

84281, 84478, 85353
Case Number 84886
79408, 84885, 85351

and Case No. 85747 FILED
85354 APR 13 2023

THIS IS ALSO A "CONTINUED
MOTION TO REINSTATE
No(s) 80562, 80562-CoA,
84417, 84418, 84477,
84887, 86041, 86080,
and 86103";

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

1 REV. MATTHEW TRAVIS HOUSTON, CHTD

2 [print name above] ABA No. 04662784

3 HIGH DESERT STATE PRISON

4 [name of prison, jail or other detention facility]

5 1210652

6 [booking number at prison, jail or other detention facility]

7 22010 Cold Creek Road
8 PO Box 650

9 [street address or P.O. Box]

10 Indian Springs, NV 89070-0650

11 [city, state, and zip code]

12 Appearing Pro Se

13 MULTIJURISDICTIONAL AND MULTIDISTRICT LITIGATION,
14 ALSO IN THE UNITED STATES DISTRICT COURT,

15 FOR THE DISTRICTS OF NEVADA, COLORADO, AND IOWA:

16 MATTHEW TRAVIS HOUSTON,

17 [print name]

18 Petitioner,

19 v. THE STATE OF NEVADA,
20 ASSOCIATE WARDEN JEREMY BEAN;
21 WARDEN BRIAN WILLIAMS;

22 [warden of facility in which you are incarcerated]

23 NEVADA ATTORNEY GENERAL AARON D. FORD,
24 BRIAN P. CLARK - Respondent(s)

SEE CASE
No. 2:23-cv-00031-RFB-DJA

[Write in case number, if you have one. If you are mailing
this to the court with a new petition and do not have a case
number, leave this blank for court clerk to fill in]

MOTION FOR AN EXTENSION OF TIME TO
FILE ANSWERING BRIEF(S),
REQUEST FOR APPOINTMENT OF
COUNSEL IN A HABEAS CORPUS
CASE, CONTINUED RESPONSE TO
ORDER TO SHOW CAUSE, AND MOTION
FOR RECONSIDERATION IN ALL CASES,
SPECIFICALLY 23-09933

25 I. Introduction → SEE NRAP 31(b)(3)(B), NRAP 36, AND NRAP 27E

26 Petitioner Matthew Travis Houston [print name] hereby respectfully

27 requests that the Court appoint counsel to represent him/her in this matter.

28 Habeas corpus proceedings "are of fundamental importance . . . in our constitutional scheme
because they directly protect our most valued rights." *Brown v. Vasquez*, 952 F.2d 1164, 1169 (9th Cir.

1991) (quoting *Bounds v. Smith*, 430 U.S. 817, 827 (1977)) (citations and internal quotations omitted).

Consequently, pursuant to 18 U.S.C. § 3006A(a)(2)(B), this Court has the authority to appoint counsel to

227378.WPD

APR 13 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

BEGINNING

1 assist an indigent Petitioner if the interests of justice so require. In the present case, Petitioner does not
2 have the financial resources to retain counsel. See Application to Proceed Without Prepayment of Fees
3 and Affidavit (In Forma Pauperis). Rule 8(c) of the Habeas Rules makes clear that district judges have the
4 discretion to order “the appointment of counsel under [the Criminal Justice Act] at any stage of the
5 proceeding.”

6 In deciding whether to appoint counsel, this Court must “evaluate [1] the likelihood of success on
7 the merits as well as [2] the ability of the petitioner to articulate his claims pro se in light of the
8 complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983); accord
9 *Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997). As discussed at length in one treatise,
10 the courts generally have endorsed the appointment of counsel to represent indigent and legally
11 unsophisticated prisoners in the following types of non-capital cases:

12 (1) Cases that turn on substantial and complex procedural, legal or mixed legal and factual
13 questions (e.g., the fair composition of grand and petit juries, the voluntariness of
confessions, and the effective assistance of counsel).

14 (2) Cases involving uneducated or mentally or physically impaired petitioners.

15 (3) Cases likely to require the assistance of experts either in framing or in trying the claims.

16 (4) Cases in which “the indigent is in no position to investigate crucial facts.”

17 (5) Factually complex cases, e.g., ones involving “conflicting testimony,” in which the truth
18 is more likely to “be exposed where both sides are represented by those trained in the
presentation of evidence.”

19 I. R. Hertz & J. Liebman, *Federal Habeas Corpus Practice and Procedure*, § 12.3 (5th ed. 2005) (internal
20 quotations and citations omitted, numbering altered).

21 In addition, appointment of counsel is mandatory for indigent noncapital petitioners (a) when
22 counsel is “necessary for effective [use of the] discovery” procedures¹ and (b) pursuant to Habeas Rule
23 8(c), if the district court determines that “an evidentiary hearing is warranted.”²

24 As set forth below, appointment of counsel is appropriate in this case.

25 ~~Who among us would then be content with the~~
26 ~~counsels of patience and delay?~~

27 ¹ Rule 6(a) of the Rules Governing Section 2254 Cases in the United States District Courts.

28 ² Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts.

STATEMENT OF FACTS: After being kidnapped from his

1 home in Iowa, On July 14, 2021, MATTHEW TRAVIS HOUSTON (hereinafter "Petitioner-Appellant")
2 was abducted from his hotel room at the Best Western located at [REDACTED] 3041
3 St Rose Parkway in Henderson, Nevada, as he was not served with any sort of
4 summons or WARRANT, nor was told or read that he had any kind of rights. This
5 false arrest prevented Petitioner-Appellant from attending his appointment the very
6 next day at Nevada Retina Specialists, with Dr. Tyson Ward on July 15, 2021, while
7 this continued imprisonment of his person also prevented him from attending his medical
8 disability rating in Reno, Nevada, on August 15, 2021, with Dr. Dwagleri. Both appointments
9 of which had been scheduled by the abductors, SEDAWICK's Dianne Ferrante, and her
10 alleged supervisor, Rosemarie McMorris-Alexander, as was the booking of his room.
11

12 The Petitioner-Appellant's attempt at release from CCDC was intended so that he could
13 search for, and hopefully, retrieve his service animals. However, the now-dismissed counsel, J. Wood
14 and Benard Little, provided misinformation regarding the lack of a directly related "City Jail
15 Detainer Hold". Counsel had told Petitioner-Appellant, all the while coercing his client into a
16 potential release from custody, that he "did not see a detainer hold" - when, in fact, there was.
17 This coercion of the client by his previous representation created a second double-jeopardy-
18 in LAS VEGAS MUNICIPAL COURT #1248374A + #C1237802A; with the first being by J. Wood in
19 the EIGHTH JUDICIAL DISTRICT COURT Z1-CR-D19840 + Z1-CR-035713. Mr. Houston had no contact

20 A. Goldstein. These traumatic events are a cruel and unusual punishment being inflicted upon an abused
21 and innocent man, who was forced into an involuntary relocation, with unnecessary hardships
22 causing the eviction of his law office located at 435 South Lion Street #927, in Iowa
23 City, Iowa (52240), \$36.5 million of property damage and the destruction of his K-9(s).

24 Due to crimes both civil and criminal, not to mention the willful omissions of Rosemarie
25 McMorris-Alexander and Dianne Ferrante, SEDAWICK and the prosecutions' most unlawful use
26 of overreaching tactics in their exploitation of the innocent man has put the Petitioner-Appellant
27 into an unmanageable state of duress, homelessness, and extensive incarceration. Also
28 involved in the collusion against Matthew Travis Houston from
29 his home in the State of Iowa were Defendant(s) - Respondent(s) not
30 limited to Jonathan Shockley, Jason Lewis and Redenta Blacic. (3)

Not at any time did Mr. Houston commit any sort of acts of aggressive behavior/harassment/aggravated stalking against his accusers or anybody else, and is in fact the victim in this case.

The Supreme Court of Nevada has authority to appoint counsel to prevent any further manifest injustice in this case:

POINTS AND AUTHORITIES

NRS 34.750 Appointment of Counsel for indigents; pleading supplemental to petition; response to dismiss.

"If the Court is satisfied that the allegation of indigency is true and the petition is not dismissed summarily, the Court may appoint counsel to represent the petitioner."

NRS 171.188 Procedure for appointment of attorney for indigent defendant.

"Any defendant charged with a public offense who is an indigent may, be oral statement to the District Judge, justice of peace, municipal judge or master, request the appointment of an attorney to represent him."

NRS 178.397 Assignment of counsel.

"Every defendant accused of a gross misdemeanor or felony who is financially unable to obtain counsel is entitled to have counsel assigned to represent him at every stage of the proceedings from his initial appearance before a magistrate or the court through appeal, unless he waives such appointment."

WHEREFORE, petitioner prays the Court will grant his motion for appointment of counsel to allow him the assistance that is needed to insure that justice is served. This Court has the authority pursuant to 18 U.S.C. § 3006A(a)(2)(B) to benefit judicial expedience and economy.

Dated this 19 day of March, 2023.

Respectfully submitted,

Matthew Travis Houston
REV. MATTHEW TRAVIS HOUSTON, CHD
American Bar Association Member
ABA NO. 04662784

1 RENEWED CERTIFICATE OF SERVICE

2 I, Matthew Travis Houston, hereby certify that I am the
3 petitioner in this matter and I am representing myself in propria persona.

4 On this 23rd day of November, 2022, I served copies
5 of the "EX Parte Emergency Motion For Declaration of Default
6 of the Judgement(s) Regarding Defendant(s) No. 82, No. 83 And No. 84"
7 via HDSP Law Library eFiling system than via U.S.P.S.

8 in case number: 2:21-cv-00499-JAD-DJA and placed said motion(s) in
9 U.S. First Class Mail, postage pre-paid; after they were eFiled;

10 Address: Debra K. Kemp; Address: Craig Mueller
11 US District Court Room #1334 And Associates
12 333 Las Vegas Blvd. South Sent to: Larry Phillips
13 Las Vegas, NV 89101 And Kelsey Bernstein

14 SERVED VIA CIVIL PROCESS SECTION TO: 808 S. 7th Street
15 Nevada Appeal Group Las Vegas, NV 89101
16 714 S. 4th Street and 600 S. 8th Street Las Vegas, NV 89101
17 Las Vegas, NV 89101 Las Vegas, NV 89101 SUPREME COURT OF NV
18 201 S. Carson St, #201
19 Carson City, NV 89701

20 DECLARATION UNDER PENALTY OF PERJURY

21 The undersigned declares under penalty of perjury that he is the
22 petitioner in the above-entitled action, and he, the defendant has read
23 the above CERTIFICATE OF SERVICE and that the information contained
24 therein is true and correct. 28 U.S.C. §1746, 18 U.S.C. §1621.

25 Executed at HIGH DESERT STATE PRISON "SMU Program" 3A-22
26 on this 23rd day of November, 2022. Renewed at HDSP on
27 April 08, 2023.

28 Matthew Travis Houston
Matthew Travis Houston, DOP# 1210652
Po Box 650
22010 Cold Creek Road
Indian Springs, NV 89070-0650
PLAINTIFF / PETITIONER -- In Proper Person
ABA Member No. 04662784