

FILED

JAN 02 2024

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

IN THE COURT OF APPEALS OF THE STATE OF NEVADA RETURNED
UNFILED

MATTHEW TRAVIS HOUSTON,
Plaintiff - Appellant,

v. DANIEL L. SCHWARTZ;
(not an individual)
DIANE FERRANTE ET AL;

THE STATE OF NEVADA;

BRIAN P. CLARK;

JOSEPH M. LOMBARDO, ET AL;

MANDALAY BAY CORP., ET AL;

CALVIN JOHNSON ET AL;

DANIEL L. SCHWARTZ, ET AL;

BERNSTEIN & POISSON, LLP;

Defendant(s)-Respondent(s).

NOV 02 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK

#87670 ~~XXXXXXXXXX~~

Case No. ~~NO 84886-00A~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

MOTION TO REINSTATE BRIEFINGS;

APPELLANT'S INFORMAL BRIEF (AS A SUPPLEMENTAL BRANDEIS BRIEF),
OPPOSITION TO AND SUPPLEMENTAL RESPONSE
TO ORDER AFFIRMING IN PART AND DISMISSING
IN PART FILED JULY 27TH, 2023, IN NO. 84886-COA AND
MOTION FOR EXTENSION OF TIME TO FILE DOKETING STATEMENTS
"ORAL ARGUMENTS AND DE NOVO HEARINGS REQUESTED"

Mr. Houston appealed retroactively from the date
he fell 45' feet and died, on September 30th, 2016.
He again appealed retroactively on September 20th, 2016,
when he was victim of false arrest for felony DUI, to
which that case had been dismissed, which in turn
caused Mr. Houston to be wrongfully convicted for a
total of 10 years, and interfered with his injuries
sustained from the events of both September 30th,
2016 and October 01st, 2017. John T. Afshar should
be disbarred. (1)

RECEIVED
DECEMBER 28 2023
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

24-00073

The wrongful convictions of Mr. Houston have completely denied Mr. Houston's recovery from both his industrial work accident, and the terrible ONE OCTOBER terrorist attack, especially as he was and continues to be victimized by FREEMAN COMPANIES ET AL. Fast forward to the causation of this No. 84886-COA, to which Mr. Houston's MOTION TO WITHDRAW GPA was filed October 05th, 2021, well before April 13th, 2022. This court cannot continue to ignore the facts regarding the previous and ongoing injustices Mr. Houston has suffered. In Mr. Houston's pleadings he did NOT allege anything: Per Webster's New Pocket Dictionary, © 2007, the word "allege" means "to assert, especially without proof". From the onset, Mr. Houston has stated only truth, reason and fact. SEE police report filed by Henderson Police Department on July 14th, 2021, re "Mr. Houston's dogs". SEE ALSO LVMPD Report /Event Number 210700065245 (attached).

Mr. Houston's MOTION TO WITHDRAW GUILTY PLEA in fact meets the requirements of NRS 34.724(3) because it was part of his 'PERSONAL RESTRAINT PETITION' and DIRECT APPEAL, which has been repeatedly filed in multi-jurisdictional litigation.

Relief for Mr. Houston is absolutely warranted because of the judicial bias against him in JUSTICE COURT, LAS VEGAS TOWNSHIP, MUNICIPAL COURT OF THE CITY OF

LAS VEGAS and in the EIGHTH JUDICIAL DISTRICT COURT not to mention Federal and State appellate jurisdictions. The bias against Mr. Houston began September 20th, 2016, during the false arrest of his person for a dismissed DUI case. SEE ESDC Case No. C-17-323614-1. Linda Marie Bell erroneously and maliciously denied Mr. Houston an application to mental health court in her judicial neglect of the Dusky Standard in May, 2017. The reason for her prosecutorial misconduct and malicious prosecution is her involvement with the firm LEWIS BRISBOIS BISGAARD & SMITH, LLP, and its nefarious mob leader, Mr. Daniel L. Schwartz.

The denial of Mr. Houston's motions were very much based on knowledge acquired outside of the proceedings because of the collusion against Mr. Houston by ROSEMARIE MCMORRIS-ALEXANDER ET AL and the deep-seated favoritism of insurance companies over injured workers in the STATE OF NEVADA, and is blatantly supported by the NEVADA GAMING COMMISSION. The fact that Daniel L. Schwartz was an employee of the NEVADA ATTORNEY FOR INJURED WORKERS (NAIW) is an extrajudicial source rooted in Mr. Houston's industrial work accident of September 30th, 2016, the horrendous events of ONE OCTOBER, and outright conspiracy against the Appellant. SEE 80562-COA, ESDC Case No. A-17-758861-C NOW 86764-COA. SEE ALSO Magistrate Melissa De La Garza's deep-seated favoritism of CRAIG MUELLER AND ASSOCIATES (LVJC No. 22A001793)

and her antagonism against the Appellant, Mr. Houston, SEE ESDC Case No. C-17-323614-1, which rendered Fair judgement impossible.

Mr. Houston's situation is in no way "general" nor were the prejudiced judgements against him as the Supreme Court of Nevada was biased against Mr. Houston in No.(s) 79408 and 80562-COA and in No. 84281 when ignoring his meritoriously VALID appellant deprivation claims and his coinciding interpleading, including but not limited to this JOINDER OF APPEAL, this proof of factual and ACTUAL innocence, and this RENEWED MOTION FOR REINSTATEMENT OF ALL BRIEFING SCHEDULES OF THE APPELLANT (that being the victim of crime, survivor of ONE OCTOBER, and innocent man, Matthew Travis Houston). The judicial bias against Mr. Houston was established well before September 20th, 2016 - September 30th, 2016 - October 01st, 2017 and is ongoing due to the false arrest of Mr. Houston on July 14th, 2021, due to the perjury of ROSEMARIE MCMORRIS-ALEXANDER ET AL.

The question for Our Lady Justice is, "What does Rivero v. Rivero and Romano v. Romano even have to do with Mr. Houston?" The answer is: Absolutely NOTHING. Furthermore, in 2022, Romano v. Romano overruled the decision of Rivero v. Rivero and the Petition To Recall Dunleavy.

//

DECLARATION OF MATTHEW TRAVIS HOUSTON:

1 Yet when the whole story is told, the initial case often crumbles. (See *Petition*
2 *for Judicial Review*, pages 1-12, initially filed as a *Notice of Appeal*, February
3 18, 2022. Amended pages 5-16, *Venire Facias de Novo*.)

4 Proceeding to a second trial is awarded where a finding by the court "is
5 so defective, uncertain, or ambiguous upon its face that no judgment
6 can be rendered upon it."

7 See 41 N.E. 383, 386. The State of Nevada shows this as *NRCF 59/NRCF 60*

8 Now, if this court would be so kind to read this completely, it will
9 see that the Petitioner has demonstrated a *prima facie* need for all
10 transcripts, pleadings, and any and all other transcribed material
11 with regards to the above-entitled cases, and ALL cases of the
12 wrongfully convicted Plaintiff / Petitioner / Appellant /
13 Plaintiff-in-Error, who is legally blind-visually impaired.

14 As the attached interpleadings show, Mr. Houston
15 has been denied access to the courts to obtain justice
16 in his meritoriously VALID claims relating to malicious negligence
17 employment discrimination and other problems of the contemptible
18 FREEMAN COMPANIES' ENCORE EVENT TECHNOLOGIES.

19 The primary issue of concern is that SEDGWICK CMS'
20 ROSEMARIE MCMORRIS-ALEXANDER fabricated a false
21 police report to L.V. M. P. D. than scheduled Mr. Houston
22 to visit the State of Nevada from his homes in the
23 State of Iowa, located at 1009 Cardinal Dr, Magnoketa,
24 IA, 52060, and 435 S. Linn St, #927, Iowa City, IA,
25 52240. SEDGWICK CMS knowingly, willfully and maliciously
26 made up their lies about Mr. Houston so that they could avoid
27 their duty to ensure proper compensation to Mr. Houston so
28 that he could recover from his industrial work accident. As this
29 litigation is both multidistrict litigation and of a multi-
30 jurisdictional nature, meritoriously valid is the following:

Matthew Travis Houston
ABA #04662784

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Matthew Travis Houston,
Petitioner,
v.
Brian E. Williams, Sr., et al
Respondent(s).

Case No. 2:23-cv-01349-
JAD-BNW

MOTION FOR RECONSIDERATION
AND RESPONSE TO ORDER DISMISSING
ACTION AND DENYING APPLICATION TO
PROCEED IN FORMA PAUPERIS

OBJECTION: Matthew Travis Houston is in fact wrongfully convicted and extensively incarcerated at Nevada's High Desert State Prison after having been kidnapped from his home in Iowa City, Iowa, by the perjury and willful omissions of DIANNE FERRANTE ET AL. See EJOC Case No. A-22-859815-C.

OBJECTION: The 304 page collection is in effect a BRANDIS BRIEF and have everything to do with connection and each other. If Jennifer A. Dorsey had actually read the petition, she would have ruled on the merits. However, she lied. Just as she did about Mr. Houston's FINANCIAL CERTIFICATE. The Question for Our Lady Justice is;

"How can an innocent man pay \$5.00
with \$0.09¢?"

— MOTION TO RECLOSE —
(PLEASE SEE ATTACHED)

9.20.2023

X M.T.H.
NPOE #1210652

Matthew Travis Houston

ABA ID #04662784

NDOL#1210652

U.S. DISTRICT COURT
DISTRICT OF NEVADA

M. Houston,
Petitioner,

v.

B. Williams et al
(Respondents)

Case No. 23-CV-01210-APG
DJA

→ Motion For Reconsideration
And Response To Order Dismissing
Petition Without Prejudice As
Unexhausted Filed August 31, 2023

Petitioner is in fact a Plaintiff in Error, having to file as a pro se Nevada prisoner, due to the fact that he became illegally incarcerated and wrongfully convicted ~~due to~~ as result of the ~~corruption, conspiracy,~~ false police reports made to LUMPD by ROSEMARIE MCMORRIS-ALEXANDER ET AL, resulting in the kidnapping of the Petitioner, Mr. Houston, and revealing to this court and the world the nefarious scheme of Nevada Workers Compensation - a scheme that is malicious in its intent, ~~against~~ malicious to the injured workers, their families, and American Society as a whole. ^{The causation-in-fact} ~~this collusion~~ against the Plaintiff in Error ~~is~~ revealed is based off a deliberate ~~and indifferent~~ ploy to ~~assist~~ money by SEOGWICK CMS to extort money from the Plaintiff in Error and profit off of ~~the~~ the injuries of the disabled.

Mr. Houston in fact has presented his claims to the highest Nevada State Court in multiple pleadings including but not limited to his now dismissed Petition for A writ of

Mandamus, Writ of Appeal And Mentions Intervention
See #84886-CA, #85747-CA, #85962-CA, #86624, #86764-CA
#86972, #87003, and #87005

I. Background

Houston's state habeas petition for a writ of habeas corpus is in fact Case No. A-22-853203-W, to which his meritorious claims have been overly exhausted in both the Supreme Court of Nevada, and the Nevada Court of Appeals.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

II. Discussion

Mr. Houston has been denied fair representation by both the Supreme Court of Nevada and the Nevada Court of Appeals, as he has in fact presented both courts the operative facts and the federal legal theory upon which his claims are based, and has done so in accordance with state procedures. Furthermore, Mr. Houston's actual and factual innocence satisfies both exhaustion ~~and~~ requirements and procedural rules. See Coleman v. Thompson, 501 U.S. 722, 750, 115 L.Ed.2d 640 (199), the procedural bar can be overcome upon a showing of "cause" and "prejudice" for petitioner's default. Mr. Houston's claims are wholly exhausted prima facie.

Please see attached interpleadings, most especially the now RENEWED MOTION FOR AN ORDER TO SUPPRESS and the EMERGENCY MOTION TO MODIFY AND/OR CORRECT ILLEGAL SENTENCE UNDER NACP 59 AND NACP 60.

III. Conclusion in Federal Jurisdiction re #84886

A CERTIFICATE OF APPEALABILITY should be ordered on all eleven of Mr. Houston's attached claims of validity and merit, ONE - ELEVEN.

x. 9.13. 2023

x. Matthew Travis Houston
Rev. Matthew Travis Houston
ABA 10 No. 04662784

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MATTHEW TRAVIS HOUSTON,
Plaintiff,

v.

JOSEPH M. LOMBARDO ET AL.,
Defendant(s).

Case No. 2:22-cv-01607-DWM-CSD

EMERGENCY

OBJECTIONS TO
MAGISTRATE JUDGE'S

REPORT AND

RECOMMENDATION (Part ^{IV} ~~III~~)

AS A NOTICE OF APPEAL

I. BACKGROUND

Plaintiff is in fact wrongfully convicted (at least for the second time) in the Nevada Department of Corrections (NDOC). The original complaint in this case was filed before February 15th, 2022, and as it ~~is~~ ^{is} meritoriously VALID, that original complaint should NOT have been dismissed. As plaintiff's complaint is an ongoing investigation, with more defendants to be added and more defendant's names to be discovered, the Magistratorial bias is cause for the recusal of Magistrate Judge Craig S. Denny from this case. The cause of action in Mr. Houston's complaint is meritoriously prima facie and should be granted his continuance.

Pursuant to the Local Rules, the specific reason for the requested continuance and nature of plaintiff's emergency was set forth on and after September 30th, 2016, when Mr. Houston fell 45' feet and died. Miraculously Mr. Houston awakened from a coma and survived not only to tell his tale, but is here to obtain reparations from those who are responsible for the causation-in-

1 Fact of both his industrial work accident, and his being
2 victim of wrongful conviction especially he is actually
3 innocent as his factual innocence has proven. The fact
4 that Mr. Houston's catastrophic injuries include him having
5 become blind/visually impaired is more than enough reason
6 to warrant the plaintiff a continuance. The injury of
7 Mr. Houston is no presumption, as disability of the plaintiff
8 has warranted the delay of Mr. Houston's life so far for
9 seven years. In considering how much of his valid cause of
10 action has been preserved by the records, witnesses and their
11 state memories are no excuse to further damage the
12 plaintiff, Mr. Houston, a plaintiff who is permanently
13 totally disabled. Plaintiff is in no way intentionally
14 failing to adhere to court orders, he is simply doing
15 the best he can to plead a paragraph per defendant
16 on his ever-increasing list of 209+. Mr. Houston's
17 "vague and often times nonsensical and disjointed statements
18 on a variety of topics" is because he suffers from BATTERED
19 PERSON'S SYNDROME. As his complaint is in fact meritorious,
20 as is his cause of action, the plaintiff can most surely plead
21 that each Government-official defendant, through the official's
22 own individual actions has violated the Constitution, etc.,
23 especially as he already has, more time is required to allow
24 the plaintiff to perfect both his complaint and his list of
25 defendants.

26 The public's interest in the expeditious resolution of wrongfully
27 convicted victims of crime is paramount, as is the court's need to
28 manage its docket regarding the meritoriously VALID claims of the

1 plaintiff, whose action in fact was initiated September 30th,
2 2016, almost seven years ago. The plaintiff has been
3 denied in retaliation and prejudiced by the DISTRICT OF
4 NEVADA due to the fact that the legal malpractice of
5 BERNSTEIN & POISSON, LLP ET AL forced the plaintiff
6 to become his own advocate in pro per. SEE EJDC
7 Case Number A-17-758861-C and attachments.
8

9 II. DISCUSSION

10 Magistrate Judge Craig S. Denny is absolutely
11 correct in his views on the district court's inherent
12 power in controlling their dockets, however a dismissal of
13 Mr. Houston's complaint would NOT be appropriate, especially
14 because Mr. Houston literally was kidnapped from his home
15 law offices in the state of Iowa and maliciously prosecuted
16 by the defendants in his complaint. Dismissing his complaint
17 would be aiding and abetting the criminal behavior of the
18 defendants. Again, Mr. Houston is in no way attempting to
19 avoid having to comply with the Local Rules, especially as
20 he has been deprived of his right to access the courts, he
21 has been denied the opportunity to properly amend his
22 complaint, as he was also denied that opportunity in the
23 EIGHTH JUDICIAL DISTRICT COURT. Evidence and witnesses
24 would not be growing stale if Magistrate Craig S. Denny
25 and bad actors hadn't ignored the plaintiff's documents.

26 As the cards of justice have been stacked against Mr.
27 Houston in an effort of malice by the defendants, their
28 intent speaks for itself. To simplify: The nefarious

1 perjury of ROSEMARIE MCMORRIS-ALEXANDER ET AL was
2 and is a deliberately planned collusion and conspiracy
3 between the insurance company SEDGWICK CMS and
4 the law firm LEWIS BRISBOIS BISGAARD & SMITH, LLP
5 to have Mr. Houston falsely imprisoned so that they can
6 continue to profit off of the plaintiff's injuries. The
7 court should vacate Local Rule IA 6-1 as the court
8 is and has been made well aware that the plaintiff's
9 documents are directly related to this case, and the
10 explanation for that is self-explanatory as those
11 documents are prima facie. This already proven
12 injustice against Mr. Houston would affect any person's
13 ability to accomplish anything, let alone litigate a
14 claim without access to a Law library.

15 The plaintiff's specific basis for granting this further
16 continuance to file his amended complaint is because the
17 failure to file the pleading to be filed was caused by
18 a lack of accountability on behalf of the defendants:
19 indefinite lockdowns, retaliation of NOOC, etc., etc. The
20 plaintiff's LR 7-4 emergency declaration is also self-
21 explanatory, and is summarized by the previously filed and
22 ongoing interpleadings, which were blatantly ignored by
23 the judicial officers in the District of Nevada, further
24 validating the necessary appointment of Judge Malloy and
25 the District of Montana to intervene in this case per
26 9TH CIR. ORDERS. Causation of any sort of vexatious
27 noncompliance is attributed only to the DISTRICT OF NEVADA
28 own noncompliance in ignoring the plaintiff, Mr. Houston.

1 To compare and contrast the actual innocence
2 of Mr. Houston, a perfect example for this court's
3 jurisprudence is that in Cabot, Arkansas, the local
4 police department investigated a woman who
5 said that if she "had any mental issues," staff at
6 a local school library would be "plowed down" with
7 a gun, according to a police report. The police
8 determined that the incident - which took place at
9 a meeting of Moms for Liberty, a group that has
10 pushed for book bans around the country - was not
11 made in the context of a threat, and that there was
12 no need to file charges.

13 Please SEE ATTACHED Sheriff Civil No. 23003198:
14 BWC 097397

15 The question for Our Lady Justice is,
16 "How did Redenta Blacic file her false police
17 reports about Mr. Houston if she is NOT EMPLOYED
18 AT BUSINESS NOR THEY KNOW HER?"
19

20 All briefing schedules in all appeals and all
21 cases of Matthew Travis Houston should be
22 expeditiously reinstated because his emergency
23 motions are meritoriously valid due to points and
24 authorities retroactive from EJC Case No.
25 A-17-758861-C, Department 29, as the PETITION
26 FOR JUDICIAL REVIEW was filed and received before
27 December 6th, 2021, and February 17th, 2022.
28

1 WHEREFORE, all of Matthew Travis Houston's cases
2 should be reopened/reinstated and consolidated.

3 RENEWED CERTIFICATE OF SERVICE BY MAILING

4 I, Matthew Travis Houston, hereby certify, pursuant to NRCP 5(b) that on this 13
5 day of March, 2023, I mailed a true and correct copy of the foregoing "EMERGENCY
6 MOTION TO REINSTATE AND CONSOLIDATE CASE NO(S) 84281 AND 84478"

7 by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, Fully prepaid,
8 addressed as follows:

9 Nevada Court of Appeals
10 408 East Clark Avenue
11 Las Vegas, NV
12 89101-4088

HOOKS, MENG & CLEMENT
2300 W. Sahara Ave.
STE - 1100
Las Vegas, NV 89102

14 LEWIS BRISBOIS BISGAARD & SMITH
15 2300 W. Sahara Ave.
16 STE - 900
17 Las Vegas, NV 89102

18 CLARK MCCOULT
19 7371 Prairie Falcon Rd
20 #120
21 Las Vegas, NV 89128

LIPSON NEILSON
9900 Covington Cross Dr
STE - 120
Las Vegas, NV 89144

21 DATED: THIS 13 day of March, 2023,

22 Renewed this 10/15/2023.

24 Matthew Travis Houston
25 Appellant/In Propria Persona
26 High Desert State Prison
27 P.O. Box 650
28 Indian Springs, Nevada, 89018
ABA No 04662784

