



Electronically Filed
Dec 08 2023 08:47 AM
Elizabeth A. Brown
Clerk of Supreme Court

1 NOTICE

2 Plaintiff, In Proper Person
3 P.O. Box 650 H.D.S.P.
4 Indian Springs, Nevada 89018
5 REV. MATTHEW TRAVIS HOUSTON, CHTD

6 EIGHTH JUDICIAL DISTRICT COURT
7 CLARK COUNTY NEVADA

8 MATTHEW TRAVIS HOUSTON,
9 Plaintiff,

10 -v-

11 BRIAN P. CLARK
12 Defendant,


Case No. A-22-856372-C
Dept. No. XX
Docket 87551

13
14 AMENDED NOTICE OF APPEAL
15 "HEARING REQUESTED"

16 Notice is hereby given that the actually innocent man, Plaintiff Matthew
17 Travis Houston, by and through himself in proper person, does now appeal
18 to the Supreme Court of the State of Nevada, the decisions of the District
19 Court including but not limited to those made on October 02, 2023, August
20 02, 2023, June 05, 2023, May 01, 2023 and April 10, 2023. Please
take notice that the original notice of appeal was eFILED 10/31/2023 @ 3:44 PM.

21 Dated this date, October 31, 2023.

22
23 Respectfully Submitted,

24 
25 REV. MATTHEW TRAVIS HOUSTON
26 In Proper Person
27 ABA Member ID No. 04662784

28 RECEIVED

DEC 04 2023

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Matthew Travis Houston, hereby certify, pursuant to NRC P 5(b), that on this 31st
day of October, 2023, I mailed a true and correct copy of the foregoing, "Amended
Notice of Appeal"

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

Law Clerk, Department XX
Court Administration
EJAC
200 Lewis Ave
LV, NV 89155

CLARK ACCOURT, LLC
7371 Prairie Falcon Road
STE - 120
Las Vegas, NV
89128

Aaron D. Ford
555 E. Washington Ave
STE - 3900
Las Vegas, NV
89101-1068

Office of the DA
200 Lewis Ave
LV, NV
89155

DATED: this 31st day of October, 2023.

Matthew Travis Houston
REV. MATTHEW TRAVIS HOUSTON # 1810652
Plaintiff /In Propria Persona
Post Office box 650 (HDSP)
Indian Springs, Nevada 89018

REV. MATTHEW TRAVIS HOUSTON, CMTD

1210652

HDSP

Po Box 650

Indian Springs, NV

89070-0650

BS# 2416315

RECEIVED

DEC 04 2023

DISTRICT COURT
ADMINISTRATION

COURT ADMINISTRATION
CL. Law Clerks

200 Lewis Ave.

Las Vegas, NV

89155

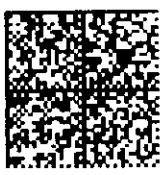
RECEIVED

DEC 04 2023

CLERK OF THE COURT

NON MACHINABLE

PLEASE HAND CANCEL



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02 4M
0000391000 NOV 30 2023

3762

APR 10 # 04662784

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-22-856372-C

Matthew Houston, Plaintiff(s)
vs.
Brian Clark, Defendant(s)

§
§
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§
§
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§

Location: **Department 20**
 Judicial Officer: **Johnson, Eric**
 Filed on: **08/03/2022**
 Cross-Reference Case Number: **A856372**
 Defendant's Scope ID #: **7035801**
 Supreme Court No.: **85354**
85747
86598
87551

CASE INFORMATION

Statistical Closures

10/31/2022 Motion to Dismiss by the Defendant(s)

Case Type: **Other Tort**

Case Status: **10/31/2022 Dismissed**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-22-856372-C
Court	Department 20
Date Assigned	08/03/2022
Judicial Officer	Johnson, Eric

PARTY INFORMATION






Plaintiff	Houston, Matthew	<i>Lead Attorneys</i>
		Pro Se
Defendant	Clark, Brian P	
		Pro Se

DATE

EVENTS & ORDERS OF THE COURT

INDEX


EVENTS


08/03/2022	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Houston, Matthew <i>[1] Application to Proceed Informa Pauperis (Confidential)</i>
08/04/2022	 Order to Proceed In Forma Pauperis Granted for: Plaintiff Houston, Matthew <i>[3] Order re: Application to Proceed In Forma Pauperis (Confidential)</i>
09/06/2022	 Motion Filed By: Plaintiff Houston, Matthew <i>[4] Emergency Motion for an Order Setting Hearing Regarding the Attached Interpleadings and Notice of Intension to Enter Defaults; "De Novo Hearing Requested"; "Jury Trials Demanded"</i>
09/06/2022	 Clerk's Notice of Hearing <i>[5] Notice of Hearing</i>
09/08/2022	 Notice of Appeal Filed By: Plaintiff Houston, Matthew


CASE SUMMARY


CASE NO. A-22-856372-C


[6] Emergency Notice of Appeal to Hearings from August 9th, 2022, August 15th, 2022, August 16th, 2022, August 23rd, 2022, August 25th, 2022, August 30th, 2022, August 31st, 2022, September 6th, 2022 and Minute Order(s) from August 23rd, 2022 and August 24th, 2022 and Request for an Order to Reset Time; "De Novo Hearings Requested"

09/08/2022  Notice of Appeal
Filed By: Plaintiff Houston, Matthew
[7] Emergency Notice of Appeal to Minute Order from June 16th, 2022; "Hearings Requested"; "De Novo Hearings Requested"


09/08/2022  Notice of Appeal
Filed By: Plaintiff Houston, Matthew
[8] Emergency Notice of Appeal to Hearings from July 13th, 2022 and July 14th, 2022 and Request for an Order to Reset Time; "Hearings Requested"; "De Novo Hearings Requested"


09/12/2022  Case Appeal Statement
[9] Case Appeal Statement


09/12/2022  Case Appeal Statement
[10] Case Appeal Statement

09/12/2022  Case Appeal Statement
[11] Case Appeal Statement

09/21/2022  Motion to Dismiss
Filed By: Defendant Clark, Brian P
[12] Defendant's Motion to Dismiss, Motion for More Definite Statement, and Motion to Strike; Hearing Requested


09/23/2022  Clerk's Notice of Hearing
[13] Notice of Hearing

09/26/2022  Certificate of Service
Filed by: Defendant Clark, Brian P
[14] Certificate of Service

10/10/2022  Notice
Filed By: Plaintiff Houston, Matthew
[15] Notice of Hearing

10/10/2022  Motion
Filed By: Plaintiff Houston, Matthew
[16] Emergency Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference; "De Novo Hearing Requested"; "Jury Trails Demanded"

10/10/2022  Motion
Filed By: Plaintiff Houston, Matthew
*[17] Emergency Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference**

10/10/2022  Notice of Motion
Filed By: Plaintiff Houston, Matthew
[18] Notice of Motion and Motion for Transcripts at State Expense of Case No. A.17.758861.C and Case No. C.17.323614.1

CASE SUMMARY

CASE NO. A-22-856372-C

- 10/11/2022  Motion
 Filed By: Plaintiff Houston, Matthew
[19] Emergency Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference; "Hearing Requested"
- 10/11/2022  Clerk's Notice of Hearing
[20] Notice of Hearing
- 10/26/2022  NV Supreme Court Clerks Certificate/Judgment - Dismissed
[21] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed
- 10/31/2022  Order Granting Motion
[22] Order Granting Defendant's Motion to Dismiss, Motion For More Definite Statement, and Motion to Strike
- 11/01/2022  Notice of Entry of Order
 Filed By: Defendant Clark, Brian P
[23] Notice of Entry of Order Granting Defendant's Motion to Dismiss, Motion for More Definite Statement, and Motion to Strike
- 11/15/2022  Motion
 Filed By: Plaintiff Houston, Matthew
[24] Emergency Motion (See A-17-758861-C, EJOC) and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference
- 11/15/2022  Request
 Filed by: Plaintiff Houston, Matthew
[25] Emergency Ex Parte Request; "Jury Trial Demanded and Hearing(s) Requested"
- 11/15/2022  Clerk's Notice of Hearing
[26] Notice of Hearing
- 11/23/2022  Notice of Appeal
 Filed By: Plaintiff Houston, Matthew
[27] Emergency Notice of Appeal in A-22-856372-C and Attached Ex Parte Letter of Motion (s) as an Emergency Joinder(s) to Case Not Limited to A-22-758861-C, A-22-858580-C, A-17-758861-C, C-17-323614-1 (A-19-800219-W), C-21-357927-1 (A-22-853203-W) and 21P0190 in Justice Court, Las Vegas Township; "De Novo 'Hearing' Requested"
- 11/28/2022  Case Appeal Statement
[28] Case Appeal Statement
- 12/06/2022  Notice of Motion
 Filed By: Plaintiff Houston, Matthew
[29] Emergency Notice of Motion; "Hearing Requested"
- 12/06/2022  Notice of Motion
 Filed By: Plaintiff Houston, Matthew
[30] Emergency Notice of Hearing
- 12/06/2022  Clerk's Notice of Hearing
[31] Notice of Hearing
- 12/22/2022  Ex Parte Motion

CASE SUMMARY

CASE NO. A-22-856372-C

Filed By: Plaintiff Houston, Matthew

[32] Emergency Ex Parte En Banc Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone of Video Conference and Continued Emergency Opposition (s)

12/29/2022



Motion for Leave to File

[33] Emergency Motion for Leave to File an Amended Complaint, Motion to Stay Original Complaint, and Notice of Motion for Formal Objection to Response from Original Defendant No. 4

12/29/2022



Clerk's Notice of Hearing

[34] Notice of Hearing

12/29/2022



Ex Parte Motion

Filed By: Plaintiff Houston, Matthew

[35] Emergency Ex Parte Motion for an Extension of Time to Prepare and File an Opposition to Defendant's Motion(s) to Dismiss in Case No. A-22-858580-C and Case No. A-22-856372-C

12/30/2022



Ex Parte Motion

Filed By: Plaintiff Houston, Matthew

[36] Emergency Ex Parte Motion for Leave to Add Defendants Lewis Brisbois Bisgaard & Smith LLP and Benjamin E. Abbot Esq., also Kristina A. Rhoades Esq.

12/30/2022



Clerk's Notice of Hearing

[37] Notice of Hearing

01/31/2023



Motion

Filed By: Plaintiff Houston, Matthew

[38] Emergency Motion for Transportation of Inmate for Court Appearance or in the Alternative, for Appearance by Telephone or Video Conference

01/31/2023



Clerk's Notice of Hearing

[39] Notice of Hearing

02/09/2023



Declaration

Filed By: Plaintiff Houston, Matthew

[40] Emergency Declaration of Matthew Travis Houston

02/09/2023



Declaration

Filed By: Plaintiff Houston, Matthew

[41] Emergency Declaration of Matthew Travis Houston

02/16/2023



Application to Proceed in Forma Pauperis

Filed By: Plaintiff Houston, Matthew

[42] Application to Proceed in Forma Pauperis

02/16/2023



Ex Parte Motion

Filed By: Plaintiff Houston, Matthew

[43] Emergency Ex Parte Motion for an Extension of Time to Prepare and Filed an Opposition to Defendant's Motion(s) to Dismiss in Case No. A-22-858580-C and Case No. A-22-856372-C Under NRAP 27e

02/16/2023



Clerk's Notice of Hearing

[44] Notice of Hearing

03/03/2023



Order

CASE SUMMARY

CASE NO. A-22-856372-C

[45] Order Re: Plaintiff's Emergency Motion for Transportation of Inmate

03/08/2023



Notice of Intent

Filed By: Plaintiff Houston, Matthew

[46] Notice of Intention to Enter Default

03/08/2023



Motion

Filed By: Plaintiff Houston, Matthew

[47] Renewed Ex Parte Emergency Motion to Add Defendant(s) Tierra Danielle Jones as a "Notice of Hearing" and Notice of Default

03/08/2023



Clerk's Notice of Hearing

[48] Notice of Hearing

03/09/2023



Affidavit of Service

Filed By: Plaintiff Houston, Matthew

Party Served: Defendant Clark, Brian P

[49] Emergency Declaration of Matthew Travis Houston and Affidavit of Service - Brian P. Clark

03/21/2023



Order

[50] Order Re: Plaintiff's Emergency Ex Parte Motion or an Extension of Time to Prepare and File an Opposition to Defendant's Motion to Dismiss

03/27/2023



Ex Parte Motion

Filed By: Plaintiff Houston, Matthew

[51] Emergency Ex Parte Motion for Reconsideration to Vacate Order Filed 10-25-2022

03/27/2023



Clerk's Notice of Hearing

[52] Notice of Hearing

03/29/2023



Affidavit of Service

Filed By: Plaintiff Houston, Matthew

[53] Emergency Declaration/ Affidavit of Service

05/02/2023



Motion for Order

Filed By: Plaintiff Houston, Matthew

[54] Emergency Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference Under NRAP 27(e)

05/02/2023



Clerk's Notice of Hearing

[55] Notice of Hearing

05/03/2023



Motion to Add Party

Filed By: Plaintiff Houston, Matthew

[56] Motion to Add Defendant(s) Lewis Brisbois Bisgaard & Smith, LLP; Emergency Motion under NRAP 3C + 9th.Cir.Rule 27-3 to Compel and Answer from and Law, PLLC as to Why Alexis M. Duecker Published Slanderous Lies/Falsehood and Response to the HON. Eric Johnson's Orders from March 3rd, 2023 and March 21st, 2023

05/03/2023



Clerk's Notice of Hearing

[57] Notice of Hearing

05/16/2023

















Notice of Appeal (Criminal)

[58] Notice of Appeal

CASE SUMMARY















CASE NO. A-22-856372-C

- 05/17/2023  Case Appeal Statement
[59] Case Appeal Statement
- 05/18/2023  Affidavit of Service
[60] Affidavit of Service
- 05/23/2023  Motion to Consolidate
Filed By: Plaintiff Houston, Matthew
[61] Emergency Motion to Consolidate and Produce Plaintiffs Direct Appeal
- 05/23/2023  Clerk's Notice of Hearing
[62] Notice of Hearing
- 05/24/2023  Motion
Filed By: Plaintiff Houston, Matthew
[63] Emergency Motion and Order for Transportation (In All Cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3C/27E or, in the Alternative, for Appearance by Telephone or Video Conference
- 05/24/2023  Clerk's Notice of Hearing
[64] Notice of Hearing
- 06/29/2023  Motion
Filed By: Plaintiff Houston, Matthew
[65] Emergency Motion to Add Defendant Kristina A. Rhoades as an Expedited Notice of Intention to Enter Default
- 06/29/2023  Clerk's Notice of Hearing
[66] Notice of Hearing
- 06/30/2023  Demand for Jury Trial
Filed By: Plaintiff Houston, Matthew
[67] Demand for Jury Trial and Statement of Facts
- 07/01/2023  Certificate
Filed By: Plaintiff Houston, Matthew
[68] Ex Parte Certificate for Payment of Repairs and Emergency Status Check on Expiration of Order Issued in Error (included Financial Statement)
- 07/13/2023  Joinder
Filed By: Plaintiff Houston, Matthew
[69] Joinder of Complaint
- 07/27/2023  NV Supreme Court Clerks Certificate/Judgment - Dismissed
[70] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed; Rehearing Denied
- 08/16/2023  Affidavit of Service
[71] Affidavit of Service
- 08/23/2023  Motion
Filed By: Plaintiff Houston, Matthew
[72] Reoccurring Emergency Motion and Order to Transportation (in all cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3 C/27E or in the Alternative, for Appearance by

CASE SUMMARY









CASE NO. A-22-856372-C

Telephone or Video Conference

- 08/23/2023  Clerk's Notice of Hearing
[73] Notice of Hearing
- 08/24/2023  Affidavit of Service
[74] Affidavit of Services
- 09/21/2023  NV Supreme Court Clerks Certificate/Judgment - Affirmed
[75] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed
- 10/12/2023  Affidavit of Service
[76] Affidavit of Service
- 10/17/2023  Supplemental
Filed by: Plaintiff Houston, Matthew
[77] Supplemental Civil Rights Complaint by an Inmate as a "Brandies Brief," Meritorious Intervention and Joinder of Appeal Pursuant to NRCP 59 and NRCP 60
- 10/17/2023  Affidavit
[80] Affidavit of Service
- 10/18/2023  Motion
Filed By: Plaintiff Houston, Matthew
[78] Motion for New Trials Under NRCP 60 Emergency Opposition and Emergency Motion and Order for Transportation (in All Cases for Mr. Matthew Travis Houston) of Inmate for Court Appearance NRCP 24, NRAP 3 C/NRAP 27(e)/ 9TH CIR. 27.3, or in the Alternative for Appearance by Telephone or Video Conference
- 10/18/2023  Clerk's Notice of Hearing
[79] Notice of Hearing
- 10/19/2023  Motion
Filed By: Plaintiff Houston, Matthew
[81] Emergency Motion to add Defendant Kristina A. Rhodes as an Expedited Notice of Intent to Enter Default
- 10/19/2023  Clerk's Notice of Hearing
[82] Notice of Hearing
- 10/31/2023  Notice of Appeal
[83] Notice of Appeal
- 11/02/2023  Case Appeal Statement
[84] Case Appeal Statement
- 11/11/2023  Motion
Filed By: Plaintiff Houston, Matthew
[85] Emergency Motion and Ex Parte Demand for Appointment of Discovery Commissioner s in all Case of the Plaintiff Matthew Travis Houston
- 11/11/2023  Clerk's Notice of Hearing
[86] Notice of Hearing

CASE SUMMARY


CASE NO. A-22-856372-C

- 11/13/2023  Affidavit of Service
[87] Affidavit of Service
- 11/18/2023  Opposition
Filed By: Plaintiff Houston, Matthew
[88] Opposition to the Perjury and Conspiracy of Rosemarie McMorris -Alexander et al as a Response to the Attached Exhibit "One"
- 11/18/2023  Clerk's Notice of Hearing
[89] Notice of Hearing
- 11/18/2023  Motion to Stay
Filed By: Plaintiff Houston, Matthew
[90] Emergency Motion for Stay and Abeyance Pursuant to Law + Opposition to and Response to the False Claims and Threats Made on the Record by the Office of The District Attorney et al on October 25 th, 2023
- 11/18/2023  Clerk's Notice of Hearing
[91] Notice of Hearing
- 11/30/2023  Order
[92] Order Denying Motion for New Trial Under NRCP 60
- 11/30/2023  Order
[93] Order Denying Ememrgency Motion to Add Defendant Kristina A Rhoades as an Expedited
- 12/05/2023  Amended Notice of Appeal
[94] Amended Notice of Appeal

DISPOSITIONS

- 10/26/2022 **Clerk's Certificate** (Judicial Officer: Johnson, Eric)
Debtors: Matthew Houston (Plaintiff)
Creditors: Brian P Clark (Defendant)
Judgment: 10/26/2022, Docketed: 10/27/2022
Comment: Supreme Court No 85354 - "APPEAL DISMISSED"
- 10/31/2022 **Order of Dismissal** (Judicial Officer: Johnson, Eric)
Debtors: Matthew Houston (Plaintiff)
Creditors: Brian P Clark (Defendant)
Judgment: 10/31/2022, Docketed: 11/01/2022

HEARINGS

- 10/25/2022  **Minute Order** (3:00 AM) (Judicial Officer: Johnson, Eric)
Minute Order - No Hearing Held;
Journal Entry Details:

Defendant filed a Motion to Dismiss, Motion for More Definite Statement, and Motion to Strike on September 21, 2022. The matter was subsequently scheduled for hearing on October 27, 2022. No opposition having been filed and good cause showing, pursuant to EDCR 2.20(e) and EDCR 2.23(c) the Court hereby GRANTS Defendant's Motion. Specifically, the Court finds that Plaintiff's Complaint does not properly identify any cause of action, nor does the Complaint satisfy the pleading requirements of NRCP 8(a). Instead, a review of Plaintiff's Complaint shows that it is a compilation of various court documents and filings, which include, among other things, a Petition for Writ of Habeas Corpus (Post-conviction), a direct appeal to the Nevada Supreme Court for Case No. C-21-357927-1, and a Motion for the Production of Records from Las Vegas Fire and Rescue. While the Court recognizes that Plaintiff is proceeding pro se, "a pro se litigant cannot use his alleged ignorance as a shield to protect him from the consequences of failing to comply with basic procedural requirements." Rodriguez v. Fiesta Palms, LLC, 134 Nev. 654, 659, 428 P.3d 255, 259 (2018). Consequently, the Court GRANTS Defendant's Motion to Dismiss Plaintiff's Complaint. The Court hereby

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY


CASE NO. A-22-856372-C


VACATES the October 27, 2022 hearing and all future hearing dates in this matter. Counsel for Defendant is directed to prepare a proposed order and submit it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us. CLERK S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve and US mailed to: Matthew Houston, #1210652, PO Box 650, Indian Springs, NV 89070. 10-25-22 khm;


- 10/27/2022 **CANCELED Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)
Vacated - per Law Clerk
Plaintiffs - Emergency Motion for an Order Setting Hearing Regarding the Attached


- 10/27/2022 **CANCELED Motion to Dismiss** (8:30 AM) (Judicial Officer: Johnson, Eric)
Vacated - per Law Clerk
Defendant's Motion to Dismiss, Motion for More Definite Statement, and Motion to Strike

- 11/16/2022 **CANCELED Motion for Order** (8:30 AM) (Judicial Officer: Johnson, Eric)
Vacated - per Law Clerk
Emergency Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference

- 12/22/2022  **Request** (8:30 AM) (Judicial Officer: Johnson, Eric)
Plaintiff's Emergency Ex Parte Request
Denied; Plaintiff's Emergency Ex Parte Request
Journal Entry Details:
Court advised it dismissed this case, by minute order, on October 25, 2022 because Plaintiff's complaint failed to identify a cause of action and the instant motion does not request reconsideration of the previous order dismissing the case. Instead the Motion requests the Court sanction Bernstein and Posin for failing to send Plaintiff's file; however, they are not a party in this matter. A Notice of Appeal was also filed in this case on November 23, 2022; thus, the Court does not have jurisdiction. Therefore, COURT ORDERED, Motion DENIED. ;

- 01/27/2023  **Minute Order** (1:00 PM) (Judicial Officer: Johnson, Eric)
Motion for Leave
Minute Order - No Hearing Held; Motion for Leave
Journal Entry Details:
Emergency Motion for Leave to File an Amended Complaint, Motion to Stay Original Complaint, and Notice of Formal Objection(s) to Response from Original Defendant No. 4 This matter was dismissed back on October 25, 2022. The Court found that Plaintiff s Complaint did not properly identify a cause of action, nor did the Complaint satisfy the pleading requirements of NRCP 8(a). After a review of the present Motion, the Court is unsure what Plaintiff is requesting. Plaintiff makes numerous accusations concerning judicial officials and other attorneys within Southern Nevada, but does not cite to any legal authority to back up his claims. Consequently, the Court cannot grant the relief Plaintiff is requesting. Further, Plaintiff filed a Notice of Appeal in this case on November 23, 2022. Accordingly, this Court does not have jurisdiction over this case. See Smith v. Emery, 109 Nev. 737, 741, 856 P.2d 1386, 1389 (1993). The Court hereby VACATES the February 1, 2023 hearing CLERK S NOTE: This Minute Order has been electronically served to all registered parties for Odyssey File & Serve.;

- 01/27/2023  **Minute Order** (1:00 PM) (Judicial Officer: Johnson, Eric)
Minute Order - No Hearing Held; Plaintiff's - Emergency Motion for Leave
Journal Entry Details:
Emergency Ex Parte Motion for an Extension of Time to Prepare and File an Opposition to Defendant s Motion to Dismiss Plaintiff s Motion seeks an extension of time to prepare and file an Opposition to a Motion to Dismiss. However, after a review of the file, the Court finds that there is no pending Motion to Dismiss in the instant case. Consequently, Plaintiff is asking for relief that this Court cannot grant him. Further, Plaintiff filed a Notice of Appeal in this case on November 23, 2022. Accordingly, this Court does not have jurisdiction over this case. See Smith v. Emery, 109 Nev. 737, 741, 856 P.2d 1386, 1389 (1993). The Court hereby VACATES the February 1, 2023 hearing CLERK S NOTE: This Minute Order has been electronically served to all registered parties for Odyssey File & Serve.;

- 01/27/2023  **Minute Order** (1:00 PM) (Judicial Officer: Johnson, Eric)
Minute Order - No Hearing Held;
Journal Entry Details:

CASE SUMMARY

CASE NO. A-22-856372-C

Plaintiff's Motion is titled as a Motion to Leave to add new defendants. However, the Motion contains no substantive legal argument as to why the Motion should be granted. Instead, the Motion merely contains a Request to Proceed in Forma Pauperis. The Court also notes that this matter was dismissed back on October 25, 2022 due to Plaintiff's failure to properly identify a cause of action and satisfy the pleading requirements of NRCPC 8(a). Consequently, Plaintiff is asking for relief that this Court cannot grant him. Further, Plaintiff filed a Notice of Appeal in this case on November 23, 2022. Accordingly, this Court does not have jurisdiction over this case. See Smith v. Emery, 109 Nev. 737, 741, 856 P.2d 1386, 1389 (1993). The Court hereby VACATES the February 1, 2023 hearing CLERK'S NOTE: This Minute Order has been electronically served to all registered parties for Odyssey File & Serve.;


- 02/01/2023 **CANCELED Motion** (9:00 AM) (Judicial Officer: Johnson, Eric)
Vacated
Emergency Notice of Motion Re: "attached Emergency Exhibits"
- 02/01/2023 **CANCELED Motion** (9:00 AM) (Judicial Officer: Johnson, Eric)
Vacated
Plaintiff's - Emergency Motion for Leave to File an Amended Complaint, Motion to Stay Original Complaint, and Notice of Motion for Formal Objection to Response from Original Defendant No. 4
- 02/01/2023 **CANCELED Motion for Leave** (9:00 AM) (Judicial Officer: Johnson, Eric)
Vacated
Plaintiff's - Emergency Ex Parte Motion for Leave to Add Defendants Lewis Brisbois Bisgaard & Smith LLP and Benjamin E. Abbot Esq., also Kristina A, Rhoades Esq.
- 03/08/2023 **CANCELED Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)
Vacated - per Law Clerk
Plaintiff's - Emergency Motion for Transportation of Inmate for Court Appearance or in the Alternative, for Appearance by Telephone or Video Conference
- 03/22/2023 **CANCELED Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)
Vacated - per Law Clerk
Plaintiff/ Inmate's Emergency Ex Parte Motion for an Extension of Time to Prepare and Filed an Opposition to Defendant's Motion(s) to Dismiss in Case No. A-22-858580-C and Case No. A-22-856372-C Under NRAP 27e
- 04/10/2023  **Minute Order** (3:00 PM) (Judicial Officer: Johnson, Eric)
 Minute Order - No Hearing Held;
 Journal Entry Details:
Plaintiff filed his Renewed Ex Parte Emergency Motion to Add Defendant Tierra Danielle Jones and Notice of Default on March 8, 2023. The matter was subsequently set for hearing on April 12, 2023. After considering the pleadings and argument of counsel, the Court DENIES Plaintiff's Motion. As a threshold matter, the Court DENIES Plaintiff's Motion as it does not have jurisdiction. "[A] timely notice of appeal divests the district court of jurisdiction to act." Rust v. Clark Cnty. Sch. Dist., 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987). In this case, a notice of appeal was filed on September 8, 2023 and November 23, 2022. As a result, this Court cannot rule on Plaintiff's Motion because it does not have jurisdiction. Alternatively, if it is determined that Plaintiff's Notices of Appeal do not divest this Court of jurisdiction due to the unconventional way that Plaintiff titles his Motions (i.e., including the case numbers from eight other cases in the caption), the Court will address the merits of Plaintiff's Motion below. In this case, the Court entered an Order Dismissing Plaintiff's Case on October 31, 2022. As a result, for Plaintiff to continue litigating his case, he must seek relief from judgment under NRCPC 60(b). Rule 60(b) provides: "On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief." Here, Plaintiff has failed to cite to Rule 60(b) or any other legal authority that would justify this Court to allow Plaintiff to add Tierra Jones as a Defendant to this litigation. Instead, Plaintiff's Motion merely lists a series of names that this Court can only assume that Plaintiff would like to add to one of his pending cases. Consequently, the Court denies Plaintiff's Motion. CLERK'S NOTE: The above minute order has been distributed to: Matthew Houston #1210652, HDSP, PO Box 650, Indian Springs, NV 89070. 4.10.23kkm;
- 04/12/2023 **CANCELED Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)

CASE SUMMARY

CASE NO. A-22-856372-C

*Vacated - per Law Clerk**Plaintiff/ Inmate's - Renewed Ex Parte Emergency Motion to Add Defendant(s) Tierra Danielle Jones as a "Notice of Hearing" and Notice of Default*

05/01/2023

 **Minute Order** (3:00 AM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;


Journal Entry Details:

Plaintiff filed his Motion for Reconsideration to Vacate Order on March 27, 2023. The matter was subsequently set for hearing on May 3, 2023. After considering the pleadings and argument of counsel, the Court DENIES Plaintiff's Motion for Reconsideration. As a threshold matter, the Court denies Plaintiff's Motion as it does not have jurisdiction. "[A] timely notice of appeal divests the district court of jurisdiction to act." Rust v. Clark Cnty. Sch. Dist., 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987). In this case, a notice of appeal was filed on September 8, 2022 and November 23, 2022. As a result, this Court cannot rule on Plaintiff's Motion because it does not have jurisdiction. Alternatively, if it is determined that Plaintiff's Notices of Appeal do not divest this Court of jurisdiction due to the unconventional way that Plaintiff titles his Motions (i.e., including the case numbers from eight other cases in the caption), the Court will address the merits of Plaintiff's Motion below. A court may only "reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous." Masonry & Tile Contrs. v. Jolley, Urga & Wirth Ass'n, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). "Only in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted." Moore v. City of Las Vegas, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976). A motion to reconsider is not a vehicle to "rehash[] old arguments" and is not meant to "give an unhappy litigant one additional chance to sway the judge." Phillips v. C.R. Bard, Inc., 290 F.R.D. 615, 670 (D. Nev. 2013). Here, Plaintiff requests that this Court reconsider its Order granting Defendant's Motion to Dismiss. In that Order, the Court found that Plaintiff's Complaint was defective as a matter of law as the Complaint was merely a compilation of various court documents and filings, which included, among other things, a Petition for Writ of Habeas Corpus (Post-conviction), a direct appeal to the Nevada Supreme Court of Case No. C-21-357927-1, and a Motion for the Production of Records from Las Vegas Fire and Rescue. The Court has reviewed Plaintiff's Complaint, and reaffirms its prior decision that his Complaint does not satisfy the pleading requirements of NRCP 8(a). Consequently, Plaintiff has not shown that the Court's October 31, 2022 Order Granting Defendant's Motion to Dismiss was clearly erroneous. As a result, the Court DENIES Plaintiff's Motion for Reconsideration. CLERK'S NOTE: The above minute order has been distributed to: Matthew Houston #1210652, HDSP, PO Box 650, Indian Springs, NV 89070. 5/1/23khm;

05/03/2023

CANCELED Motion (8:00 AM) (Judicial Officer: Johnson, Eric)*Vacated - per Law Clerk**Plaintiff's - Emergency Ex Parte Motion for Reconsideration to Vacate Order Filed 10-25-2022*

06/05/2023

 **Minute Order** (3:00 AM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;

Journal Entry Details:

Plaintiff filed his Motion to Add Defendant(s) Lewis Brisbois Bisgaard & Smith, LLP; Emergency Motion Under NRAP 27(e)/NRAP3(c) and 9th Circuit Rule 27-3 to Compel an Answer From AMD Law, PLLC As to Why Alexis M. Duecker Published Slanderous Lies/Falsehood and Response to the Honorable Eric Johnson's Orders from March 3, 2023 and March 21, 2023 on May 3, 2023. The matter was subsequently set for hearing on June 7, 2023. After considering the pleadings and argument of counsel, the Court DENIES Plaintiff's Motion. The Court DENIES Plaintiff's Motion as it does not have jurisdiction. "[A] timely notice of appeal divests the district court of jurisdiction to act." Rust v. Clark Cnty. Sch. Dist., 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987). In this case, a notice of appeal was filed on September 8, 2022, November 23, 2022, and just recently on May 17, 2023. As a result, this Court cannot rule on Plaintiff's Motion because it does not have jurisdiction. The June 7, 2023 hearing is VACATED

Plaintiff filed his Emergency Motion and Order for Transportation of Inmate for Court Appearance on May 24, 2023. The matter was subsequently set for hearing on June 7, 2023. After considering the pleadings and argument of counsel, the Court DENIES Plaintiff's Motion. Plaintiff does not currently have a hearing set before this Court on either May 16th, May 22nd, May 23rd, May 24th, or May 25th as is requested in his Motion. Consequently, Plaintiff is asking for relief this Court cannot grant him and the Court will deny the Motion on that basis. The June 7, 2023 hearing is VACATED. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve and US mail: Mathew Houston #1210652, HDSP, PO Box 650, Indian Springs, NV 89070. 6.5.23khm;

06/07/2023



CANCELED Motion for Order (8:30 AM) (Judicial Officer: Johnson, Eric)*Vacated - per Law Clerk**Plaintiff's Emergency Motion and Order for Transportation of Inmate for Court Appearance or, in the*

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-22-856372-C

Alternative for Appearance by Telephone or Video Conference Under NRAP 27(e)

- 06/07/2023 **CANCELED Motion to Add Parties** (8:30 AM) (Judicial Officer: Johnson, Eric)
Vacated - per Law Clerk
Plaintiff's Motion to Add Defendant(s) Lewis Brisbois Bisgaard & Smith, LLP; Emergency Motion under NRAP 3C + 9th.Cir.Rule 27-3 to Compel and Answer from and Law, PLLC as to Why Alexis M. Duecker Published Slandorous Lies/Falsehood and Response to the HON. Eric Johnson's Orders from March 3rd, 2023 and March 21st, 2023
- 06/27/2023 **Motion to Consolidate** (8:30 AM) (Judicial Officer: Johnson, Eric)
Plaintiff/Inmate's Emergency Motion to Consolidate and Produce Plaintiffs Direct Appeal
- MINUTES**
Continued due to Court's Schedule;
- SCHEDULED HEARINGS**
Motion to Consolidate (07/13/2023 at 8:30 AM) (Judicial Officer: Johnson, Eric)
Plaintiff/Inmate's Emergency Motion to Consolidate and Produce Plaintiffs Direct Appeal
- 06/27/2023 **Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)
Plaintiff/Inmate's Emergency Motion and Order for Transportation (In All Cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3C/27E or, in the Alternative, for Appearance by Telephone or Video Conference
- MINUTES**
Continued due to Court's Schedule;
- SCHEDULED HEARINGS**
Motion (07/13/2023 at 8:30 AM) (Judicial Officer: Johnson, Eric)
Plaintiff/Inmate's Emergency Motion and Order for Transportation (In All Cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3C/27E or, in the Alternative, for Appearance by Telephone or Video Conference
- 06/27/2023  **All Pending Motions** (8:30 AM) (Judicial Officer: Johnson, Eric)
Matter Heard;
Journal Entry Details:
PLAINTIFF/INMATE'S EMERGENCY MOTION TO CONSOLIDATE AND PRODUCE PLAINTIFF'S DIRECT APPEAL...PLAINTIFF/INMATE'S EMERGENCY MOTION AND ORDER FOR TRANSPORTATION (IN ALL CASES OF MR. MATTHEW TRAVIS HOUSTON) OF INMATE FOR COURT APPEARANCE UNDER NRAP 3C/27E OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE Due to time constraints, COURT ORDERED, both matters CONTINUED. BOTH MATTERS CONTINUED TO: 07/13/2023 8:30 AM;
- 07/13/2023 **Motion to Consolidate** (8:30 AM) (Judicial Officer: Johnson, Eric)
Plaintiff/Inmate's Emergency Motion to Consolidate and Produce Plaintiffs Direct Appeal
Denied;
- 07/13/2023 **Motion** (8:30 AM) (Judicial Officer: Johnson, Eric)
Plaintiff/Inmate's Emergency Motion and Order for Transportation (In All Cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3C/27E or, in the Alternative, for Appearance by Telephone or Video Conference
Moot;
- 07/13/2023  **All Pending Motions** (8:30 AM) (Judicial Officer: Johnson, Eric)
Matter Heard;
Journal Entry Details:
PLAINTIFF/INMATE'S EMERGENCY MOTION TO CONSOLIDATE AND PRODUCE PLAINTIFF'S DIRECT APPEAL: COURT finds there were no cases to consolidate as the case was previously dismissed and ORDERED, Motion to Consolidate DENIED. PLAINTIFF/INMATE'S EMERGENCY MOTION AND ORDER FOR TRANSPORTATION (IN ALL CASES OF MR. MATTHEW TRAVIS HOUSTON) OR INMATE FOR COURT APPEARANCE UNDER NRAP 3C/27E OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE: Court FINDS all the dates in the motion have past; therefore, ORDERED, Motion for Transport MOOT. CLERK'S NOTE: The above minute order has been distributed to:


EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-22-856372-C

Matthew Houston #1210652, PO Box 650, Indian Springs, NV 89070. kh7.19.23;

08/02/2023

 **Minute Order** (3:00 AM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;

Journal Entry Details:

Plaintiff filed his Emergency Motion to Add Defendant Kristina Rhoades as a Defendant on June 29, 2023. The matter was subsequently set for hearing on August 2, 2023. After considering the pleadings and arguments of the parties, the Court DENIES Plaintiff's Motion. In this case, the Court entered an Order Dismissing Plaintiff's Case on October 31, 2022. As a result, for Plaintiff to continue litigating his case, he must seek relief from judgment under NRCP 60(b). Rule 60(b) provides: "On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief." Here, Plaintiff has failed to cite to Rule 60(b) or any other legal authority that would justify this Court to allow Plaintiff to add Kristina Rhoades as a Defendant to this litigation. Instead, Plaintiff's Motion merely indicates that he plans to seek a default judgment against Kristina Rhoades. Yet, this plainly does not satisfy Rule 60(b)'s requirements. Consequently, the Court denies Plaintiff's Motion and the August 2, 2023 hearing is vacated. CLERK'S NOTE: The above minute order has been distributed to: Matthew Houston #1210652, PO Box 650, Indian Springs, NV 89070. 8/2/23khm;


08/02/2023

CANCELED Motion (9:00 AM) (Judicial Officer: Johnson, Eric)

Vacated - per Law Clerk

Plaintiff/ Inmate's - Emergency Motion to Add Defendant Kristina A. Rhoades as an Expedited Notice of Intention to Enter Default

10/02/2023

 **Minute Order** (3:00 AM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;

Journal Entry Details:

Plaintiff filed his Emergency Motion for Transportation of Inmate for Court Appearance on August 23, 2023. The matter was subsequently set for hearing on October 11, 2023. After considering the pleadings and argument of counsel, the Court DENIES Plaintiff's Motion. Plaintiff's Motion requests to be transported for a Court appearance before this Court on August 10, 2023 and August 15, 2023. The hearing for this Motion was set for October 11, 2023, which is well after the August 15, 2023 hearing. Consequently, this Motion is denied as moot. The Court hereby VACATES the October 11, 2023 hearing. Counsel for Defendant is directed to prepare a proposed order including detailed findings of fact and conclusions of law, which is to be approved by opposing counsel as to form and content prior to submitting the order to chambers. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us. CLERK'S NOTE: The above minute order has been distributed to: Matt Houston #1210652, HDSP, PO Box 650, Indian Springs, NV 89070. khm10-2-23;


10/11/2023

CANCELED Motion (8:30 AM) (Judicial Officer: Johnson, Eric)

Vacated - per Law Clerk

Plaintiff's - Reoccurring Emergency Motion and Order to Transportation (in all cases of Mr. Matthew Travis Houston) of Inmate for Court Appearance Under NRAP 3 C/27E or in the Alternative, for Appearance by Telephone or Video Conference

11/21/2023

 **Minute Order** (1:25 PM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;

Journal Entry Details:

Plaintiff filed a Motion for New Trials Under NRCP 60 Emergency Motion and Order for Transportation on October 18, 2023. No opposition has been filed. The matter was subsequently scheduled for hearing on November 22, 2023. After considering the pleadings and arguments of the parties, the Court hereby DENIES Petitioner's Motion. Pursuant to NRCP 60 (b) a party may be entitled to relief from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief. The Court finds Petitioner presented no new evidence in its motion for reconsideration. The Petitioner's motion includes Plaintiff's request for

CASE SUMMARY**CASE NO. A-22-856372-C**

transportation to hearings, Petitioner's information regarding his prior documentation regarding Plaintiff's Request/List of Additional Defendants, Petitioner's Application to Proceed in Forma Pauperis, Petitioner's requests for Brady discovery and other discovery information, Plaintiff's section of the Plaintiff's Petition for Writ of Habeas Corpus, Petitioner's Motion for Modification of Sentence filed in September of 2023. As Petitioner states no facts which could support a granting of a new trial under NRCP 60, the Court Denies Petitioner's Motion. As the Motion pertains to Petitioner's Request for Transportation of Inmate for the hearing dated May 24, 2023, the Court Denies the Petitioner's Motion. Plaintiff's Motion requests to be transported for a Court appearance before this Court on May 24, 2023. The hearing for this Motion was set for November 22, 2023, which is well after the May 24, 2023 hearing. Consequently, this section of Petitioner's Motion is denied as moot. The Court hereby VACATES the November 22, 2023 hearing. Counsel for Defendant is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us. ;

11/21/2023

**Minute Order** (1:25 PM) (Judicial Officer: Johnson, Eric)

Minute Order - No Hearing Held;

Journal Entry Details:

Petitioner filed an Emergency Motion to Add Defendant Kristina A. Rhoades as an Expedited on October 19, 2023. No opposition has been filed and the matter was subsequently scheduled for hearing on November 22, 2023. After reviewing the arguments and pleadings of counsel, the Court hereby DENIES the Petitioner's Motion to Add Defendant Kristina A. Rhoades as an Expedited. Pursuant to NRCP 15, any amendment to a filing a party may amend its pleading only with the opposing party's written consent or the court's leave. Such amendments must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later. Here, the Petitioner's case was opened on August 3, 2022. The Petitioner's Complaint was further dismissed on October 31, 2022. The Motion to Amend the complaint to include a defendant is therefore, untimely under NRCP 15 and is therefore, Denied. Pursuant to NRCP 55 and EDCR 2.70, a default judgment may be taken by a plaintiff against a non-answering defendant only if accompanied by an affidavit, based on personal knowledge which set forth such facts as would be admissible in evidence and would avoid mere general conclusions or argument. EDCR 2.70. The Motion filed by Petitioner merely states that Defendant Kristina A. Rhoades should take notice of the Petitioner's intent to enter default against Defendant. However, there is no support for Petitioner's Notice of Intent to file Default against Defendant Kristina A. Rhoades, of specific note, Defendant Kristina A. Rhoades has not been served. Therefore, Petitioner's Motion is Denied as it pertains to any default being taken against Defendant Kristina A. Rhoades. The Court hereby VACATES the November 22, 2023 hearing. Counsel for Defendant is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us. ;

11/22/2023

CANCELED Motion (8:30 AM) (Judicial Officer: Johnson, Eric)

Vacated - per Law Clerk

Motion for New Trials Under NRCP 60 Emergency Opposition and Emergency Motion and Order for Transportation (in All Cases for Mr. Matthew Travis Houston) of Inmate for Court Appearance NRCP 24, NRAP 3 C/NRAP 27(e)/ 9TH CIR. 27.3, or in the Alternative for Appearance by Telephone or Video Conference

11/22/2023

CANCELED Motion (8:30 AM) (Judicial Officer: Johnson, Eric)

Vacated - per Law Clerk

Emergency Motion to add Defendant Kristina A. Rhodes as an Expedited Notice of Intent to Enter Default

12/13/2023

Motion (8:30 AM) (Judicial Officer: Johnson, Eric)

Emergency Motion and Ex Parte Demand for Appointment of Discovery Commissioner s in all Case of the Plaintiff Matthew Travis Houston

12/13/2023

Opposition (8:30 AM) (Judicial Officer: Johnson, Eric)

Opposition to the Perjury and Conspiracy of Rosemarie McMorris -Alexander et al as a Response to the Attached Exhibit "One"

12/13/2023

Motion to Stay (8:30 AM) (Judicial Officer: Johnson, Eric)

Emergency Motion for Stay and Abeyance Pursuant to Law + Opposition to and Response to the False Claims and Threats Made on the Record by the Office of The District Attorney et al on October 25 th, 2023

DISTRICT COURT CIVIL COVER SHEET

Clark

County, Nevada

A-22-856372-C

Case No.

(Assigned by Clerk's Office)

XX

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Matthew Travis Houston CHTD 22010 Cold Creek Road PO Box 650 89070-0650 P: (702) 879-6789	Defendant(s) (name/address/phone): 4) Brian P. Clark (?) Clark McCourt, LLC 7371 Prairie Falcon Rd #120 Las Vegas, NV 89128
Attorney (name/address/phone): Indian Springs, NV pro se P: (702) 474-7554 P: (714) 916-7431 P: (610) 762-4143 P: (763) 267-9914	Attorney (name/address/phone): P: (702) 474-0065 (see "RENEWED LIST OF PARTIES" e-filed in 2:21-cv-00499-JAD-DJA and "DEMAND FOR REPAIRATIONS")

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

Real Property <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <input type="checkbox"/> Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <input type="checkbox"/> Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation # 3016661201-0001 <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters	

Business Court filings should be filed using the Business Court civil coversheet.

June 24th, 2022
Date

Matthew Travis Houston
Signature of initiating party or representative

See other side for family-related case filings.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

October 25, 2022

A-22-856372-C Matthew Houston, Plaintiff(s)
vs.
Brian Clark, Defendant(s)

October 25, 2022 3:00 AM Minute Order

HEARD BY: Johnson, Eric **COURTROOM:** Chambers

COURT CLERK: Kathryn Hansen-McDowell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant filed a Motion to Dismiss, Motion for More Definite Statement, and Motion to Strike on September 21, 2022. The matter was subsequently scheduled for hearing on October 27, 2022.

No opposition having been filed and good cause showing, pursuant to EDCR 2.20(e) and EDCR 2.23(c) the Court hereby GRANTS Defendant's Motion.

Specifically, the Court finds that Plaintiff's Complaint does not properly identify any cause of action, nor does the Complaint satisfy the pleading requirements of NRCP 8(a). Instead, a review of Plaintiff's Complaint shows that it is a compilation of various court documents and filings, which include, among other things, a Petition for Writ of Habeas Corpus (Post-conviction), a direct appeal to the Nevada Supreme Court for Case No. C-21-357927-1, and a Motion for the Production of Records from Las Vegas Fire and Rescue. While the Court recognizes that Plaintiff is proceeding pro se, "a pro se litigant cannot use his alleged ignorance as a shield to protect him from the consequences of failing to comply with basic procedural requirements." *Rodriguez v. Fiesta Palms, LLC*, 134 Nev. 654, 659, 428 P.3d 255, 259 (2018). Consequently, the Court GRANTS Defendant's Motion to Dismiss Plaintiff's Complaint.

The Court hereby VACATES the October 27, 2022 hearing and all future hearing dates in this matter.

Counsel for Defendant is directed to prepare a proposed order and submit it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us.

CLERK S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve and US mailed to: Matthew Houston, #1210652, PO Box 650, Indian Springs, NV 89070.
10-25-22 khm

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

December 22, 2022

A-22-856372-C Matthew Houston, Plaintiff(s)
vs.
Brian Clark, Defendant(s)

**December 22, 2022 8:30 AM Request Plaintiff's Emergency
Ex Parte Request**

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Louisa Garcia

RECORDER: Angie Calvillo

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court advised it dismissed this case, by minute order, on October 25, 2022 because Plaintiff's complaint failed to identify a cause of action and the instant motion does not request reconsideration of the previous order dismissing the case. Instead the Motion requests the Court sanction Bernstein and Posin for failing to send Plaintiff's file; however, they are not a party in this matter. A Notice of Appeal was also filed in this case on November 23, 2022; thus, the Court does not have jurisdiction. Therefore, COURT ORDERED, Motion DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

January 27, 2023

A-22-856372-C Matthew Houston, Plaintiff(s)
vs.
Brian Clark, Defendant(s)

January 27, 2023

1:00 PM

Minute Order

Motion for Leave

HEARD BY: Johnson, Eric

COURTROOM: Chambers

COURT CLERK: Louisa Garcia

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Emergency Motion for Leave to File an Amended Complaint, Motion to Stay Original Complaint, and Notice of Formal Objection(s) to Response from Original Defendant No. 4

This matter was dismissed back on October 25, 2022. The Court found that Plaintiff s Complaint did not properly identify a cause of action, nor did the Complaint satisfy the pleading requirements of NRCPC 8(a).

After a review of the present Motion, the Court is unsure what Plaintiff is requesting. Plaintiff makes numerous accusations concerning judicial officials and other attorneys within Southern Nevada, but does not cite to any legal authority to back up his claims. Consequently, the Court cannot grant the relief Plaintiff is requesting.

Further, Plaintiff filed a Notice of Appeal in this case on November 23, 2022. Accordingly, this Court does not have jurisdiction over this case. See *Smith v. Emery*, 109 Nev. 737, 741, 856 P.2d 1386, 1389 (1993).

The Court hereby VACATES the February 1, 2023 hearing

CLERK S NOTE: This Minute Order has been electronically served to all registered parties for Odyssey File & Serve.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

January 27, 2023

A-22-856372-C Matthew Houston, Plaintiff(s)
vs.
Brian Clark, Defendant(s)

January 27, 2023 1:00 PM Minute Order

HEARD BY: Johnson, Eric **COURTROOM:** Chambers

COURT CLERK: Louisa Garcia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff's Motion is titled as a Motion to Leave to add new defendants. However, the Motion contains no substantive legal argument as to why the Motion should be granted. Instead, the Motion merely contains a Request to Proceed in Forma Pauperis. The Court also notes that this matter was dismissed back on October 25, 2022 due to Plaintiff's failure to properly identify a cause of action and satisfy the pleading requirements of NRCP 8(a). Consequently, Plaintiff is asking for relief that this Court cannot grant him.

Further, Plaintiff filed a Notice of Appeal in this case on November 23, 2022. Accordingly, this Court does not have jurisdiction over this case. See *Smith v. Emery*, 109 Nev. 737, 741, 856 P.2d 1386, 1389 (1993).

The Court hereby VACATES the February 1, 2023 hearing

CLERK'S NOTE: This Minute Order has been electronically served to all registered parties for Odyssey File & Serve.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

April 10, 2023

A-22-856372-C Matthew Houston, Plaintiff(s)
vs.
Brian Clark, Defendant(s)

April 10, 2023

3:00 PM

Minute Order

HEARD BY: Johnson, Eric

COURTROOM: Chambers

COURT CLERK: Kathryn Hansen-McDowell

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Plaintiff filed his Renewed Ex Parte Emergency Motion to Add Defendant Tierra Danielle Jones and Notice of Default on March 8, 2023. The matter was subsequently set for hearing on April 12, 2023.

After considering the pleadings and argument of counsel, the Court DENIES Plaintiff's Motion.

As a threshold matter, the Court DENIES Plaintiff's Motion as it does not have jurisdiction. "[A] timely notice of appeal divests the district court of jurisdiction to act." Rust v. Clark Cnty. Sch. Dist., 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987). In this case, a notice of appeal was filed on September 8, 2023 and November 23, 2022. As a result, this Court cannot rule on Plaintiff's Motion because it does not have jurisdiction.

Alternatively, if it is determined that Plaintiff's Notices of Appeal do not divest this Court of jurisdiction due to the unconventional way that Plaintiff titles his Motions (i.e., including the case numbers from eight other cases in the caption), the Court will address the merits of Plaintiff's Motion below.

In this case, the Court entered an Order Dismissing Plaintiff's Case on October 31, 2022. As a result, for Plaintiff to continue litigating his case, he must seek relief from judgment under NRCP 60(b). Rule

60(b) provides: "On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief."

Here, Plaintiff has failed to cite to Rule 60(b) or any other legal authority that would justify this Court to allow Plaintiff to add Tierra Jones as a Defendant to this litigation. Instead, Plaintiff's Motion merely lists a series of names that this Court can only assume that Plaintiff would like to add to one of his pending cases.

Consequently, the Court denies Plaintiff's Motion.

CLERK'S NOTE: The above minute order has been distributed to: Matthew Houston #1210652, HDSP, PO Box 650, Indian Springs, NV 89070. 4.10.23khn

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

May 01, 2023

A-22-856372-C Matthew Houston, Plaintiff(s)
vs.
Brian Clark, Defendant(s)

May 01, 2023 3:00 AM Minute Order

HEARD BY: Johnson, Eric **COURTROOM:** Chambers

COURT CLERK:
Kathryn Hansen-McDowell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff filed his Motion for Reconsideration to Vacate Order on March 27, 2023. The matter was subsequently set for hearing on May 3, 2023.

After considering the pleadings and argument of counsel, the Court DENIES Plaintiff's Motion for Reconsideration.

As a threshold matter, the Court denies Plaintiff's Motion as it does not have jurisdiction. "[A] timely notice of appeal divests the district court of jurisdiction to act." *Rust v. Clark Cnty. Sch. Dist.*, 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987). In this case, a notice of appeal was filed on September 8, 2022 and November 23, 2022. As a result, this Court cannot rule on Plaintiff's Motion because it does not have jurisdiction.

Alternatively, if it is determined that Plaintiff's Notices of Appeal do not divest this Court of jurisdiction due to the unconventional way that Plaintiff titles his Motions (i.e., including the case numbers from eight other cases in the caption), the Court will address the merits of Plaintiff's Motion below.

A court may only "reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous." *Masonry & Tile Contrs. v. Jolley, Urga & Wirth Ass'n*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). "Only in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted." *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976). A motion to reconsider is not a vehicle to "rehash[] old arguments" and is not meant to "give an unhappy litigant one additional chance to sway the judge." *Phillips v. C.R. Bard, Inc.*, 290 F.R.D. 615, 670 (D. Nev. 2013).

Here, Plaintiff requests that this Court reconsider its Order granting Defendant's Motion to Dismiss. In that Order, the Court found that Plaintiff's Complaint was defective as a matter of law as the Complaint was merely a compilation of various court documents and filings, which included, among other things, a Petition for Writ of Habeas Corpus (Post-conviction), a direct appeal to the Nevada Supreme Court of Case No. C-21-357927-1, and a Motion for the Production of Records from Las Vegas Fire and Rescue.

The Court has reviewed Plaintiff's Complaint, and reaffirms its prior decision that his Complaint does not satisfy the pleading requirements of NRCP 8(a). Consequently, Plaintiff has not shown that the Court's October 31, 2022 Order Granting Defendant's Motion to Dismiss was clearly erroneous. As a result, the Court DENIES Plaintiff's Motion for Reconsideration.

CLERK'S NOTE: The above minute order has been distributed to: Matthew Houston #1210652, HDSP, PO Box 650, Indian Springs, NV 89070. 5/1/23khm

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

June 05, 2023

A-22-856372-C Matthew Houston, Plaintiff(s)
vs.
Brian Clark, Defendant(s)

June 05, 2023 3:00 AM Minute Order

HEARD BY: Johnson, Eric **COURTROOM:** Chambers

COURT CLERK: Kathryn Hansen-McDowell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff filed his Motion to Add Defendant(s) Lewis Brisbois Bisgaard & Smith, LLP; Emergency Motion Under NRAP 27(e)/NRAP3(c) and 9th Circuit Rule 27-3 to Compel an Answer From AMD Law, PLLC As to Why Alexis M. Duecker Published Slanderous Lies/Falsehood and Response to the Honorable Eric Johnson's Orders from March 3, 2023 and March 21, 2023 on May 3, 2023. The matter was subsequently set for hearing on June 7, 2023.

After considering the pleadings and argument of counsel, the Court DENIES Plaintiff's Motion.

The Court DENIES Plaintiff's Motion as it does not have jurisdiction. "[A] timely notice of appeal divests the district court of jurisdiction to act." Rust v. Clark Cnty. Sch. Dist., 103 Nev. 686, 688, 747 P.2d 1380, 1382 (1987). In this case, a notice of appeal was filed on September 8, 2022, November 23, 2022, and just recently on May 17, 2023. As a result, this Court cannot rule on Plaintiff's Motion because it does not have jurisdiction.

The June 7, 2023 hearing is VACATED

Plaintiff filed his Emergency Motion and Order for Transportation of Inmate for Court Appearance on May 24, 2023. The matter was subsequently set for hearing on June 7, 2023.

After considering the pleadings and argument of counsel, the Court DENIES Plaintiff's Motion.

Plaintiff does not currently have a hearing set before this Court on either May 16th, May 22nd, May 23rd, May 24th, or May 25th as is requested in his Motion. Consequently, Plaintiff is asking for relief this Court cannot grant him and the Court will deny the Motion on that basis.

The June 7, 2023 hearing is VACATED.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve and US mail: Mathew Houston #1210652, HDSP, PO Box 650, Indian Springs, NV 89070.
6.5.23kkm

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

June 27, 2023

A-22-856372-C Matthew Houston, Plaintiff(s)
vs.
Brian Clark, Defendant(s)

June 27, 2023 8:30 AM All Pending Motions

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Aimee Curameng

REPORTER:

PARTIES

PRESENT: Thomson, Megan Attorney

JOURNAL ENTRIES

- PLAINTIFF/INMATE'S EMERGENCY MOTION TO CONSOLIDATE AND PRODUCE PLAINTIFF'S DIRECT APPEAL...PLAINTIFF/INMATE'S EMERGENCY MOTION AND ORDER FOR TRANSPORTATION (IN ALL CASES OF MR. MATTHEW TRAVIS HOUSTON) OF INMATE FOR COURT APPEARANCE UNDER NRAP 3C/27E OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE

Due to time constraints, COURT ORDERED, both matters CONTINUED.

BOTH MATTERS CONTINUED TO: 07/13/2023 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

July 13, 2023

A-22-856372-C Matthew Houston, Plaintiff(s)
vs.
Brian Clark, Defendant(s)

July 13, 2023 8:30 AM All Pending Motions

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Angie Calvillo

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- PLAINTIFF/INMATE'S EMERGENENCY MOTION TO CONSOLIDATE AND PRODUCE PLAINTIFF'S DIRECT APPEAL: COURT finds there were no cases to consolidate as the case was previously dismissed and ORDERED, Motion to Consolidate DENIED.

PLAINTIFF/INMATE'S EMERGENCY MOTION AND ORDER FOR TRANSPORTATION (IN ALL CASES OF MR. MATTHEW TRAVIS HOUSTON) OR INMATE FOR COURT APPEARANCE UNDER NRCP 3C/27E OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE: Court FINDS all the dates in the motion have past; therefore, ORDERED, Motion for Transport MOOT.

CLERK'S NOTE: The above minute order has been distributed to: Matthew Houston #1210652, PO Box 650, Indian Springs, NV 89070. kh7.19.23

to allow Plaintiff to add Kristina Rhoades as a Defendant to this litigation. Instead, Plaintiff's Motion merely indicates that he plans to seek a default judgment against Kristina Rhoades. Yet, this plainly does not satisfy Rule 60(b)'s requirements.

Consequently, the Court denies Plaintiff s Motion and the August 2, 2023 hearing is vacated.

CLERK'S NOTE: The above minute order has been distributed to: Matthew Houston #1210652, PO Box 650, Indian Springs, NV 89070. 8/2/23khn

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

October 02, 2023

A-22-856372-C Matthew Houston, Plaintiff(s)
vs.
Brian Clark, Defendant(s)

October 02, 2023 3:00 AM Minute Order

HEARD BY: Johnson, Eric **COURTROOM:** Chambers

COURT CLERK: Kathryn Hansen-McDowell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff filed his Emergency Motion for Transportation of Inmate for Court Appearance on August 23, 2023. The matter was subsequently set for hearing on October 11, 2023.

After considering the pleadings and argument of counsel, the Court DENIES Plaintiff's Motion. Plaintiff's Motion requests to be transported for a Court appearance before this Court on August 10, 2023 and August 15, 2023. The hearing for this Motion was set for October 11, 2023, which is well after the August 15, 2023 hearing. Consequently, this Motion is denied as moot.

The Court hereby VACATES the October 11, 2023 hearing. Counsel for Defendant is directed to prepare a proposed order including detailed findings of fact and conclusions of law, which is to be approved by opposing counsel as to form and content prior to submitting the order to chambers. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us.

CLERK'S NOTE: The above minute order has been distributed to: Matt Houston #1210652, HDSP, PO Box 650, Indian Springs, NV 89070. khm10-2-23

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

November 21, 2023

A-22-856372-C Matthew Houston, Plaintiff(s)
vs.
Brian Clark, Defendant(s)

November 21, 2023 1:25 PM Minute Order

HEARD BY: Johnson, Eric **COURTROOM:** Chambers

COURT CLERK: Kimberly Liening

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff filed a Motion for New Trials Under NRCP 60 Emergency Motion and Order for Transportation on October 18, 2023. No opposition has been filed. The matter was subsequently scheduled for hearing on November 22, 2023. After considering the pleadings and arguments of the parties, the Court hereby DENIES Petitioner's Motion.

Pursuant to NRCP 60 (b) a party may be entitled to relief from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

The Court finds Petitioner presented no new evidence in its motion for reconsideration. The Petitioner's motion includes Plaintiff s request for transportation to hearings, Petitioner s information regarding his prior documentation regarding Plaintiff s Request/List of Additional Defendants, Petitioner's Application to Proceed in Forma Pauperis, Petitioner's requests for Brady discovery and

other discovery information, Plaintiff's section of the Plaintiff's Petition for Writ of Habeas Corpus, Petitioner's Motion for Modification of Sentence filed in September of 2023. As Petitioner states no facts which could support a granting of a new trial under NRCP 60, the Court Denies Petitioner s Motion.

As the Motion pertains to Petitioner's Request for Transportation of Inmate for the hearing dated May 24, 2023, the Court Denies the Petitioner's Motion. Plaintiff's Motion requests to be transported for a Court appearance before this Court on May 24, 2023. The hearing for this Motion was set for November 22, 2023, which is well after the May 24, 2023 hearing. Consequently, this section of Petitioner's Motion is denied as moot.

The Court hereby VACATES the November 22, 2023 hearing. Counsel for Defendant is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

November 21, 2023

A-22-856372-C Matthew Houston, Plaintiff(s)
vs.
Brian Clark, Defendant(s)

November 21, 2023 1:25 PM Minute Order

HEARD BY: Johnson, Eric **COURTROOM:** Chambers

COURT CLERK: Kimberly Liening

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Petitioner filed an Emergency Motion to Add Defendant Kristina A. Rhoades as an Expedited on October 19, 2023. No opposition has been filed and the matter was subsequently scheduled for hearing on November 22, 2023. After reviewing the arguments and pleadings of counsel, the Court hereby DENIES the Petitioner's Motion to Add Defendant Kristina A. Rhoades as an Expedited.

Pursuant to NRCP 15, any amendment to a filing a party may amend its pleading only with the opposing party's written consent or the court's leave. Such amendments must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later. Here, the Petitioner's case was opened on August 3, 2022. The Petitioner s Complaint was further dismissed on October 31, 2022. The Motion to Amend the complaint to include a defendant is therefore, untimely under NRCP 15 and is therefore, Denied.

Pursuant to NRCP 55 and EDCR 2.70, a default judgment may be taken by a plaintiff against a non-answering defendant only if accompanied by an affidavit, based on personal knowledge which set forth such facts as would be admissible in evidence and would avoid mere general conclusions or argument. EDCR 2.70. The Motion filed by Petitioner merely states that Defendant Kristina A. Rhoades should take notice of the Petitioner s intent to enter default against Defendant. However, there is no support for Petitioner's Notice of Intent to file Default against Defendant Kristina A.

Rhoades, of specific note, Defendant Kristina A. Rhoades has not been served. Therefore, Petitioner's Motion is Denied as it pertains to any default being taken against Defendant Kristina A. Rhoades.

The Court hereby VACATES the November 22, 2023 hearing. Counsel for Defendant is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

MATTHEW TRAVIS HOUSTON #1210652
P.O. BOX 650
INDIAN SPRINGS, NV 89070

DATE: December 6, 2023
CASE: A-22-856372-C

RE CASE: MATTHEW TRAVIS HOUSTON vs. BRIAN P. CLARK

NOTICE OF APPEAL FILED: December 5, 2023

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- Written Order Signed by Judicial Officer *filed October 2, 2023, August 2, 2023, June 5, 2023, May 1, 2023 and April 10, 2023*
- Notice of Entry of Order *filed October 2, 2023, August 2, 2023, June 5, 2023, May 1, 2023 and April 10, 2023*

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

AMENDED NOTICE OF APPEAL "HEARING REQUESTED"; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

MATTHEW TRAVIS HOUSTON,

Plaintiff(s),

vs.

BRIAN P. CLARK,

Defendant(s),

Case No: A-22-856372-C

Dept No: XX

now on file and of record in this office.

9

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 6 day of December 2023.

Steven D. Grierson, Clerk of the Court



— Cierra Borum, Deputy Clerk —