

1 Jason Jones  
1101940 / In Propria Personam  
2 Post Office Box 208 S.D.C.C.  
Indian Springs, Nevada 89018

**FILED**

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4  
5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

FEB 05 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

7 Jason Jones  
8 Plaintiff(s),  
9 - vs -  
10 Nevada Supreme Court  
11 Justices, And Justices of  
The Court of Appeals, And  
12 The State of Nevada, real  
Party In Interest  
13 Defendant(s),

Case No. \_\_\_\_\_  
Dept No. \_\_\_\_\_  
Docket \_\_\_\_\_

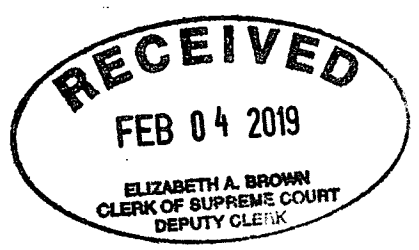
14 **NOTICE OF MOTION**

15 YOU WILL PLEASE TAKE NOTICE, that Motion to Recuse; pursuant to  
16 NCJC 2-2.11 (A)(1)(2)(c) and (3); i.e. De Minimus Interest  
17 will come on for hearing before the above-entitled Court on the \_\_\_\_ day of \_\_\_\_\_, 2019,  
18 at the hour of \_\_\_\_ o'clock \_\_\_\_ M. In Department \_\_\_\_, of said Court.

19  
20 CC:FILE

21  
22 DATED: this 28<sup>th</sup> day of Jan, 2019.

23  
24 BY: Jason Jones  
25 \_\_\_\_\_ # 1101940  
26 In Propria Personam



1 Jason Jones

2 SDCC

3 #1101940

4 PO Box 208

5 Indian Springs NV 89070-0208

6 Plaintiff Pro Se

7  
8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10  
11 Jason Jones  
12 Plaintiff(s),

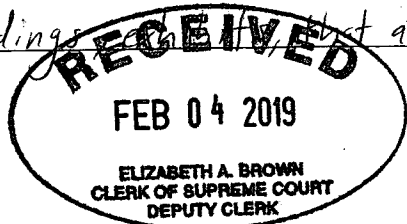
Sup. Ct. case NO.

13 -VS-

14 Nevada Supreme Court  
15 Justices, And Justices of  
16 The Court of Appeals, And  
17 The State of Nevada, real  
18 Party In Interest.  
19 Defendant(s),

20  
21 MOTION TO RECUSE; PURSUANT TO NCJC 2-2.11  
22 (A)(1)(2)(C) and (3); i.e. De Minimus Interest

23  
24 Comes now, Plaintiff, Jason Jones (Plaintiff), By and through his  
25 proper person, and hereby submits for filing the foregoing "Motion To  
26 Recuse; Pursuant To NCJC 2-2.11 (A)(1)(2)(C) and (3); i.e. De Minimus  
27 Interest" (motion). This motion is based upon all documents, papers,  
28 pleadings, etc., that are on file as to the above captioned case.



1 name and or numbers. This motion is also made and based upon  
2 the accompanying Points and Authorities, Arguments made in  
3 support of the granting, upholding that the Justices of the  
4 Nevada Supreme Court and the Justices of the Court of  
5 Appeals, (Justices), honorably recuse/disqualify themselves,  
6 based upon at a minimum a de minimus interest, in the subject  
7 Matter in Controversy; FRAUD, having the effect of which  
8 will prevent plaintiff from having a fair trial, or from presenting  
9 his entire case to the court in which it operates not upon the  
10 matters in which it is procured.

### 11 POINTS AND AUTHORITIES

12 1. The relevant facts are as follows:

13 (A) on 5/15/2018 Plaintiff caused to be filed an application to  
14 proceed in forma pauperis.

15 (B) on 6/8/2018 plaintiff caused to be filed an order  
16 to proceed in forma pauperis as well as a complaint for  
17 Declaratory Judgment and Injunctive Relief Jury Trial  
18 demanded in case NO. A-18-775831-C, Dept. XXIV.

19 (C) on 8/13/2018 Plaintiff caused to be filed a Motion  
20 to compel for service of the civil-summaries in  
21 complaint for Declaratory Judgment and Injunctive  
22 Relief Jury Trial Demanded.

23 (D) on 9/27/2018 a hearing was held on the motion  
24 to compel, and the court stated that the motion was  
25 really a motion to extend time for service, and the  
26 court ordered, petitioner had until 12/7/2018 to  
27 complete service of the pleadings.

1 (E) on 9/14/2018, Plaintiff caused to be filed a Demand For  
2 Jury Trial based upon the Nevada Rules of Civil Procedure  
3 (NRCP), Rule 38 et seq.

4 (F) on 10/2/2018 Plaintiff caused to be filed, an Order  
5 to extend time for service of the civil-summans for the  
6 complaint for Declaratory Judgment and Injunctive Relief  
7 Jury Trial Demanded.

8 (G) On 10/22/2018 the state of Nevada caused to be  
9 filed a Motion to Dismiss Plaintiff's Complaint for  
10 Declaratory Judgment and Injunctive Relief Jury Trial  
11 Demanded.

12 (H) On 12/4/2018 a hearing was held on the motion  
13 to Dismiss Plaintiff's Complaint for Declaratory Judgment  
14 and Injunctive Relief Jury Trial Demanded in Dept.  
15 XXIV heard by the Honorable Jim Crockett (Judge), and  
16 the court noticed a problem being that Mr Shevovski  
17 who is the lead counsel on this case (A-18-775831-C)  
18 is defending Dept XXIV in a civil law suit. So to avoid  
19 any appearance of impropriety, the court Recused itself  
20 and order this matter off calendar, and case reassigned  
21 at random. \*Clerk's Note: After conclusion of the calendar,  
22 court advised the status check for the 12/13/2018 case  
23 reassignment will be maintained by the Dept XXIV staff only  
24 and not be placed on the court's calendar.

25 (i) on 12/5/2018 The Notice of Department Reassignment  
26 was caused to be filed and randomly reassigned to the  
27 Honorable, Mark R. Denton (Judge) in Dept. XIII, and  
28 the ~~Defendants~~ Motion to Dismiss was rescheduled for

12/17/2018.

## 11. INTRODUCTION:

This introduction begins with the well established presumption that the state courts know and follow the law, this is articulated in part in Woodford v. Visciotti, 537 US 19, 24 (2002), Parker v. Dugger, 498 US 308, 314-16 (1991); and Walton v. Arizona, 497 US 639, 653 (1990). Additionally, "It is undoubtedly the duty of the courts to uphold statutes passed by the legislatures, unless their Unconstitutionality clearly appears, in which case it is equally their duty to declare them null." King v. Board of Regents of Univ. of Nev., 65 Nev. 553, 542, 200 P. 2d 221, 225 (1948) (quoting State v. Arrington, 18 Nev. 412, 4 P 735, 737 (1884). That, pursuant to Article (Art.) 1, section 2, of the Constitution of the state of Nevada (const. of Nev.) is bound by decisions of the United States Supreme Court, yet not by decisions of lower federal courts. Blanton v. North Las Vegas Mun. Court, 103 Nev. 623, 633, 748 P 2d 494 (1987), citing Bargas v. Warden, 87, Nev. 30, 482 P. 2d 317 (1971). That, as a citizen of the United States of America, and the state of Nevada, wherein plaintiff presently resides, pursuant to Art. 1 section 8, of the const. of Nev., plaintiff is guaranteed due process of law. Pursuant to the Bill of Rights of the United States Constitution (U.S. const.), made applicable to the states by the Fourteenth (14th), Amendment among the rights plaintiff enjoys is the Due Process clause, which mandates protection of those principles deemed "fundamental; to the American scheme of justice." Duncan v. Louisiana, U.S. 145, 149 (1968). Due Process clause provides, plaintiff the "protection of the

1 Individual<sup>99</sup> against arbitrary action of government. Daniel v.  
2 Williams, 474 U.S. 327, 337, (1986); citing Dent v. West Virginia,  
3 129 U.S. 114, 123, (1989).

4 The Equal Protection Clause of the Fourteenth (14th) Amendment  
5 of the U.S. const. prohibits plaintiff from being treated  
6 differently than others similarly situated. see Cleburne v.  
7 Cleburne Living Center, 473 U.S. 432, 439 (1985); see also  
8 Plyer v. Doe, 475 U.S. 202, 216 (1982); and F.S. Rayster Guan  
9 v. Virginia, 253 U.S. 412, 415 (1920). Plaintiff seeks the protection  
10 of his Due Process and Equal Protection rights against the Nevada  
11 Supreme Court and the Nevada Court of Appeals, Daniel supra,  
12 Cleburne supra etc., this as further set forth infra.

13 III. THE COURT HAS VIOLATED ITS DUTY THEREBY ABUSED ITS DISCRETION etc.  
14 A manifest abuse of discretion is a "clearly erroneous interpretation of  
15 the law or a clearly erroneous application of a law or rule,  
16 Steward v. McDonald, 330 Ark. 837, 958 S.W. 2d 297, 300 (Ark. 1997);  
17 see Jones Rigging and Heavy Hauling v. Parker, 347 Ark. 628, 66 S.W.  
18 3d 599, 602 (Ark. 2002) (stating that a manifest abuse of discretion  
19 "is one exercised improvidently or thoughtlessly and without due  
20 consideration<sup>99</sup>"); Blair v. Zoning Hearing Bd. of Tp of Pike, 676 A.2d  
21 760, 761 (Pa. Commw. Ct. 1996) "6 [M]anifest Abuse of discretion does  
22 not result from a mere erring judgment, but occurs when the law  
23 is overridden or misapplied, or when the judgment exercised is  
24 manifestly unreasonable or the result of partiality, prejudice, bias  
25 or ill will<sup>99</sup>).

26 IV. THE CONDUCT OF THE COURT VIOLATES THE NEVADA CODE OF JUDICIAL  
27 CONDUCT (NCJC): 2-2.11(A)(C)(3);

28 A judge has a duty, responsibility to decide matters assigned

1 to him, except when disqualification is required NCJC  
2 2-2.11 or other law NCJC 2.7.

3 The Due process clause guarantees the right to a fair  
4 trial before a fair tribunal. *Caperton v. A.T. Massey Coal Co.*,  
5 556 U.S. 133, 136 (1955). Determining whether a Judge's  
6 recusal is compelled by the Due process clause, does not  
7 require proof of actual bias; instead, a court must objectively  
8 determine whether the probability of actual bias is too high  
9 to ensure the protection of a party's due process rights. *Id.*,  
10 at 883-84 citing *Withrow v. Larkin*, 421 U.S. 35, 47 (1975).

11 The Nevada Supreme Court and The Nevada Court of  
12 Appeals recusal is compelled because the probability of  
13 actual bias is too high to ensure the protection of plaintiff's  
14 due process rights. *Caperton*, 553 U.S. at 883-84; *Withrow*, 421  
15 U.S. at 47. The basis for this finding are as follows:

16 Again, a Judge shall comply with the law, including the Nevada  
17 code of judicial conduct (NCJC 1.1), see also *Wardford*, 497  
18 U.S. at 653; *King*, 65 Nev. at 542, 200 P. 2d at 225; quoting  
19 *Arrington*, 18 Nev. 412, 4P at 737.

20 NCJC 2-2.11(A), reads in part as follows: A Judge shall  
21 disqualify himself or herself in any proceeding in which the  
22 Judge's impartiality might reasonably be questioned, including  
23 but not limited to the following circumstances: (1) The Judge  
24 has a personal bias or prejudice concerning a party or a party's  
25 lawyer, or personal knowledge of facts that are in dispute in  
26 the proceeding. (2) The Judge knows that, the Judge... is  
27 (C) a person who has more than a de minimus interest that could  
28 be substantially affected by the proceeding, and (3) The Judge

1 Knows that he or she individually or as a fiduciary, or  
2 the Judges spouse, domestic partner, or child, or any  
3 other member of the Judges family in the Judges  
4 household, has an economic interest in the subject  
5 matter in controversy or in the party to the proceeding.

6 The Nevada Supreme Court, and the court of Appeals,  
7 Knows that they both, have either a De Minimus Interest,  
8 and or an Economic interest in "ALL" the (NRS),  
9 governing their courts but not limited to: NRS 1A.080  
10 "Judicial Retirement Plan" defined; NRS 1A.120,  
11 Right to benefits not subject to taxes, process, bankruptcy,  
12 assignment or assessment for impairment or insolvency of  
13 insurance company; exceptions; NRS 1A.130 Application for  
14 allowances for service retirement or disability retirement;  
15 effective date of retirement; Rights of present or former  
16 spouse; System exempted from liability for designation or  
17 marital status by a member of the Justice or Judge who  
18 retires; NRS 1A.160 Judicial Retirement Fund; Establishment;  
19 Policy Payments; NRS 1A.240 Persons Receiving Benefits  
20 from the system entitled to cost living increases; NRS  
21 1A.300 Establishment; members; benefits; NRS 2.060  
22 Pension; NRS 2.070 Benefits for surviving spouse; NRS  
23 3.027 course of instructions; NRS 3.028; NRS 3.030  
24 salary; NRS 3.097 Benefits for surviving child; NRS  
25 3.098 Benefits for surviving beneficiary and additional  
26 payees. (Note: this list of NRS' is "NOT" all inclusive,  
27 yet sets forth that the probability of economic interest



1 of the subject Matter in controversy, and probability of  
2 actual bias is too high to ensure [secure], the protection of  
3 plaintiffs due process rights. Capeston, 556 U.S. at 883-  
4 84 (citing Withrow, 421 U.S. at 47).

5 Plaintiff's Complaint sets forth that Senate Bill NO.  
6 182- Committee on Finance chapter 304 statutes of  
7 Nevada 1951, [Approved March 22, 1951] is a "Facially  
8 Unconstitutional" legislative act. see Wash. State Grange  
9 v. Wash. State Rep. Party, 552 U.S. 442, 449 (2008).

10 While Plaintiff's Complaint "is not an attack", on the  
11 Nevada Revised Statutes (NRS), certainly the Defendants,  
12 have characterized it as such, and The Nevada Supreme  
13 Court and the Nevada Court of Appeals are not oblivious,  
14 being studious to the law; does understand that a successful  
15 challenge to S.B. NO. 182, would without a doubt, readily  
16 opens the door to other challenges "specifically," to the  
17 NRS. Wherefore, the probability of the Justices of the  
18 Nevada Supreme Court and the Justices of the Nevada Court  
19 of Appeals not withstanding the fact that they are both  
20 "Parties", to Plaintiff's Complaint for Declaratory Judgment,  
21 "CANNOT", perform duties of his judicial office fairly  
22 and impartially without bias or prejudice NCJC 2.2 and  
23 2.3, is too high Capeston, 421 U.S. at 883-84 (citing  
24 Withrow, 421 U.S. at 47).

25 The Justices of the Supreme Court and Court of Appeals,  
26 performing all duties of judicial office fairly and impartially  
27 NCJC 2.2 and 2.3, promoting public confidence in the

1 independence, integrity, and impartiality of the Judiciary,  
2 and avoid impropriety, and the appearance of impropriety,  
3 NCJC 1.2, The Justices of the Nevada Supreme Court  
4 and the Justices of the Court of Appeals "KNOWS" that  
5 he or she has a De Minimus Interest in the Subject Matter  
6 in controversy, that could be substantially affected by  
7 the proceedings, not including their interest as being parties  
8 to the Complaint For Declaratory Judgment/Injunctive Relief,  
9 filed in District Court by Plaintiff and summary judgment  
10 being granted; when Plaintiff presented to the Dist. Ct.  
11 overwhelming evidence of the "facially Unconstitutional",  
12 legislative Act, S.B. NO. 182, ignoring Nev. Sup. Ct. case  
13 law Pine V. Leavitt, 84 NEV. 507; 445 P. 2d 942 (1968). Trial  
14 Judges should exercise great care in granting motion for  
15 Summary Judgment, and a litigant has a right to a trial  
16 where there is the slightest doubt as to the facts.  
17 The matter before this court "Mandatory" disqualification,  
18 The Justices Knows, or should have known that circumstances  
19 are present, exists that Automatically demands The Nevada  
20 Supreme Court Justices and The Court of Appeals recusal.  
21 Yet, due to the Justices specific De Minimus Interest,  
22 and Economic Interest in the Subject Matter in controversy,  
23 an attempt to rule, while also being a party to the complaint  
24 For Declaratory Judgment/Injunctive Relief, will show  
25 that this court refuses to abide by any rule, to protect  
26 their interest, clearly this court does not promote public  
27 confidence, integrity and impartiality of the Judiciary. Turner

1 V. State, 114 Nev. 682, 962 P.2d 1223 (1998).

2 It is a rule of common law that a Judge shall not "Hear" and  
3 "Determine" actions in which he or she is interested (Cooley,  
4 Const. Lim. P. 503; State v. Crane, 36 N.J.L.; Bank v. McGuire  
5 (JD) 80 N.W. 1074, 47 L.R.A. 413).

6 Whereby, Plaintiff's request for disqualification of this court  
7 and The court of Appeals is factually necessary and not based  
8 on mere speculation. People For Ethical treatment of Animals v.  
9 Bobby Berosini, Ltd., 111 Nev. 431 (1995) (citing United States  
10 v. Cooley, 1 F.3d 985 (10th Cir. 1993)).

11 . . .

12 . . .

## 13 CONCLUSION

14  
15 Wherefore, based upon the above and foregoing, it is  
16 respectfully requested as follows:

17  
18 (1) The foregoing Motion sufficiently satisfies the factual  
19 necessity, and not mere speculation for the "Mandatory"  
20 disqualification of The Justices of the Nevada Supreme Court  
21 and the court of Appeals.

22 (2) That, there is more factual evidence of De Minimus Interest  
23 and an Economical Interest in the subject Matter in  
24 controversy, for the disqualification of this court.

25 (3) The Nevada Supreme Court Justices are prohibited to act,  
26 or rule upon any of the Appeals / motions, before this court,  
27 as the Justices of the Supreme Court, are also parties to the  
28 Complaint for Declaratory Judgment / Injunctive Relief filed in

1 this court.

2 (4) That, the probability of actual bias is too high to ensure  
3 Plaintiffs Due Process Rights to the Fourteenth (14th)  
4 Amendment and the Nev. Const. Art. 1 § 8.

5 (5) That, the Nevada Supreme Court, forward this matter, to a  
6 competent court of jurisdiction.

7  
8 Dated this 28<sup>th</sup> day of Jan. 2019

9  
10 Respectfully: 

**CERTIFICATE OF SERVICE BY MAILING**

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I, Jason Jones, hereby certify, pursuant to NRCPC 5(b), that on this 28<sup>th</sup>  
day of Jan., 2019, I mailed a true and correct copy of the foregoing, "Motion To  
Recuse; Pursuant to NRCPC 2-2.11 (A)(1)(2)(C) and (3); i.e. De Minimis"  
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the  
United State Mail addressed to the following:

clerk of the Nev. sup. ct.  
201 S. Carson St.  
Carson City NV 89701

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CC:FILE

DATED: this 28<sup>th</sup> day of Jan., 2019.

Jason Jones  
\_\_\_\_\_  
/In Propria Personam #1101940  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS: