

IN THE SUPREME COURT OF THE STATE OF NEVADA

Frank M. Peck, No. 68664

Appellant,

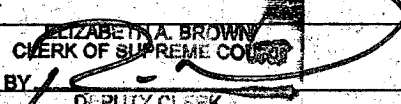
vs.

Dr. Zipt M.D.; Dr. Barnum M.D.

Respondents.

FILED

MAR 01 2018

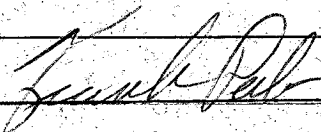
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

MOTION TO WITHDRAW COUNSEL OF RECORD
AND TO RE-FILE MOTION FOR EXTENSION OF
TIME TO PERFECT AND FILE A PETITION FOR
REHEARING AND PETITION FOR REVIEW
RETURNED UNFILED BY THE CLERK BY ORDER
OF THE COURT FILED JAN 29 2018

Comes now, Appellant Frank M. Peck in proper person
with the above titled motion.

This motion is made and based upon all papers and
pleadings on file in this case as well as the attached
points and authorities and affidavit of Mr Peck.

Dated 2-6-18

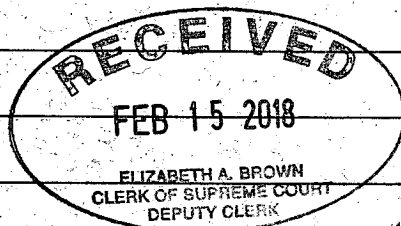


Frank M. Peck 57106

110515 Box 650

Indian Springs, Nv. 89070

Plaintiff / Appellant



1 of 2

18-08114

Points and Authorities

Appellant has attempted to reach his counsel of record several times and his call was rejected each time.

Mr. Peck has no choice but to file for withdrawal of counsel under NRAP Rule 41 (b) (e).

It is respectfully requested that Counsel of record Rachel Dunn Esq of counsel: Holly, Driggs, Walch, Fine, Wray, Puzey & Thompson be withdrawn and Mr Peck be allowed to proceed in Proper Person and that his prose documents returned unfiled, returned to the Court for filing contemporaneously herewith be filed prose.

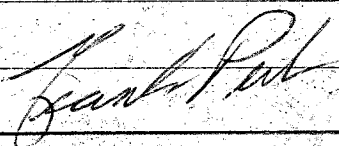
Service on all Defendants of all documents provided per NRCP 5.:

McCormick Barstow Sheppard Wayte Carruth
8337 W Sunset Rd Ste 350
Las Vegas NV 89113

Alverson Taylor Mortensen & Sanders
7401 W Charleston Blvd
Las Vegas NV 89117-1401

Dated 2-8-18

2/12/18


Frank M. Peck Plaintiff

IN THE SUPREME COURT OF THE STATE OF NEVADA

Frank M. Peck,

No. 68664

Appellant,

RETURNED
UNFILED

vs.

JAN 29 2018

Dr Zipf, Dr Barnum,

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

Respondents.

BY DEPUTY CLERK

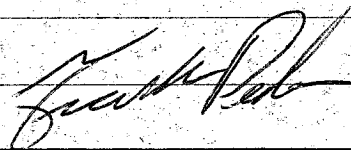
MOTION FOR EXTENSION OF TIME TO PERFECT AND
FILE A PETITION FOR REHEARING WRAP 31 (b)

Comes now the Appellant Frank M. Peck pro se
hereinafter Mr Peck with his MOTION FOR EXTENSION
OF TIME TO PERFECT AND FILE A PETITION FOR REHEARING
WRAP 31 (b).

This Motion is made and based upon all papers and
pleadings on file in this case as well as the attached
points and authorities and Declaration of Mr. Peck.

Dated JAN 10 2018.

2/12/18

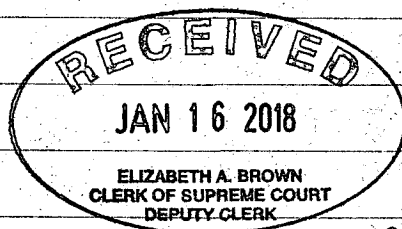


Frank M. Peck 57106

HDSP Box 650

Indian Springs, NV. 89070

Appellant, pro se, I FP



Points and authorities / Declaration of Frank M. Peck

1. Introduction

A panel, Hardesty, Parranguirre and Stiglich has filed an OPINION ON DEC 28 2017.

2. In a letter from Mr. Peck's Attorneys (H D W) of record in this case dated JAN 9 2018, E-MAILED to HDSP and hand delivered to Mr. Peck by case worker ENNIS at 4:45 PM this date 1/10/18 WAS ATTACHED Opinion dated filed 12-28-17
- * Served on Mr. Peck on this date 1-10-18,

3. "Mr. Peck currently has NO ACCESS to the law," as the "HDSP law library has been rendered USELESS," AS having only a small portion of LEXIS installed on the Computers and LAW Library supervisor refuses to provide caselaw in readable form #12 font even @ Mr. Peck's expense, despite being provided/allowed for the past 7 years. LEXIS has NO statutes state or federal NO USC codes NO shepards, Nothing but caselaw updates.

4. Mr. Peck's expert affidavit was written by AN Inmate - EX Radiologist Among the ISSUES needing to be challenged / brought to the Courts attention.

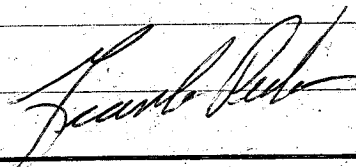
5. Mr Peck due to his total lack of access currently to the law requests a minimum of 30 days to and including FEB 12 2018 to Perfect and file a Petition for Review EN BANC in the Nevada Supreme Court because [Needles are "Surgical Needles" by definition and unquestionably begin a surgical procedure without which no surgery would ever be performed] "First operative step".

6. Mr. Peck wishes to fully develop these and other MEDICAL CONTRADICTIONS by clear and convincing evidence, "MEDICAL FACTS", not conjecture, as even the panel decision did not resolve the negligence claim.

Therefore, short of proceeding to federal Court on the due process violation. Mr. Peck wishes to present for en banc consideration a Petition for Review and due to his circumstances must request 30 days to include FEBRUARY 12th 2018 to Perfect and file same.

Dated 1-11-18,

2/12/18



Frank M. Peck 57106

HDSP Box 650

Indian Springs, Nv. 89070

SWORN DECLARATION, CERTIFICATE OF SERVICE AND AFFIRMATION

IN SUPPORT OF MOTION FOR EXTENSION OF TIME

I Frank M. Peck do hereby swear under the penalty of perjury that the following is true and correct:

1. I am the Plaintiff herein.
2. All assertions herein are true based on personal knowledge, I am over 18 and competent to testify to all matters contained herein.
3. I bring this MOTION FOR EXTENSION OF TIME in good faith and for no improper or dilatory reason.
4. While the law library has had a number of computers added the LEXIS system is but a fraction of what was previously provided and, in fact all but caselaw exists on the system, NO NRS, "AT ALL" NO MEANS TO SHEPARDIZE CASES AND the system is virtually useless. Further, Supervisor J. Graham refuses to provide readable materials in normal #12 font and will only provide #6 font that is impossible to read even with glasses. Despite the fact that Mr. Peck has been purchasing his own materials in #12 font at his own expense for 7 1/2 years. It is Mr. Peck's sworn testimony that NDOC is currently engaged in a concerted effort to frustrate, impede, chill litigation by many collateral acts of "outright fraud, including but not limited to; Just Since JAN 2017: (1) Reducing Mr. Peck's law library access from 2 days a week to 1 day a week. (2) Stopping the sale of carbon paper (3) Releasing an extremely bias mediation video that is meant to scare inmates into not pursuing litigation, as well as (4) Refusing to copy documentary evidence against themselves including inmates best and only evidence "Declarations by and for other inmates." (5) -

Actually confiscating and losing documentary evidence (6)
causing legal mail to go missing. (7) To date, 13 false
malicious disciplinary charges against Mr Peck that have
Resulted in NOT GUILTY findings or verbal reprimand, despite
no rule or order having been disobeyed; Most recently on
Dec 7 2017, Mr Peck was retaliated against while on the
phone with the AG. written up on major charges for
refusing to move to another unit "without ever being told to move".
This is a non-exhaustive list of some of the collateral acts
of extrinsic fraud and fraud upon the Court that the
Defts/Respondents are engaged in, so far stealing judgements
in A-16-743859, A-14-709060. So, CAUSE EXISTS for
an extension of time.

5. A true, correct, complete copy of this MOTION FOR EXTENSION
OF TIME was mailed this date to the Clerk of the Nevada
Supreme Court [WITHOUT BENEFIT OF COPYING] as time
is of the essence and no opportunity to make copies is
provided by NDOC but ONCE A WEEK @ 201 So. Carson St
Carson City, NV. 89701 for filing and E-SERVICE on
registered parties/counsels of record for the Plntf and
Defts Pursuant to NRCP Rule 5 (b)(2)(D) and NEFCR
Rules 6 (a)(b) and 9 (b)(c). having the same legal force/
effect as service of a paper document

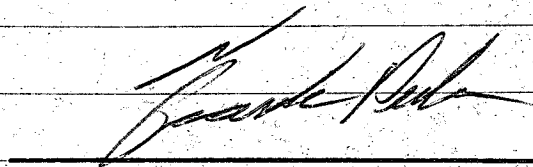
6. NEFCR Rule 4 (b)(2) allows exceptions needed to
ensure access to justice for indigent or disabled,
or self-represented litigants.

7. Dated, done and mailed to the Clerk of the Nevada Supreme Court this 11th day of January 2018.

Signed under the penalty of perjury NRS 208.165, 28 USC 1746.

Dated January 11, 2018 2/2/18
JP

Affirmation contains no social security numbers of any person NRS 239B.030.



Frank M. Peck # 57106

HDSI Box 650

Indian Springs NV 89070

Plaintiff prose, I.F.P.

IN THE SUPREME COURT OF THE STATE OF NEVADA

Frank M. Peck,

S. CT. No. 68664

Appellant,

D.C. No. A-14-70844

vs.

Dr. Zipt, Dr. Barnum, M.O.s.,

Respondents.

**RETURNED
UNFILED**

JAN 29 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY DEPUTY CLERK

PETITION FOR REVIEW

Comes Now, the Appellant, FRANK M. PECK prose herein
after Mr Peck with his PETITION FOR REVIEW.

This Petition is made and based upon all papers and
pleadings on file in this case as well as the attached
points and authorities and Declaration of Mr. Peck.

Dated January 15th 2018.

2/12/18 JP

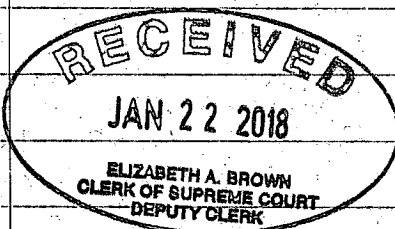
Frank Peck

FRANK M. PECK 57106

HDSP Box 650

Indian Springs, NV. 89070

Appellant, pro se, IFD



1 of 4

POINTS AND AUTHORITIES

This Petition is filed in regard to the OPINION filed on Dec 28 2017, NRAP 40 (b).

The Panel decision in this case is contrary to:

1. Conley v. Gibson, 355 U.S. 41 at 48 (1957) (Wherein Justice Black said, The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by Counsel may be decisive to the outcome.
A. Mr. Peck properly identified NRS 41.A.100's exceptions of NRS 41.A.071 and requisite injury/NEEDLE, proximate-thereto-treatment, just as "operative measure" of operating/
Driving a car requires insertion of a Key.

And,

2. Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594 1972 (per curiam) ("prose complaints are 'ENTITLED' to liberal construction") Hughes v. Rowe, 449 U.S. 5, 9, 101 S.Ct. 173 (1980); Erickson v. Pardus, 551 U.S. 89, 94, 127 S.Ct. 2197 (2007) Mr. Peck [is] prose.

And,

3. The Panel decision is contrary to logic and reason:

A. Res ipsa exists as a common sense exception and surgery is not definitive in QUOTATION MARKES and just as an (RFID) Radio frequency Identification chip is "surgically implanted" with a large NEEDLE. Mr. Peck's 'NEEDLEguide' was unquestionably implanted by a NEEDLE. The panel decision is based on Semantics. Mr. Peck's claim is Res ipsa via sight and touch. The jury CAN SEE AND feel it, So can a judge. "Prima-facie / Res ipsa". 2 of 4

4. The Panel incorrectly assumed that Mr. Peck's "medical expert affidavit" demonstrated that his indigence and incarceration did not prevent him from acquiring the requisite documents needed for a medical malpractice claim. When, in fact, that Affidavit was written by inmate Frederick Vonseydewitz cited in some 600 habeas petitions as a result of this court's decision in his case and Mr. Vonseydewitz was compensated a Honey Bunn for the Affidavit. Further, it is absurd to equate indigent access to courts and divorce as somehow being of more importance than a malpracticing physician. There is NO QUESTION that Mr. Peck's right to access, petition for redress is has and continues to be barred "specifically on account of his indigent status" and this case would not exist but for Mr. Peck's direct conditions of confinement (NOT PERFECTLY CONSTITUTIONAL). The State is, has and continues to impose an impossible barrier to access courts in malpractice cases and, is just another collateral act of thinly veiled extrinsic fraud / stealing of judgements ^{from} ~~by~~ indigent prisoners who are denied adequate medical care dying at a median age of 56 and not a single "PERSON" cares to even ask why? BECAUSE the State has provided immunity in the form of an Affidavit Barrier impossible for indigents to meet. NRS 41.071 is insurmountable, unconstitutional. Begs the consideration of the Full Court En Banc.

DECLARATION CERTIFICATE OF SERVICE AND AFFIRMATION SWORN
UNDER THE PENALTY OF PERJURY AS TRUE BY FRANK M. PECK.

I Frank M. Peck do hereby swear under the penalty of perjury that the following is true and correct:

1. I am the Appellant herein.

2. All assertions in the attached Petition for review are true based on personal knowledge, I am over 18 and competent to testify to all matters contained herein/therein.

3. I bring this Petition in good faith and for no improper reason.

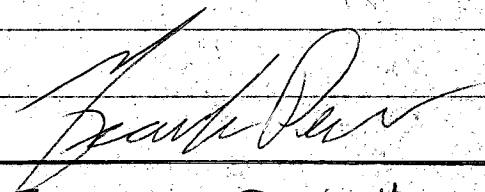
4. A true, correct, complete copy pg 1-4 was mailed this date to the Clerk of the Nevada Supreme Court @ 201 S. Carson St Carson City NV 89701 for filing and E-SERVICE on registered parties pursuant to NRCP Rule 5 (b)(2)(D) and NEECR Rules 6(a)(b) and 9(b)(c) having same legal force effect as service of a paper document.

5. Date d done and mailed this 18th day of Jan 2018.

Signed under the penalty of perjury NRS 208.165,
28 USC 1746.

Dated 1-16-18 2/12/18

Affirmation: Contains no social security numbers of any person NRS 239.8030.


Frank M. Peck #57106

HDSP Box 650

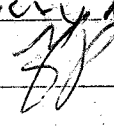
Indian Springs NV 89070

Plaintiff, prose, I.E.P.

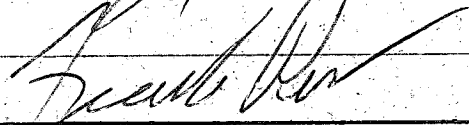
Declaration of Frank M. Peck sworn under penalty of perjury
as true and correct:

1. I am the Appellant herein in case no. 68664.
2. All assertions in this Declaration are true based on personal knowledge, I am over 18 and competent to testify to all matters herein.
3. I bring this Declaration in good faith and for no improper or dilatory reason.
4. Currently and since Dec 18th 2017 I have NO ACCESS to HDSP's law library for no other reason than retaliation by the defts in case A-16-743859 NDOG et al.
5. I can not serve defts Attys in this case with the attached Petition for review and can only beg the Court Clerk to serve the attached document and please send receipt for its filing.
6. Even if Mr Peck had access to the library, it has been rendered useless as the "LEXIS program" has been decreased to only case updates NOTHING MORE!
7. This Declaration was mailed to the Clerk of the Nev Sup Ct 201 S Carson St CCNV 89701 on 1-18-18.

Signed under the penalty of perjury, NRS 208.165 28 OSC 1746.

Dated Jan 18 2018 2/12/18 

Affirmation contains no social security numbers of any person NRS 239 B030.



Frank M. Peck 57106

HDSP Box 650

Indian Springs, NV 89070

Plaintiff pro se, LEP.