 that it safeguards our laws and judicial equity, not as a political entity. We
7
8 The People await the Court's decision to uphold justice or further undermine
9 it.

10
11 Respectfully submitted,

12
13 By: _____

14 ROBERT BEADLES, Appellant In Pro Per,

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16
17 Reno, NV 89503

18 916-573-7133
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27

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that on June 10th, 2024, I served all parties by electronically emailing the defense counsel and by sending via first-class mail with sufficient postage prepaid to Lindsay Liddell, the respondents' defense attorney.

Haldeman, Suzanne shaldeman@da.washoecounty.gov

Hickman, Elizabeth ehickman@da.washoecounty.gov

Liddell, Lindsay L lliddell@da.washoecounty.gov

And mailed to:

One South Sierra Street Reno, Nevada 89501

Robert Beadles, Appellant In Pro Per