

Frank M. Peck 57106  
HDSP Box 650  
Indian Springs, Nv. 89070  
Petitioner, pro se.

FILED

JUL 30 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

Frank M Peck,  
Petitioner,

DC NO. CR 06 2580  
DOCKET NO. \_\_\_\_\_

VS.

The Second Judicial District Court  
of the State of NEVADA in and for  
the County of WASHOE, District Court,  
Judge Elliott A Sattler,  
and  
The State of Nevada,  
Real Party in Interest.

PETITION FOR WRIT OF MANDAMUS NRS 34.150 et seq

Comes Now, the Petitioner, Frank M. Peck pro se  
hereinafter Mr. Peck with his Petition for writ of  
Mandamus.

This Petition is made and based on all papers and  
pleadings file in this case as well as the attached  
points and authorities and affidavit of Mr. Peck.

RECEIVED  
JUL 27 2015  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

Dated 7-20-15

Frank Peck

Frank M. Peck Pet, prose.

Points and Authorities

Mr. Peck filed a MOTION TO RECUSE JUDGE Elliott A Sattler on JUNE 25 2015 for implied bias. The District Attorney Terrance Mc. Carthy Esq filed a REQUEST FOR AN ANSWER TO THE MOTION FOR RECUSAL ON July 2, 2015, on JUNE 30th 2015 the district court filed an order "DENYING" Mr. Peck's MOTION FOR EXTENSION OF TIME (FIRST REQUEST).

TO DATE the district court has NOT complied with NRS 1.235 (a) or (b) AND continues to file orders and ignore the statute, without jurisdiction to do so.

A writ of mandamus is available to control AN ARBITRARY OR CAPRICIOUS EXERCISE OF discretion BARNES V. Eighth Judicial Dist Court ex rel County of Clark, 103 NEV 679 248 P2d 483 1987 NEV LEXIS 1899 (1997).

Writ to issue when NO plain, speedy and adequate remedy in law, NRS 34.170.

The lower court has manifestly abused its discretion exercised arbitrarily and capriciously, when in its April 15 2015 ORDER @ pg 4 lines 7-8 Holding Petitioner "to the same standards as any other person practicing in this department." Id.

In the courts ORDER of 6-30-15 "Denying" Mr. Peck's (FIRST REQUEST) for EXTENSION OF TIME while "NOTING" @ pg 2 fn 1 "The Court notes the Petitioner filed the Amendment on June 24 2015, which did not conform to the April Order."

Mr. Peck filed a "timely motion for extension of time" on June 2 2015 the district court Judge after being served with the MOTION to Recuse denied Mr. Peck's motion for extension of time intentionally to make Mr Peck's Petition late / untimely, confirming apparant bias.

This court in its UNPUBLISHED OPINION TEEFANY V STATE LEXIS 876 Citing HARGROVE V STATE 100 NEV 498 502-03 686 P2d 222,225 (1984) AND NRS chapter 34 does NOT contain [ANY] page limits. Concluding the district court abused its discretion in denying the petition because it was longer than 20 pages.

As such, an abuse of discretion exists and the WRIT SHOULD ISSUE Building & Constr Trades Counsel v. State ex rel Pub Works Bd 108 Nev 605, 836 P2d 633 1992 Nev Lexis 130 (1992).

The lower court ordered Mr. Peck to raise all grounds for relief - restricting Mr. Peck to 35 pages. The issues Mr. Peck raises are "technically involved." Mr. Peck in good faith moved the court for an extension of the page limit set by the court on May 14 2015 this motion was also denied by the district court leaving Mr. Peck NO CHOICE but to file the reasonably sized document that he had perfected a total of 131 pages. Mr. Peck has a plastic needle guide in his writing hand left there by Valley Hospital and makes writing very painful and outright cruel. Mr. Peck has proceeded in good faith and the same cannot be said of the lower court.

#### Conclusion

Mr. Peck seeks an ORDER from this court recusing the lower court judge and striking the ORDERS lacking jurisdiction and contrary to the laws of this state namely NRS chapter 34 and NECP 6(b).

Dated 7-20-15



Frank M. Peck Pet. prose  
4065

\*  
Affidavit, certificate of service and Affirmation

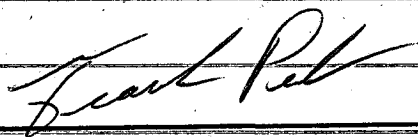
I Frank M. Peck do hereby swear under penalty of perjury:

1. I am the Petitioner in WDC case NO CR062580.
2. All assertions in the attached Petition for Writ of Mandamus are true based on personal knowledge and I am competent to testify to all matters contained therein.
3. I bring this Petition in good faith and for no improper reason.
4. A TRUE and correct copy of said Petition was mailed this date to the Clerk of the Supreme Court of Nevada for filing and ELECTRONIC SERVICE via the NEFLR, NEC rules on DDA Terrance McCarthy Esq.
5. Dated done and mailed this 20th day of July 2015.

Further Affiant says so & ought  
Signed under penalty of perjury NRS 208.165 And  
28 USC 1746.

Dated 7-20-15

\* Affirmation contains no social security numbers  
of any person NRS 239B 030.



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