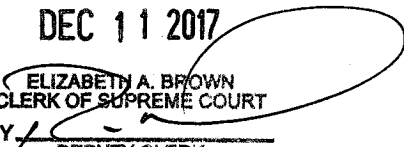


IN THE SUPREME COURT OF THE STATE OF EVADA

FILED

DEC 11 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ROBERT HOLMES, III

Appellant,

Case No.: 71680

Vs.

LAS VEGAS METROPOLITAN

POLICE DEPARTMENT

Appeal from the Eighth Judicial

Court, The Honorable Douglas E. Smith

Presiding

Petition For Rehearing To Reinstate Appeals

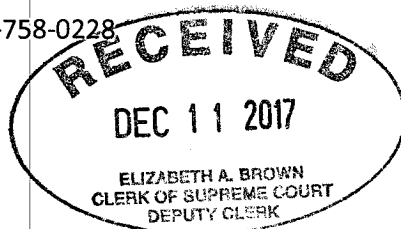
Appeals NO. 71680 and 72379 APPELLANT IS IN FORMA PAUPERIS
STATUS

Robert Holmes III pro se

4657 Swaying Ferns Dr

Las Vegas Nevada 89147

702-758-0228



17-42548

On November 21, 2017 Appellant Robert Holmes III sent a Petition for Rehearing for reinstatement. The CLERK sent the Motion Back to Appellant on November 28, 2017. The Appellant is in **IN FORMA PAUPERIS STATUS**. The clerk states that Ap[pellant needs to pay a filing fee but the Appellant fees have been waived. This Rehearing Petition is stating that Appellant never received the Respondents Arguments, and never had a chance to address the issues on the Dismissal motion because Appellant **NEVER** received the **Motion to Dismiss** from The Respondents. The Appellant was given **IN FORMA STATUS** BY THE EIGHTH JUDICIAL DISTRICT COURT AND THE **\$ 500 BOND FEE WAS WAIVED BY THE NEVADA SUPREME COURT**.

APPELLANT has also re resent the same Petition For Rehearing Motion to be Filed by The Clerk. See exs attached hereto 1, and 2 attached hereto ex 1 CLERKS LETTER TO APPELLANT also see ex 2 Motion that APPELLANT sent On NOVEMBER 21, 2017.

CONCLUSION

APPELLANT ASK THE COURT AND THE CLERK TO FILE THE PETITION FOR REHEARING
APPELLANT IS **IN FORMA PAUPERIS STATUS**.

X Robert Holmes III
BY Robert Holmes III
Executed at 4657
Swaying Ferns Dr
LV NV 89147

CERTIFICATE OF SERVICE BY MAILING

I ROBERT HOLMES III, hereby certify, pursuant to NRCP 5 (b), that on this 6th day of December 2017 I mailed a true and correct copy of the foregoing petition for Rehearing

By placing documents in a sealed pre-postage paid envelope and deposited said envelope in the United States Mail addressed to the following:

To MARQUIS AURBACH COFFING

MICAH S. ECHOLS, ESQ

ADELE V. KAROUM

10001 PARK RUN DRIVE

LAS VEGAS NEVADA 89145 ATTORNEY FOR PLAINTIFF, LVMPD

Robert Holmes III
x *Robert Holmes III*



SUPREME COURT OF NEVADA

OFFICE OF THE CLERK

ELIZABETH A. BROWN, CLERK

201 SOUTH CARSON STREET, SUITE 201

CARSON CITY, NEVADA 89701-4702

Telephone
(775) 684-1600

November 28, 2017

Robert Holmes, III
4657 Swaying Ferns Dr.
Las Vegas, NV 89147

Re: Holmes, III vs. LV Metro. Police Dep't, Supreme Court Case No. 71680/72379

Dear Mr. Holmes, III:

The petition for rehearing in this matter was received by the Supreme Court of Nevada without payment of the required \$150 filing fee. NRS 2.250(b); NRS 2.250(c); NRAP 40(b)(5). Accordingly it is being returned unfiled."

Sincerely,

R. Wunsch
Deputy Clerk

EX 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

RETURNED
UNFILED

NOV 28 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK

ROBERT HOLMES, III

APPELLANT

Case No.: 71680

Vs

LAS VEGAS METROPOLITAN

POLICE DEPARTMENT

Appeal from the Eighth Judicial District

Court, Honorable Judge Douglas E. Smith

Presiding

Petition For Rehearing, To Reinstate Appeals

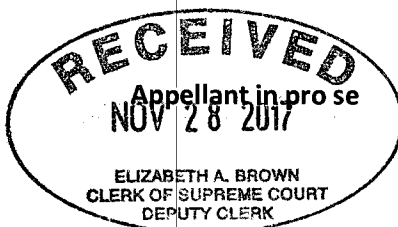
APPEALS NO. 71680 and 72379

Robert Holmes III pro se

4657 Swaying Ferns Drive

Las Vegas Nevada 89147

702-758-0228



EX 2

Appellant Robert Holmes III filed this petition for Rehearing to ask This Honorable Court to reinstate Appeals NO. 71680 and No. 72379. Appellant did not receive any Motion to Dismiss from The Respondents stating an Argument that Appellant Appeals are premature. The Eighth Judicial District Court Judge Douglas Smith granted Summary Judgment against Appellant Robert Holmes III in October around three months before Damion Monroe and Bryan Ferguson. Appellant Robert Holmes III case was separated by Judge Douglas Smith. Appellant Robert Holmes III forfeiture seizure was in regards to the Amount of \$ 70,000 seized from him. The Respondents FAILED TO send Appellant a COPY OF THE Motion To Dismiss. Appellant Case was heard in October 2016 in JUDGE DOUGLAS SMITH's court room. Appellant asks this HONORABLE COURT FOR an OPPORTUNITY to RESPOND TO THE RESPONDENTS MOTION TO DISMISS. Appellant also asks This Honorable COURT FOR 30 Days to RESPOND TO THE RESPONDENTS MOTION TO DISMISS after THE MOTION TO DISMISS IS RECEIVED by APPELLANT. Appellant ASKS this HONORABLE COURT FOR A FAIR OPPORTUNITY TO RESPOND TO the MOTION. SEE EX 1 attached hereto

CONCLUSION

Appellant was never sent a COPY of THE Motion to DISMISS. Appellant asks this court to Reinstate These two APPEALS. Appellant also asks this Honorable court to ORDER RESPONDENTS to send or SERVE Appellant a COPY OF THE MOTION TO DISMISS. Appellant asks for 30 days to respond to the MOTION TO DISMISS. APPELLANT ASKS THIS HONORABLE COURT FOR DUE PROCESS UNDER THE 5th and 14th Amendments UNITED STATES CONSTITUTION a fair Opportunity to read the MOTION and to be given a fair OPPORTUNITY TO RESPOND TO THE MOTION.

Robert Holmes III

X 

November 21, 2017

EX 2

AFFIDAVIT OF ROBERT HOLMES III

State of Nevada

SS:

County of Clark

I Robert Holmes III first duly

Sworn deposes and says;

1. I am the Appellant in this instant case.
2. That I Did not receive a Copy of the Motion to Dismiss from the Respondents.
3. That I live at 4657 Swaying Ferns Dr. LV NV 89147.
4. That the Summary Judgment in my case surrounding my \$ 70,000 was granted to the RESPONDENTS in MY Case FIRST BEFORE FERGUSON, and Monoes.
5. That the District Court Judge Separated my Case and heard my case before Monroe`s and Ferguson`s.
6. That if I had failed to Appeal the District court`s decision I would be time barred.

Dated November 21, 2017

Robert Holmes III

X 

EX 2

CERTIFICATE OF SERVICE BY MAILING

I Robert Holmes III, hereby certify, pursuant to NRCP 5 (b), that on this 21 Day of November 2017 I mailed a true and correct copy of the foregoing Petition For Rehearing

By placing documents in a sealed pre-postage paid envelope and deposited said envelope in the United States Mail addressed to the following:

To MARQUIS AURBACH COFFING

Micah S. Echols, ESQ

Adele V. Karoum

10001 Park run Drive


Las Vegas Nevada 89145

Attorney for Plaintiff, LVMPD

Date November 21, 2017

By Robert Holmes III

X



EX2