

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

Electronically Filed
08/23/2023

Elizabeth Brown
CLERK OF THE COURT

FILED

SEP 07 2023

OPI

REV. MATTHEW TRAVIS HOUSTON, CHTD
NDOC No. 1210652

ABA No. 04662784 - American Bar Association Member
PO Box 650

Inyanon Springs, NV 89070-0650
In proper person

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth Brown*
DEPUTY CLERK

"MULTIJURISDICTIONAL AND MULTIDISTRICT LITIGATION,
FROM THE EIGHTH JUDICIAL DISTRICT COURT OF THE

STATE OF NEVADA IN AND FOR THE
COUNTY OF CLARK"

MATTHEW TRAVIS HOUSTON,

Plaintiff)

Appellant, Petitioner,)

v. BRIAN P. CLARK,

BERNSTEIN & POISSON, LLP;)

DANIEL L. SCHWARTZ;)

JOSEPH M. LOMBARDO;)

MANDALAY BAY CORP.;)

THE STATE OF NEVADA, ET AL.)

STATE BAR OF NEVADA;

CALVIN JOHNSON - Respondent(s)

- Appellee(s) -)

Case No. ~~A-22-856372-C~~ ✓ 85747
Department XX - COA

Case No. ~~A-22-859817-C~~ ✓ 87005
Department No. 14 COA

Case No. ~~A-22-858580-C~~ ✓ 87003
Department No. 4 COA

Case No. ~~A-23-865442-C~~ ✓ 86624
Department No. 7 COA

Case No. A-17-758861-C ✓ 86764-COA
Dept. No. 29

Case No. A-22-853203-W ✓ 84886-COA
Department 17

Case No. A-19-800219-W/A-19-800402-W
86972-COA

REOCCURRING
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 ←

"Hearings Requested" - ORAL ARGUMENT REQUESTED -

Plaintiff/Petitioner, Matthew Travis Houston, proceeding pro se, requests a de novo hearing,

that this Honorable Court order transportation for his personal appearance or, in the expeditious

alternative, that he be made available to appear by telephone or by video conference

at the hearing in the instant case that is scheduled for May 16, 2023; May 22, 2023; May 24, 2023;

May 23, 2023; and May 25, 2023. PLEASE SEE ATTACHED:

August 7, 2023 @ 10:00 AM in Case No. A-22-859817-C

August 10, 2023 @ 9:00 AM in Case No. A-22-856372-C

August 15, 2023, @ 9:00 AM in

A-23-865442-C (and any and all future
proceedings of the Plaintiff/Plaintiff-in-error/Petitioner-Appellant).

23-29343 (7)

CLERK OF THE COURT

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SEP 07 2023
August 10, 2023
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

STATEMENT OF FACTS: Kidnapped from his home in

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

12 The Petitioner-Appellant's attempt at release from CDC was intended so that he could
13 search for, and hopefully, retrieve his service animals. However, the now-dismissed counsel, J. Wood
14 and Bernard Little, provided misinformation regarding the lack of a directly related "City Jail
15 Detainer Hold". Counsel had told Petitioner-Appellant, all the while coercing his client into a
16 potential release from custody, that he "did not see a detainer hold" - when, in fact, there was.
17 This coercion of the client by his previous representation created a second double-jeopardy -
18 in LAS VEGAS MUNICIPAL COURT #1248334A + #C1231802A; with the first being by J. Wood

19. in the EIGHTH JUDICIAL DISTRICT COURT 21-CR-019840 - 21-CR-035713. Anthony Goldstein NEVER visited
20. Mr. Houston. These traumatic events are a cruel and unusual punishment being inflicted upon an abused
21. and innocent man, who was forced into an involuntary relocation, with unnecessary hardships

22 causing the eviction of his law office located at 435 South Linn Street #927, in Iowa
23 City, Iowa (52240), \$36.5 million of property damage, and the destruction of his K-9(s).

24 Due to crimes both civil and criminal, not to mention the willful omissions of Rosemarie
25 McMorris-Alexander and Dianne Ferrante, SEDGWICK and the prosecution's most unlawful use
26 of overreaching tactics ~~in~~ their exploitation of the innocent man has put the Petitioner-Appellant
27 into an unmanageable state of duress, homelessness, and extensive incarceration. Not at any

28. time ~~did~~ Mr. Houston threaten, extort, harass, or "aggravated stalking" any of
29. the parties involved with any of his cases or any other individual, business,
30. or entity. In fact it is Mr. Houston who is the victim of crime.

31. It is the duty of the SUPREME COURT OF NEVADA to
32. order a meritorious intervention on behalf of Mr. Houston, (2)

1 In support of this Motion, I ~~am the~~ ^(Mr. Houston) have proven the following:
2 1. I am an inmate incarcerated at High Desert State Prison.
3 My mandatory release date is September 29, 2025. My "P.E.D." ^{"P.E.D."}

4 **PAROLE ELIGIBILITY DATE WAS SEPTEMBER 03, 2023.**
5 2. The Department of Corrections is required to transport offenders to and
6
7 from Court if an inmate is required or requests to appear before a Court in this state. **This includes**
8 **both the Supreme Court of Nevada AND the Nevada Court of Appeals!**

9 NRS 209.274 Transportation of Offender to Appear Before Court states:
10 "1. Except as otherwise provided in this section, when an offender is
11 required or requested to appear before a Court in this state, the
12 Department shall transport the offender to and from Court on the day
13 scheduled for his appearance.
14 2. If notice is not provided within the time set forth in NRS 50.215, the
15 Department shall transport the offender to Court on the date scheduled
16 for his appearance if it is possible to transport the offender in the usual
17 manner for the transportation of offenders by the Department. If it is
18 not possible for the Department to transport the offender in the usual
19 manner:
20 (a) The Department shall make the offender available on the date scheduled
21 for his appearance to provide testimony by telephone or by video conference,
22 if so requested by the Court.
23 (b) The Department shall provide for special transportation of the offender to
24 and from the Court, if the Court so orders. If the Court orders special
25 transportation, it shall order the county in which the Court is located to
26 reimburse the Department for any cost incurred for the special transportation.
27 (c) The Court may order the county sheriff to transport the offender to and
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because: **I NEVER "AGGRAVATED**
30 **STALKING"** of any of the conspirators or their
31 family members, **I AM** an innocent man. **SEE**
32 **EXHIBIT A** and **EXHIBIT B.** (3)
33 **(PREVIOUSLY-FILED, FWD. TO AMD LAW, PLLC)**
34 **The Respondents made false reports to LVMPD, and making**
false police reports is a crime in all jurisdictions.

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I AM NEEDED AS A WITNESS.

My petition raises substantial issues of fact concerning events in which I participated and about which only I can testify. See *U.S. v. Hayman*, 342 U.S. 205 (1952) (District Court erred when it made findings of fact concerning Hayman's knowledge and consent to his counsel's representation of a witness against Hayman without notice to Hayman or Hayman's presence at the evidentiary hearing).

THE HEARING WILL BE AN EVIDENTIARY HEARING.

My petition raises material issues of fact that can be determined only in my presence. See *Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention that allegations are improbable and unbelievable cannot serve to deny the petitioner an opportunity to support them by evidence). The Nevada Supreme Court has held that the presence of the petitioner for habeas corpus relief is required at any evidentiary hearing conducted on the merits of the claim asserted in the petition. See *Gebers v. Nevada*, 118 Nev. 500 (2002).

4. The prohibition against ex parte communication requires that I be present at any hearing at which the state is present and at which issues concerning the claims raised in my petition are addressed. U.S. Const. amends. V, VI.

5. If a person incarcerated in a state prison is required or is requested to appear as a witness in any action, the Department of Corrections must be notified in writing not less than 7 business days before the date scheduled for his appearance in Court if the inmate is incarcerated in a prison located not more than 40 miles from Las Vegas: NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or more from Las Vegas, the Department of Corrections must be notified in writing not less than 14 business days before the date scheduled for the person's appearance in Court.

6. High Desert State Prison is located approximately 39-45 miles from Las Vegas, Nevada.

1 7. If there is insufficient time to provide the required notice to the Department
2 of Corrections for me to be transported to the hearing, I respectfully request that this
3 Honorable Court order the Warden to make me available on the date of the
4 scheduled appearance, by telephone, or video conference, pursuant to NRS
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the
6 evidentiary hearing.

7 8. The rules of the institution prohibit me from placing telephone calls from
8 the institution, except for collect calls, unless special arrangements are made with
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my
10 telephone appearance can be made by contacting the following staff member at my
11 institution: Associate Warden Julie Williams
12 whose telephone number is 702-879-6789 OR WARDEN
13 BRIAN E. WILLIAMS, SR.

14 Dated this 15th day of July, 2022.

15 MAILED TO =
16 Law Clerk(s)
17 Nevada Court of Appeals
18 408 E. Clark Ave.
19 Las Vegas, NV 89101-4088

Matthew Travis Houston
Matthew Travis Houston
No. 1210652
PO Box 650
22010 Cold Creek Road
Indian Springs, NV 89070-0650

20 → CERTIFICATE OF SERVICE BY MAIL IN EX PARTE ←
21 and AFFIRMATION Pursuant to NRS 239B.030
22 I, the above signed, certify pursuant to
23 NRCF 5(b), that on this 15th day of July, 2022,
24 I served the foregoing "Emergency Motion For
25 Transportation OF Inmate For Court Appearance...", by
26 mailing a true and correct copy to the Regional Justice
27 Center in Las Vegas, Nevada. I do hereby AFFIRM
28 that this motion filed in District Court Case Number
29 C-17-323614-1 does NOT contain the social
30 security number of any person.

31 RENEWED this 20th day of December, 2022. x [Signature]

32 Page Number 5 of ~~2022~~ ABA No 04662784

33 RENEWED TO THE SUPREME COURT OF NEVADA
34 AND THE NEVADA COURT OF APPEALS ON THIS
35 03rd DAY OF SEPTEMBER, 2023. -M.T.H- 5