

1 In The Supreme Court of the State of Nevada

No. 44258

2
3 In RE, REWARD T. POLK

4 -Petitioner-,

FILED

5 VS:

NOV 16 2004

6 The State of Nevada

7 -Respondent:-

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
VANETTE M. BLOOM
CLERK OF SUPREME COURT
BY Ullivarado
DEPUTY CLERK

Petition Writ of Mandamus.

11 Comes Now, the petitioner, REWARD T. POLK in
12 proper person and hereby requests this Honorable Court
13 to issue a Writ of Mandamus compelling the Eighth
14 Judicial District Court to expedite the consideration
15 or otherwise produce an order and decision pursuant to
16 the Motion to Extend Prison Legal Copywork.

17 This petition is based upon the accompanying documents
18 and statements provided herein.

19
20 Dated this 11th day of Nov 2004.

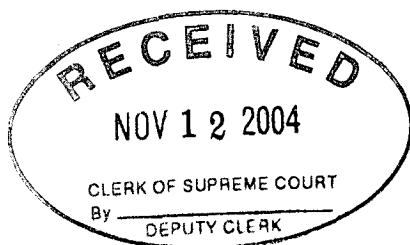
21
22 Respectfully Submitted:

23
24 Rd Polk

25 REWARD T. POLK #72439

26 L.L.C. P.O. Box 359

27 Lovelock Nevada 89419



04-21005

In The Nevada Supreme Court of the State of Nevada

In RE, REWARD T. Polk
-Petitioner.-

Petition for Writ of
Mandamus.

REWARD T. Polk, defendant in cause no: D.C. 00-C-166490-C
and U.S.C. 44087 captioned as The State of Nevada vs
REWARD T. Polk appellant in the Nevada Supreme Court hereby
petitions this Court to issue a Writ of Mandamus directing
or compelling the Eighth Judicial District Court Department
6 Judge Joseph T. Bonaventure to expedite consideration
or otherwise produce an order and decision to Extend
Prison Legal Copywork.

The petitioner herein respectfully prays that pursuant
to 28 U.S.C. 1651 the all Writs Act be issued.

~Procedural Background~

On July 1, 2004 the petitioner filed a Writ of
Habeas Corpus (Post-Conviction) Petition.

That also at this time the petitioner reached 96.47\$ for the
allotted prison copy work.

Foreseeing this hinderance on May 5 2004 the petitioner
filed a Motion to Extend Prison Legal Copywork limit of
100.00\$.

The Post-Conviction Petition Writ of Habeas Corpus was
denied on September 8, 2004.

The petitioner appealed with a Notice of appeal

1 and has a brief due within approximately (20) twenty
2 calendar days.

3 In the order denying the petitioners (Post-Conviction)
4 Writ of Habeas Corpus no decision or order was
5 made pursuant to the petitioners request to Extend
6 Prison Legal Copywork.

7 ~ Statement of Issues. ~

8 1.) Whether a Writ of Mandamus should issue compelling or
9 directing the previously stated court to expedite consideration
10 or otherwise produce an order and decision pursuant to
11 the Petitioner Motion to Extend Prison Legal Copywork.

12 ~ Reasons Why Should the Writ Issue. ~

13 The writ of Mandamus should issue because: 1.) Mandamus will
14 protect this Courts prospective jurisdiction over the Eighth
15 Judicial District Court decisions, 2.) If the petitioner must
16 seek further relief he will be unable to meet the procedural
17 requirements in challenging his conviction demonstrates
18 exceptional circumstances warranting the exercise of this
19 Courts discretionary power. and 3.) the petitioner cannot
20 obtain relief anywhere else.

21 The Nevada Supreme Court may issue writs of Mandamus
22 to confine an inferior court pursuant to 28 U.S.C. 1651
23 the All Writs Act and F.R.C.P. 21.

24 Mandamus is appropriate both to confine an inferior court
25 to exercise its prescribed jurisdiction to compel the courts
26 of inferior standing when it has a duty to do so.

27 (Will v. Calvest Fire Ins. Co., 437 U.S. 655 @ 661 1978)

28 The right to the issuance of a Writ of Mandamus

1 most be clear and undeniable.

2 It is clear that without the extension of
3 the legal copywork limit the petitioner will meet
4 impediments in seeking relief pursuant to his
5 conviction whatever relief may be pursued.

6 Not to mention the petitioner asserted in his
7 Post-Conviction Writ of Habeas Corpus that mail
8 theft destruction or hinderance is prehensile or
9 prevalent in this state.

10 So if the petitioner is called to send out all originals
11 without copies of personal reference there is no proof
12 that they were sent out which also runs the risk of getting
13 lost, destroyed or delayed and since the petitioner has no
14 copy of the document sent out he must re-write the
15 entire document from notes or mental notes running the
16 risk of losing valuable and well argued issues.

17 It is apparent the lack of action leaves the petitioner
18 with no other avenue of relief other than Mandamus.

19 Since the petitioner has requested the Court and prison
20 to lift the ~~2000~~ \$ copywork limit. see

21 The Eighth Judicial District Court has abdicated its
22 duty in favor of successive abusive and lengthy
23 litigation. The judge Joseph T. Bonaventure's inaction is the
24 antithesis of judicial process bespeaking a studied indifference
25 to even contempt for the legitimate interests of the petitioners
26 rights.

27 The petitioner respectfully requests that this Court issue
28 a Writ of Mandamus and does hereby make all facts

1 and arguments contained herein as inclusive in the
2 petitioners Opening brief and Petition Writ of Habeas Corpus.

3 ~ Conclusion. ~

4 For the foregoing reasons if this Court exercises jurisdiction
5 a Writ of Mandamus should issue compelling the district Court
6 to decide or other produce an order expediting consideration
7 to extend prison legal copy work.

8
9
10
11
12
13
14 Respectfully Submitted:

15 Ed Polk
16

17 RENEARD T. Polk # 72439

18 L.L.L. P.O. Box 359

19 Lovelock Nevada 89419
20
21
22
23
24
25
26
27
28

Certificate of Service by Mail

I do hereby certify pursuant to U
that a true and correct copy of the following
Court applications: 1.) Appellate's Opening Brief
2.) Petition Writ of Mandamus; were deposited with
an official at the Lovelock Correctional Center
P.O. Box 359 Lovelock Nevada 89419 to be conveyed
to the following location:

Nevada Supreme Court
Office of the Clerk
Jennette Bloom.
201 South Carson Street
Carson City, NV. 89701

BL. Rd Polk

PREVARD T. POLK 724139
L.C.C. P.O. Box 359
Lovelock Nevada 89419

cc: letter to Clerk
Appellate Brief
Writ of Mandamus
Appedices 129pgs.