

IN THE SUPREME COURT OF THE STATE OF NEVADA

Frank M. Peck,

S.C.T. No. 68664

Appellant,

D.C. No. A-14-708447

vs.

Dr. Zipt, Dr. Baruum, M.D.s,

Respondents.

FILED

APR 02 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

PETITION FOR REVIEW

Comes Now, the Appellant, Frank M. Peck pro se 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.

Frank Peck

FRANK M. PECK 57106

HDSP Box 650

Indian Springs, NV. 89070

Appellant, pro se, IFD

1 of 4

18-12546

POINTS AND AUTHORITIES

This Petition is filed in regard to the OPINION filed on Dec 28 2017, WRAP 40 (15).

The Panel decision in this case is contrary to:

1. Cowley v. Gibson, 355 US 41 at 48 (1957) (Wherein Justice Black said, The Federal Rules rejects the approach that pleading is a game of skill in which one misplay 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 US 519, 520-21, 92 S Ct 594 1972 (per curiam) ("prose complaints are 'ENTITLED' to liberal construction") Hughes v. Rowe, 449 US 5, 9, 101 S Ct. 173 (1980); Erickson v. Pardus, 551 US 89, 94, 127 S Ct. 7197 (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 MARKS 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.

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 Lumate 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} 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.A 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 NEFCR Rules 6 (a) (b) and 9 (b) (c) having same legal force effect as service

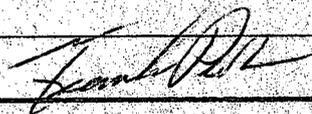
of a paper document

5. Dated, done and mailed this 16th day of ~~JAN~~ ^{MARCH} 2018.

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

Dated ~~1-16-18~~ 3/16/18

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



Frank M. Peck #57106

HDSP Box 650

Indian Springs NV 89070

Plaintiff, prose, I.F.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 reasons.
 4. Presently and since Dec 18th 2017 I have NO ACCESS to HDSP's law library for no other reason than retaliation by the depts in case A-16-743859 NDOC et al.
 5. I can NOT serve depts 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 ~~4-18-18~~ 3-16-18 *FP*
- Signed under the penalty of perjury NRS 208.165 28 USC 1746.
Dated Jan 18 2018

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, L.F.P.