

1 Case No. CV 23-00669

2 Dept. No. 10

FILED

2024  
2024 JAN 22 PM 12:34  
ALICIA LERUD

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6 Electronically Filed  
Jan 24 2024 01:47 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF Washoe

8 \* \* \* \* \*

9 FERRIS J. VOLPESKI)

10 Plaintiff, )

11 vs- )

12 THE STATE OF)  
13 NEVADA, et al.)

14 )  
15 Defendant. )

NOTICE OF APPEAL

17 NOTICE IS GIVEN that Plaintiff, Ferris J. Volpeski  
18 in pro se, hereby appeals to the Nevada Supreme Court the

19 ORDER Dressing Complaint

20 as filed/entered on the 9 day of JANUARY, 2024

21 (complete if applicable) and the NA

22 \_\_\_\_\_, as filed/entered on the \_\_\_\_\_ day of  
23 NA, 20\_\_\_\_, in the above-entitled Court.

24 Dated this 16 day of JANUARY, 2024.

25  
26 Ferris Volpeski # 77820  
27 Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

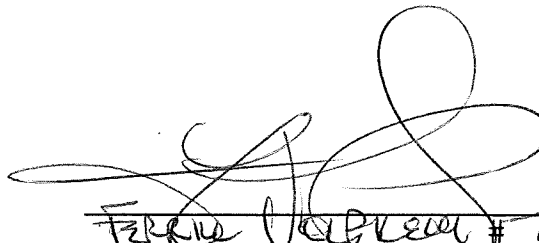
28 Plaintiff In Pro Se

LCC 11 FORM 26.062

1 CERTIFICATE OF SERVICE

2 I do certify that I mailed a true and correct copy of the  
3 foregoing NOTICE OF APPEAL to the below address(es) on this  
4 16 day of JANUARY, 2024, by placing same in the  
5 U.S. Mail via prison law library staff:

6  
7 WASHOE COUNTY  
8 DISTRICT ATTORNEY  
9 RENO, NV 89501  
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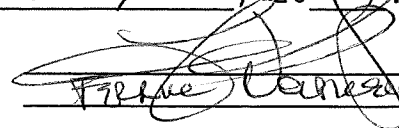
16  
17   
18 FERRIS VOLPELEN # 17524  
19 Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

20 Plaintiff In Pro Se

21  
22 AFFIRMATION PURSUANT TO NRS 239B.030

23 The undersigned does hereby affirm that the preceding  
24 NOTICE OF APPEAL filed in District Court Case No. CN 230069  
25 does not contain the social security number of any person.

26 Dated this 16 day of JANUARY, 2024.

27   
28 Ferris Volpelen

Plaintiff In Pro Se

1-16-24

FERRILL VOLPUELLI #79865 @LCC  
1200 PRISON Rd LOVELOCK, NV 89419

SECOND JUDICIAL DISTRICT COURT

CLERK

REG CV23000609

PLEASE FILE THE ENCLOSED APPEAL

AND SEND ME A CASE HISTORY

OF THE CASE ABOVE.

Thank you!

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

FERRIE VALERIE  
78305 LCC  
P.O. BOX  
CANTON, NY 14619

CN23-00009

Second Judicial District  
Court Clerk

INMATE LEGAL  
MAIL CONFIDENTIAL

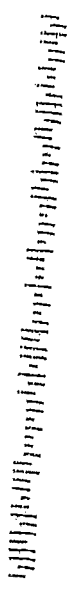
75 Court St  
Rensselaer, NY 12150



RENO NY 895  
18 JAN 2024 4:41 PM ZT

RECEIVED  
JAN 22 2024  
MAIL DESK

9550181562



RECEIVED

JAN 17 2024

LCC LAW LIBRARY

1 Code 1310

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6

IN AND FOR THE COUNTY OF WASHOE

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8

**FERRILL JOSEPH VOLPICELLI,**

9

**Plaintiff,**

**Case No. CV23-00669**

10

**vs.**

**Dept. No. 10**

11

**THE STATE OF NEVADA,**

12

**Defendant.**

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**CASE APPEAL STATEMENT**

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This case appeal statement is filed pursuant to NRAP 3(f).

16

1. Appellant is Ferrill J. Volpicelli.

17

2. This appeal is from an order entered by the Honorable Judge Kathleen A.

18

Sigurdson.

19

3. Appellant is representing himself in Proper Person on appeal, the Appellant's

20

address is:

21

Ferrill Volpicelli #79565

22

Lovelock Correctional Center

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1200 Prison Rd.

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Lovelock, Nevada 89419

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4. Respondent is State of Nevada. Respondent was represented in District Court by:

26

Christopher Hicks, Esq. SBN 7747

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Jennifer Noble, Esq. SBN 9946

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Washoe County District Attorney

PO Box 11130

Reno, Nevada 89520

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- 5. Respondent's attorney is not licensed to practice law in Nevada: n/a
- 6. Appellant is not represented by appointed counsel in District Court.
- 7. Appellant is not represented by appointed counsel on appeal.
- 8. Appellant was granted leave to proceed in forma pauperis in the District Court on June 26<sup>th</sup>, 2023.
- 9. Proceeding commenced by the filing of a Civil Independent Civil Action for Vacatur of Void Judgment Based Upon Want of Jurisdiction filed on June 28<sup>th</sup>, 2023.
- 10. This is a civil proceeding and the Appellant is appealing the Order Dismissing Complaint filed January 9<sup>th</sup>, 2024.
- 11. The case has been the subject of a previous appeals to the Supreme Court.  
Supreme Court No. 87504
- 12. This case does not involve child custody or visitation.
- 13. It is unknown if the case involves the possibility of a settlement.

Dated this 22nd day of January, 2024.

Alicia L. Lerud  
Clerk of the Court  
By: /s/ Y.Viloria  
Y.Viloria  
Deputy Clerk

1 CODE NO. 3335  
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE  
8

9 In re the Matter of the Petition of

Case No. CV23-00669

10 FERRILL J. VOLPICELLI  
11 \_\_\_\_\_/

Dept. No. 15

12 **ORDER GRANTING APPLICATION TO WAIVE FEES AND COSTS**

13 Before this Court is the *Application to Waive Fees and Costs* filed by Petitioner  
14 FERRILL J. VOLPICELLI ("Petitioner").  
15

16 NRS 12.015 provides, in pertinent part:

17 1. Any person who desires to prosecute or defend a civil action without  
18 paying the costs for prosecuting or defending the action may:

19 (a) File, on a form provided by the court, an application to proceed as an  
20 indigent litigant, which must include a declaration that complies with the  
21 provisions of NRS 53.045; or

22 (b) If the person is a client of a program for legal aid, submit to the court a  
23 statement of representation or otherwise indicate to the court that the person  
24 is a client of a program for legal aid.

25 2. The court shall allow a person to commence or defend the action without  
26 costs and file or issue any necessary writ, process, pleading or paper without  
27 charge if:

28 (a) Based on its review of an application filed pursuant to paragraph (a) of  
subsection 1, the court determines that the application should be granted and  
the person may proceed as an indigent litigant because the person:

(1) Is receiving benefits provided by a federal or state program of  
public assistance;

(2) Has a household net income which is equal to or less than 150  
percent of the federally designated level signifying poverty as provided in the  
most recent federal poverty guidelines published in the Federal Register by  
the United States Department of Health and Human Services;



1 (3) Has expenses for the necessities of life that exceed his or her  
2 income; or

3 (4) Has otherwise shown compelling reasons that he or she cannot  
4 pay the costs of prosecuting or defending the action.

5 (b) The person has submitted a statement of representation or otherwise  
6 indicated to the court that the person is a client of a program for legal aid  
7 pursuant to paragraph (b) of subsection 1.

8 The sheriff or another appropriate public officer within this State shall make  
9 personal service of any necessary writ, process, pleading or paper without  
10 charge for an applicant whose application has been granted or a person who  
11 has submitted a statement of legal representation or otherwise indicated to the  
12 court that the person is a client of a program for legal aid.<sup>1</sup>

13 3. If the person is required to have proceedings reported or recorded, or if  
14 the court determines that the reporting, recording or transcription of  
15 proceedings would be helpful to the adjudication or appellate review of the  
16 case, the court shall order that the reporting, recording or transcription be  
17 performed at the expense of the county in which the action is pending but at a  
18 reduced rate as set by the county.

19 4. If the person prevails in the action, the court shall enter its order requiring  
20 the losing party to pay into court within 5 days the costs which would have  
21 been incurred by the prevailing party, and those costs must then be paid as  
22 provided by law.

23 NRS 12.015. Here, the Court finds and determines Petitioner has sufficiently demonstrated  
24 the requisite qualifications under NRS 12.015(2)(a)(1)-(4) to proceed as an indigent litigant.

25 Petitioner is incarcerated in the Nevada Department of Corrections, and has no annual  
26 income.

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<sup>1</sup> NRS 12.015 does not require the court clerk to provide an in forma pauperis litigant with photocopies in connection with the litigant preparing and prosecuting his or her case. Lepley v. First Judicial Dist. Court of State ex rel. Cnty. of Carson City, 131 Nev. 1312 (2015).

1 Accordingly, and good cause appearing therefor,

2 **IT IS HEREBY ORDERED:**

3 1. The *Application to Waive Fees and Costs* is GRANTED;

4 2. Petitioner may proceed without payment of fees or security thereof, excluding  
5 fees and costs for jury fees or a peremptory challenge;

6 3. The Clerk of Court shall file and process all pleadings necessary in the  
7 prosecution of this action without fees; and

8 4. The Sheriff shall make personal service of any necessary pleadings or papers  
9 for Petitioner in this action without charge.

10 DATED this 26th day of June, 2023.

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14 CHIEF DISTRICT JUDGE  
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of THE SECOND JUDICIAL DISTRICT COURT;  
3 that on the 26th day of June, 2023, I electronically filed the foregoing with the Clerk of  
4 the Court system which will send a notice of electronic filing to the following:

5 CHRISTOPHER HICKS, ESQ.  
6  
7

8 And, I deposited in the County mailing system for postage and mailing with the  
9 United States Postal Service in Reno, Nevada, a true and correct copy of the attached  
10 document addressed as follows:

11 FERRILL JOSEPH VOLPICELLI #79565  
12 LOVELOCK CORRECTIONAL CENTER  
13 1200 PRISON ROAD  
14 LOVELOCK, NV 89419  
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SECOND JUDICIAL DISTRICT COURT

STATE OF NEVADA

COUNTY OF WASHOE

Case History - CV23-00669

Case Description: FERRILL VOLPICELLI VS. STATE OF NEVADA ETAL (D10)

Case Number: CV23-00669 Case Type: OTHER CIVIL MATTERS - Initially Filed On: 4/18/2023

Parties

<u>Party Type &amp; Name</u>	<u>Party Status</u>
JUDG - KATHLEEN SIGURDSON - D10	Active
JUDG - DAVID A. HARDY - D15	Party ended on: 9/6/2023 1:47:03PM
PLTF - FERRILL JOSEPH VOLPICELLI - @67988	Active
DEFT - WARDEN TIM GARRETT - @1401189	Active
DEFT - STATE OF NEVADA - STATE	Active
DEFT - NEVADA DEPARTMENT OF CORRECTIONS - @1242771	Active
AG - Aaron D. Ford, Esq. - 7704	Active
DA - Jennifer P. Noble, Esq. - 9446	Active
DA - Christopher J. Hicks, Esq. - 7747	Active

Disposed Hearings

- 1 Department: D6 -- Event: Request for Submission -- Scheduled Date & Time: 6/20/2023 at 12:40:00  
Extra Event Text: APPLICATION FOR WAIVER OF FEES AND COSTS  
Event Disposition: S200 - 6/26/2023
- 2 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 8/31/2023 at 15:59:00  
Extra Event Text: DEFENDANT CIVIL ACTION OF VACATUR OF VOID JUDGEMENT ... 60(B)(4)  
Event Disposition: S200 - 10/10/2023
- 3 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 9/18/2023 at 13:43:00  
Extra Event Text: MOTION TO ORDER DEFENDANTS TO ANSWER COMPLAINT { SIC }  
Event Disposition: S200 - 11/7/2023
- 4 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 10/12/2023 at 14:29:00  
Extra Event Text: AMENDED INDEPENDENT CIVIL ACTION  
Event Disposition: S200 - 12/4/2023
- 5 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 10/12/2023 at 13:55:00  
Extra Event Text: MOTION FOR LEAVE TO AMEND INDEPENDENT CIVIL ACTION FOR VACUTRE OF VOID JUDGMENT RENDERED IN EXCESS OF JUDICIAL  
Event Disposition: S200 - 12/4/2023
- 6 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 10/12/2023 at 14:27:00  
Extra Event Text: MOTION TO TAKE JUDICIAL NOTICE  
Event Disposition: S200 - 12/4/2023

Actions

- | <u>Filing Date</u> | <u>-</u>  | <u>Docket Code &amp; Description</u>  |
|--------------------|-----------|---|
| 1                  | 4/18/2023 | - 3866 - Request/Waive Fees/Costs<br><i>No additional text exists for this entry.</i> |

Report Does Not Contain Sealed Cases or Confidential Information

- 2 6/20/2023 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: APPLICATION FOR WAIVER OF FEES AND COSTS  
PARTY SUBMITTING: FERRILL JOPSEPH VOLPICELLI  
DATE SUBMITTED: JUNE 20, 2023  
SUBMITTED BY: BBLOUGH  
DATE RECEIVED JUDGE OFFICE:
- 3 6/26/2023 - 3035 - Ord Grant in Forma Pauperis  
Additional Text: Order Granting Application to Waive Fees and Costs - Transaction 9741947 - Approved By: NOREVIEW : 06-26-2023:15:18:58
- 4 6/26/2023 - S200 - Request for Submission Complet  
Additional Text: Order Granting Application to Waive Fees and Costs filed 26 JUN 2023
- 5 6/26/2023 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9741959 - Approved By: NOREVIEW : 06-26-2023:15:20:12
- 6 6/28/2023 - 1215 - Application Appoint Counsel  
Additional Text: MOTION FOR APPOINTMENT OF COUNSEL
- 7 6/28/2023 - 1425 - Complaint - Civil  
Additional Text: INDEPENDENT CIVIL ACTION FOR VACTUR OF VOID JUDGMENT BASED UPON WANT OF JURISDICTION { SIC }
- 8 6/28/2023 - 4090 - \*\* Summons Issued  
*No additional text exists for this entry.*
- 9 6/28/2023 - 4090 - \*\* Summons Issued  
*No additional text exists for this entry.*
- 10 6/28/2023 - 4090 - \*\* Summons Issued  
*No additional text exists for this entry.*
- 11 8/17/2023 - 1520 - Declaration  
Additional Text: DECLARATION OF NON SERVICE - WASHOE COUNTY DISTRICT ATTORNEY
- 12 8/17/2023 - 1520 - Declaration  
Additional Text: DECLARATION OF SERVICE - NEVADA ATTORNEY GENERAL OFFICE AUGUST 4, 2023
- 13 8/22/2023 - 4090 - \*\* Summons Issued  
Additional Text: X4
- 14 8/31/2023 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: DEFENDANT CIVIL ACTION OF VACATUR OF VOID JUDGEMENT ... 60(B)(4)  
PARTY SUBMITTING: FERRILL J. VOLPICELLI  
DATE SUBMITTED: 08/31/2023  
SUBMITTED BY: SC  
DATE RECEIVED JUDGE OFFICE:
- 15 9/6/2023 - 3161 - Ord of Recusal  
Additional Text: REASSIGNMENT ORDER - Transaction 9870948 - Approved By: NOREVIEW : 09-06-2023:13:26:31
- 16 9/6/2023 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9870962 - Approved By: NOREVIEW : 09-06-2023:13:28:39
- 17 9/6/2023 - 1312 - Case Assignment Notification  
Additional Text: CASE REASSIGNED TO D10 FROM D15 PER REASSIGNMENT ORDER FILED 9/6/23 - Transaction 9871094 - Approved By: NOREVIEW : 09-06-2023:13:54:06

- 18 9/6/2023 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9871097 - Approved By: NOREVIEW : 09-06-2023:13:54:55
- 19 9/12/2023 - 1520 - Declaration  
Additional Text: DECLARATION OF SERVICE, WCDA'S OFFICE 09/11/2023 - Transaction 9880650 - Approved By: NOREVIEW : 09-12-2023:08:15:36
- 20 9/12/2023 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9880651 - Approved By: NOREVIEW : 09-12-2023:08:16:05
- 21 9/18/2023 - 2490 - Motion ...  
Additional Text: MOTION TO ORDER DEFENDANTS TO ANSWER COMPLAINT { SIC }
- 22 9/18/2023 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: MOTION TO ORDER DEFENDANTS TO ANSWER COMPLAINT { SIC }  
PARTY SUBMITTING: FERRILL JOESPH VOLPICELLI  
DATE SUBMITTED: SEPTEMBER 18, 2023  
SUBMITTED BY: BBLOUGH  
DATE RECEIVED JUDGE OFFICE:
- 23 10/10/2023 - FIE - \*\*Document Filed in Error  
Additional Text: ORDER DENYING VACATUR OF JUDGEMENT - Transaction 9931894 - Approved By: NOREVIEW : 10-10-2023:08:54:20
- 24 10/10/2023 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9931897 - Approved By: NOREVIEW : 10-10-2023:08:55:00
- 25 10/10/2023 - S200 - Request for Submission Complet  
Additional Text: ORDER DENYING MOTION FOR VACATUR OF JUDGMENT 10/10/23  
RFS 8/31/23
- 26 10/10/2023 - 2842 - Ord Denying Motion  
Additional Text: ORDER DENYING VACATUR OF JUDGEMENT - Transaction 9931933 - Approved By: NOREVIEW : 10-10-2023:09:03:18
- 27 10/10/2023 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9931937 - Approved By: NOREVIEW : 10-10-2023:09:04:10
- 28 10/12/2023 - 2490 - Motion ...  
Additional Text: MOTION FOR LEAVE TO AMEND INDEPENDENT CIVIL ACTION FOR VACUTRE OF VOID JUDGMENT RENDERED IN EXCESS OF JUDICIAL AUTHORITY NRCP 3, NRCP 60 (A) (1) NRCP 60 (B)(4)
- 29 10/12/2023 - 2490 - Motion ...  
Additional Text: MOTION TO TAKE JUDICIAL NOTICE
- 30 10/12/2023 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: MOTION FOR LEAVE TO AMEND INDEPENDENT CIVIL ACTION FOR VACUTRE OF VOID JUDGMENT RENDERED IN EXCESS OF JUDICIAL AUTHORITY NRCP 3, NRCP 60 (A) (1) NRCP 60 (B)(4)  
PARTY SUBMITTING: FERRILL JOSEPH VOLPICELLI  
DATE SUBMITTED: OCTOBER 12, 2023  
SUBMITTED BY: BBLOUGH  
DATE RECEIVED JUDGE OFFICE:
- 31 10/12/2023 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: AMENDED INDEPENDENT CIVIL ACTION  
PARTY SUBMITTING: FERRILL JOSEPH VOLPICELLI  
DATE SUBMITTED: OCTOBER 12, 2023  
SUBMITTED BY: BBLOUGH  
DATE RECEIVED JUDGE OFFICE:
- 32 10/12/2023 - 3860 - Request for Submission

Additional Text: DOCUMENT TITLE: MOTION TO TAKE JUDICIAL NOTICE  
PARTY SUBMITTING: FERRILL JOSEPH VOLPICELLI  
DATE SUBMITTED: OCTOBER 12, 2023  
SUBMITTED BY: BBLOUGH  
DATE RECEIVED JUDGE OFFICE:

33 10/12/2023 - 1120 - Amended ...

Additional Text: AMENDED INDEPENDENT CIVIL ACTION FOR VACUTRE OF VOID JUDGMENT RENDERED IN EXCESS OF JUDICIAL AUTHORITY NRCP 3, NRCP 60 (A) (1) NRCP 60 (B)(4)

34 10/23/2023 - 2515 - Notice of Appeal Supreme Court

Additional Text: ODER 10/10/2023

35 10/23/2023 - 3860 - Request for Submission

Additional Text: REQUEST FOR SUBMISSION FOR NOTICE OF APPEAL (NO S1 BUILT)

36 10/24/2023 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 9957794 - Approved By: NOREVIEW : 10-24-2023:08:42:37

37 10/24/2023 - 1310E - Case Appeal Statement

Additional Text: CASE APPEAL STATEMENT - Transaction 9957794 - Approved By: NOREVIEW : 10-24-2023:08:42:37

38 10/24/2023 - NEF - Proof of Electronic Service

Additional Text: Transaction 9957799 - Approved By: NOREVIEW : 10-24-2023:08:43:23

39 10/30/2023 - 1187 - \*\*Supreme Court Case No. ...

Additional Text: SUPREME COURT NO. 87504 - VOLPICELLI

40 10/31/2023 - 1188 - Supreme Court Receipt for Doc

Additional Text: SUPREME COURT NO. 87504 - RECEIPT FOR DOCUMENTS - Transaction 9969438 - Approved By: NOREVIEW : 10-31-2023:11:53:53

41 10/31/2023 - NEF - Proof of Electronic Service

Additional Text: Transaction 9969443 - Approved By: NOREVIEW : 10-31-2023:11:54:42

42 11/7/2023 - S200 - Request for Submission Complet

Additional Text: ORDER DENYING MOTION TO ORDER DEFENDANTS TO ANSWER COMPLAINT 11/7/23  
RFS 9/18/23

43 11/7/2023 - 2842 - Ord Denying Motion

Additional Text: ORDER DENYING MOTION TO ORDER DEFENDANTS TO ANSWER COMPLAINT - Transaction 9984033 - Approved By: NOREVIEW : 11-07-2023:16:20:10

44 11/7/2023 - NEF - Proof of Electronic Service

Additional Text: Transaction 9984042 - Approved By: NOREVIEW : 11-07-2023:16:22:34

45 11/27/2023 - 3352 - Ord Staying Case

Additional Text: Transaction 10011849 - Approved By: NOREVIEW : 11-27-2023:07:34:18

46 11/27/2023 - NEF - Proof of Electronic Service

Additional Text: Transaction 10011850 - Approved By: NOREVIEW : 11-27-2023:07:34:59

47 12/4/2023 - S200 - Request for Submission Complet

Additional Text: ORDER STAYING CASE ENTERED 11/27/23 PENDING APPEAL TO AND REMITTITUR FROM NEVADA SUPREME COURT  
RFS 10/12/23

48 12/4/2023 - S200 - Request for Submission Complet

Additional Text: ORDER STAYING CASE ENTERED 11/27/23 PENDING APPEAL TO AND REMITTITUR FROM NEVADA SUPREME COURT  
RFS 10/12/23

- 49 12/4/2023 - S200 - Request for Submission Complet  
Additional Text: ORDER STAYING CASE ENTERED 11/27/23 PENDING APPEAL TO AND REMITTITUR FROM NEVADA SUPREME COURT RFS 10/12/23
- 50 1/2/2024 - 4127 - Supreme Ct Ord Dismis Appeal  
Additional Text: SUPREME COURT NO. 87504 - ORDER DISMISSING APPEAL - Transaction 10073617 - Approved By: NOREVIEW : 01-02-2024:09:19:55
- 51 1/2/2024 - NEF - Proof of Electronic Service  
Additional Text: Transaction 10073621 - Approved By: NOREVIEW : 01-02-2024:09:20:51
- 52 1/9/2024 - 2900 - Ord for Dismissal of Case  
Additional Text: ORDER DISMISSING COMPLAINT - Transaction 10086806 - Approved By: NOREVIEW : 01-09-2024:08:55:25
- 53 1/9/2024 - NEF - Proof of Electronic Service  
Additional Text: Transaction 10086808 - Approved By: NOREVIEW : 01-09-2024:08:55:55
- 54 1/9/2024 - F110 - Involuntary Dismissal  
*No additional text exists for this entry.*
- 55 1/18/2024 - 4145 - Supreme Court Remittitur  
Additional Text: SUPREME COURT NO. 87504 - REMITTITUR - Transaction 10106231 - Approved By: NOREVIEW : 01-18-2024:15:24:03
- 56 1/18/2024 - 4111 - Supreme Ct Clk's Cert & Judg  
Additional Text: SUPREME COURT NO. 87504 - CLERK'S CERTIFICATE & JUDGMENT - Transaction 10106231 - Approved By: NOREVIEW : 01-18-2024:15:24:03
- 57 1/18/2024 - 4127 - Supreme Ct Ord Dismis Appeal  
Additional Text: SUPREME COURT NO. 87504 - ORDER DISMISSING APPEAL - Transaction 10106231 - Approved By: NOREVIEW : 01-18-2024:15:24:03
- 58 1/18/2024 - NEF - Proof of Electronic Service  
Additional Text: Transaction 10106245 - Approved By: NOREVIEW : 01-18-2024:15:25:27
- 59 1/22/2024 - 2515 - Notice of Appeal Supreme Court  
Additional Text: ORDER 1/9/2024
- 60 1/22/2024 - FIE - \*\*Document Filed in Error  
Additional Text: FILED IN ERROR - WRONG CLERK ON FILE STAMP
- 61 1/22/2024 - 1350 - Certificate of Clerk  
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 10113349 - Approved By: NOREVIEW : 01-22-2024:16:10:22
- 62 1/22/2024 - 1310E - Case Appeal Statement  
Additional Text: CASE APPEAL STATEMENT - Transaction 10113349 - Approved By: NOREVIEW : 01-22-2024:16:10:22



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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**

8  
9 FERRILL JOSEPH VOPICELLI,

Case No.: CV23-00669

10 Plaintiff,

Dept. No.: 10

11 vs.

12 THE STATE OF NEVADA.,

13 Defendant.

14  
15 **ORDER DISMISSING COMPLAINT**

16  
17 On June 28, 2023, Plaintiff filed a civil complaint, *Independent Civil Action for Vacatur*  
18 *of Void Judgement Based Upon Want of Jurisdiction*. Requesting vacatur of a judgment  
19 designating him a habitual offender. On October 10, 2023, this Court issued *Order Denying*  
20 *Vacatur of Judgement* denying the Plaintiff's request within the complaint. On October 23,  
21 2023, the Plaintiff filed a Notice of Appeal to the *Supreme Court*. On January 2, 2023, the  
22 Nevada Supreme Court filed *Order Dismissing Appeal*.

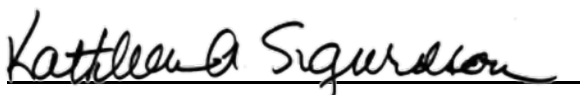
23 Having reviewed the pleadings on file, the procedural history in this case, and the  
24 relevant legal authority, the Court finds good cause to dismiss Plaintiff Ferrill Joseph  
25 Vopicelli's Complaint and claims contained therein. The District Court has denied the  
26 requests within the complaint. *See Order Denying Vacatur of Judgement*. The complaint is  
27 now moot and is summarily dismissed.

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IT IS HEREBY ORDERED. The Complaint is dismissed, and all submissions and claims stemming from the complaint are vacated.

IT IS SO ORDERED.

DATED this 9th day of January 2024.

  
HON. KATHLEEN A. SIGURDSON  
DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 CASE NO.: CV23-00669

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF  
4 THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 9th day of January 2024,  
5 I electronically filed the foregoing **ORDER DISMISSING COMPLAINT** with the Clerk of  
6 the Court by using the ECF system.

7 I further certify that I transmitted a true and correct copy of the foregoing document  
8 by the method(s) noted below:

9  
10 **Electronically filed with the Clerk of the Court by using the ECF system which will**  
11 **send a notice of electronic filing to the following:**

12  
13  
14 **Deposited in the Washoe County mailing system for postage and mailing with the**  
15 **United States Postal Service in Reno, Nevada:**

16  
17 **FERRILL VOLPICELLI, #79565**  
18 **Lovelock Correctional Center**  
19 **1200 Prison Road**  
20 **Lovelock, NV 89419**

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27 */s/ Michael Decker*  
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JUDICIAL ASSISTANT

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1 Code 1350

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4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
5 IN AND FOR THE COUNTY OF WASHOE

6

7 **FERRILL JOSEPH VOLPICELLI,**

8

9 **Plaintiff,**

**Case No. CV23-00669**

10

11 **vs.**

**Dept. No. 10**

12

13 **THE STATE OF NEVADA,**

14

15 **Defendant.**

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18 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

19

20 I certify that I am an employee of the Second Judicial District Court of the State of  
21 Nevada, County of Washoe; that on the 22nd day of January, 2024, I electronically filed the  
22 Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

23

24 I further certify that the transmitted record is a true and correct copy of the original  
25 pleadings on file with the Second Judicial District Court.

26

27 Dated this 22nd day of January, 2024.

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Alicia L. Lerud  
Clerk of the Court  
By /s/Y.Viloria  
Y.Viloria  
Deputy Clerk

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