

* * * * *

SEP 18 2017

BRIAN KERRY O'KEEFE

SCN Case No. 73527

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

Appellant

(11 Dist Case No. PI 16-1070)

BY S. Young
DEPUTY CLERK

-VS-

(RECHARACTERIZED AS 08-C250630)

THE STATE OF NEVADA, et al.

Respondent

(OMNIBUS) MOTION FOR LEAVE OF COURT TO FILE
AND MOTION FOR ORDER TO VACATE AND
REVERSE TRIAL COURT'S DECISION WRONGLY
RECHARACTERIZING THEN, PRO SE LITIGANT'S
INITIAL HABEAS PETITION UNDER NRS 34.360
IN VIOLATION OF O'KEEFE'S PROTECTED LIBERTY
INTEREST UNDER THE U.S. CONSTITUTIONAL XIV
AMENDMENT AS ALSO DELINEATED IN CASTRO V.
UNITED STATES, 540 U.S. 375 (2003) THEREBY
OMITTING TRUE CASE NO. PI 16-1070, STATUTE
APPEALED UNDER (NRS 34.575) AND PLACING
PETITION WITHIN A DIFFERENT LEGAL CATEGORY - (NRS 34.724)
TANTAMOUNT TO SUSPENSION OF HABEAS CORPUS - (Nev. Const. Art. 1 § 5)

COMES NOW, Brian O'Keefe, appellant pro se, under NRAP Rule 27 (2)(1) to
move this court for permission, by "leave of court," to file this matter of
first impression, raising a question of law, - "whether the recharacterization
without notice violated procedural due process tantamount to suspension of writ".

This motion is made with the original petition, 11th Judicial District Court,
Pershing County, no. PI 16-1070 FILED 2016 DEC 14 PM 2:00, in which said
petition was served via summons to all judges of the Nevada Supreme Court,
with no "RETURN" (NRS 34.430) having ever been made, let alone "timely",
to which said petition under NRS 34.360 is made part of the record on appeal;
all other papers on file to include the following POINTS AND AUTHORITIES with
all the Nevada Constitution Articles, i.e. - 1 & 2 (PARAMOUNT ALLEGIANCE TO U.S.);
and SEP 18 (2017) (No person shall be deprived of life, liberty, or property without due process -

ACCORD HAINES T. KERNER, 404 U.S. 519, 520 (1972)
CLERK OF SUPREME COURT
DEPUTY CLERK

TABLE OF CONTENTS

<u>SECTION</u>	<u>CASE NO. 73527</u> <u>(11th Judicial No. PI 16-1070)</u>	<u>Page No.</u>
TABLE OF CONTENTS		i
TABLE OF AUTHORITIES		ii
I. STATEMENT OF CASE (POINT OF ERROR)		2 - 4
II. POINTS AND AUTHORITIES (LEGAL ARGUMENT)		4 - 9
III. CONCLUSION (PRAYER FOR RELIEF)		10

APPENDED DOCUMENTS

CERTIFICATE OF SERVICE

AFFIRMATION PURSUANT TO NRS 237B.030

EXHIBITS A, B, C, D

- EXH A - Plaintiff's NGA 11th Case No. PI 16-1070 FILED 7/13/2017
- EXH B - Plaintiff NGA LETTER AUG. 2, 2017 Clerk Supreme Court Nev.
- EXH C - Supreme Court Nev. No. 73527 7/21/2017 (WRONGLY C250630)
- EXH D - Supreme Court Nev. No. 73527 8/14/2017 (WRONGLY C250630)

NOTE: Court recharacterized plaintiff's independent action,
NRS 34.360 filed under case No. PI 16-1070 (11th Dist. Ct.)
to NRS 34.724 under direct case No. C250630 (8th Dist. Ct.)

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TABLE OF AUTHORITIES

<u>Case</u>	<u>Page No.</u>
Bargas v. Warden, Nev. State Prison, 87 Nev 30 (U.S. Cert. Denied) . . .	2
Case v. Nebraska 381 U.S. 336, 346-47 (1965) . . .	8
Castro v. UNITED STATES 540 U.S. 375 (2003) . . .	2, 4, 5
DAVIS v. SCHERER 468 U.S. 183 (1984) . . .	2, 7
FAY v. NOIA 372 U.S. 391 (1963) . . .	8
HAINES v. KERNER 404 U.S. 519, 520 (1972) . . .	COVER, 2, 5
RAMIREZ v. NEVADA 206 Nev. App Unpub LEXIS 553 (2016) . . .	7, 10
Sheriff, Clark County, Nev. v. HATCH 100 Nev 664 (1984) . . .	8
Sheriff v. Blackmore 99 Nev 827 (1883) . . .	8
State v. FORQUETTE 67 NEV 505 67 Nev 505 . . .	6
STOW v. MURASHIGE 389 F.3d 880, 887-88 (9th Cir. 2004) . . .	4
THE FAIR v. KOHLER DIE & SPEC. CO. 228 U.S. 22, 25 (1913) . . .	5
U.S. v. SEESING 234 F.3d 456, 463 (9th Cir. 2000) . . .	4
WRIGHT v. CRANEBAUGH 3 Nev. 341 (1867) . . .	6
NRS 34.360	PASSIM
Nev. Const. Article 1 § 2	COVER, 2
Art. 1 § 5	COVER, 2, 3
Art. 1 § 8	COVER, 4, 6, 7, 8
Art. 4 § 21	2
Art. 6 § 4	2
Art. 15 § 2	2, 7
U.S. Art. 3 6 § 2 ; 6 § 3	2, 7
U.S. V AMENDMENT	2, 7, 10
U.S. XIV AMENDMENT	COVER, 2, 4, 7, 8, 10

1 - of law.); Nev. Const. art. 1 § 5 (SUSPENSION OF HABEAS CORPUS); art. 4 § 21
2 (General laws to have uniform application.); art. 6 § 4 (Jurisdiction of Supreme
3 Court and court of appeals.); art. 15 § 2 (Oath of Office); U.S. Constitutional
4 Amendments V, XIV; U.S. Const. article VI, cl. 2 (Supremacy Clause);
5 U.S. Const. art. VI, cl. 3 (Oath or Affirmation Clause); U.S. XIV Amendmet (S)
6 "DUE PROCESS CLAUSE" - "EQUAL PROTECTION CLAUSE" and "LIBERTY CLAUSE(S)";
7 Supreme Court of the United States decisions delineated by Castro v. U.S.,
8 540 U.S. 375 (2003); HAINES v. KERNER, 404 U.S. 519, 520 (1972); see also
9 DAVIS v. SCHERER, 468 U.S. 183, 826 L.Ed.2d 139, 104 S.Ct. 3012, reh.den. 468 U.S. 1226,
10 82 L.Ed.2d 919, 105 S.Ct. 26 (1984). PROCEDURAL DUE PROCESS imposes constraints
11 on governmental decisions which deprive individuals of "LIBERTY" or
12 "Property" interests within the meaning of the DUE PROCESS CLAUSE of the
13 5th (V) and 14th (XIV) Amendments of the U.S. Constitution.); and
14 Bargas v. Warden, Nev. State Prison, 87 Nev. 30, 482 P.2d 317, 1971 Nev. LEXIS 340
15 (Nev.), Cert. denied, 403 U.S. 935, 91 S.Ct. 2267, 29 L.Ed. 2d 715, 1971 U.S. LEXIS 1591
16 (U.S. 1971) (the Supreme Court of Nev. is bound by decisions of the United States Sup. Ct....).

17
18 Dated September 14th, 2017 (Thursday) pursuant NRS 208.163 (and) 28 U.S.C. § 1746
19 under the penalty of perjury.

20 By: Brian K. O'Keefe #90244
21 Brian K. O'Keefe pro se
22 LOVELOCK CORRECTIONAL CENTER
23 1200 PRISON ROAD
LOVELOCK, NEVADA 89419

24 I. STATEMENT OF CASE (POINT OF ERROR)

25
26 Inmate filed and prosecuted a petition under NRS 34.360 for a
27 writ of habeas corpus under permission by 11th district court, NRS 34.390.

1 (NRS 34.390) - provides by provision (2): A writ of habeas corpus does not
2 entitle a petitioner to be discharged from the custody or restraint under
3 which he is held. The writ requires only the production of the petitioner
4 to determine the legality of his custody or restraint.

5 In fact, and by law,
6 the Judge of the 11th District Court (Judge Shirley) granted in
7 forma pauperis and ordered the petition to be served, NRS 34.410,
8 via "SUMMONS".

9 Besides the defendants in Clark County being
10 successfully served and all members of the Nevada Supreme Court,
11 the service process was completed without any official answer
12 pursuant NRS 34.430. Instead, in complete violation of Nevada
13 Constitution, article 1 § 5, the writ was recharacterized as a
14 statutory post habeas petition without "notice" and placed with
15 cumbersome limitations to avoid answering the properly accepted
16 petition, allowable by Nevada legislature, under NRS 34.360,
17 the State Constitutional Habeas Petition equivalent to the Federal
18 Great Writ, 28 USC. § 2241(c)(3), U.S. Const. Article I, sec. 9, Cl. 2.

19
20 Thereafter, the then "Plaintiff's" petition filed in Pershing County,
21 11th Judicial District Court, case no. PI 16-1070 on December 14, 2016
22 was without "NOTICE" transferred to the trial court, 8th
23 Judicial District Court, stripped of its independent original
24 case No. PI 16-1070, assigned its direct case no. C250630,
25 wrongly and without "NOTICE", thereby then treated as a
26 post writ under NRS 34.724, ultimately time barred, etc.,
27 which was in complete bad faith tantamount to nothing less
28

1 than a false return and Suspension of the State Writ, in
2 violation of Nev. Const. article 1 § 5, thereby violating O'Keefe's
3 protected "LIBERTY" interests generated by Statute (NRS 34.366)
4 and the Due Process Clauses of the U.S. XIV Amendment
5 and Nevada Constitution, article 1 § 8 (5).

6 Additionally, when O'Keefe
7 filed his notice of appeal he utilized his correct case no. -
8 PI16-1070, and utilized NRS 34.575 (SEE EXHIBITS A, B, C, D.)

9 EXHIBIT A - Plaintiff's NOA, case No. PI16-1070, under NRS 34.575, FILED 07/13/2017.

10 EXHIBIT B Plaintiff's NOA, case No. PI16-1070, LETTER 08/02/2017 L. HAMILTON SEN CLERK.

11 EXHIBIT C SUPREME COURT NEVADA - DATE 07/21/2017 CASE 73527 (8th No. C250630)

12 EXHIBIT D SUPREME COURT NEVADA - 2ND NOTICE OF APPEAL CASE 73527 (8th No. C250630)

13 All exhibits are hereby incorporated here by reference with all authorities.

14 **NOTE POINT OF ERROR: LOWER COURT RECHARACTERIZED CASE NO. PI16-1070 to C250630.**

15 **II. POINTS AND AUTHORITIES (LEGAL ARGUMENT)**

16
17 Clearly, as delineated in Castro v. United States, 540 U.S. 375,
18 157 L.Ed 2d 778, 124 S.Ct. 786 (2003),

19 - *id.* at ¶ 382 [15] -

20 "... a district court may not recharacterize a pro se litigant's motion
21 ... unless the court first warns the pro se litigant about the con-
22 sequences of the recharacterization, thereby giving the litigant an
23 opportunity to contest the recharacterization, or to withdraw or
24 amend the motion. see United States v. Seesing, 234 F.3d 456, 463 (9th Cir. -

25 2000) • SEE 44 GEO. L.J. ANN. REV. CRIM. PROC. 1064 (2015) citing STOW.

26 • SEE ALSO e.g. STOW v. Murashige, 389 F.3d 880, 887-88 (9th Cir. 2004) (habeas

27 petition treated under § 2241, not § 2254, because not in custody under valid

28 Joe).

1 Here, unlike Castro, O'Keefe not only appealed, but now challenges the
2 Eighth Judicial District Court's recharacterization ultimately stripping
3 and depriving also O'Keefe's independent case no. 2 assigned, PI 16-1070,
4 which now places also O'Keefe's NRS 34-260 petition into a different
5 legal category, i.e. - NRS 34-724.

6 • (540 U.S. 375) Castro explains, i.d. at ¶ 384,
7 "... Indeed, an unwarned pro se litigant's failure to appeal a
8 recharacterization simply underscores the practical importance of
9 providing the warning."

10 Moreover, i.d. at ¶ 386,

11 "The practice of
12 judicial recharacterization of pro se litigant's motions is a mutation of the
13 principle that the allegations of a pro se litigant's complaint are to be
14 held "to less stringent standards than formal pleadings drafted by lawyers."
15 Haines v. Kerner, 404 U.S. 519, 520, 30 LEd 2d 652, 92 S.Ct 594 (1972) (per curiam).

16 "Liberal Construction" of pro se pleadings is merely an embellishment
17 of the notice - pleading standard set forth in the Federal Rules of Civil
18 Procedure, and thus is consistent with the general principle of American
19 jurisprudence that "the party who brings a suit is master to decide
20 what law he will rely upon."

21 • see The Fair v. Kohler Die & Specialty Co., 228 U.S. 22, 25 (1913)

22 Our adversary system is designed around the premise that the parties
23 know what is best for them, and are responsible for advancing the
24 facts and arguments entitling them to relief.

25 Recharacterization is unlike
26 "LIBERAL CONSTRUCTION," in that it requires a court deliberately to
27 override the pro se litigant's choice of procedural vehicle for his claim.

1 It is thus a paternalistic judicial exception to the principle of party
2 self-determination, born of the belief that the "parties know better"
3 assumption does not hold true for pro se prisoner litigants.
4

5 Nevada also recognizes under Constitution article 1 § 8 (5) (Due process
6 of law not only requires that a party shall be properly brought into court,
7 but also that he shall have the opportunity when in court to establish
8 any fact which, according to the usages of the common law or the
9 provisions of the Constitution (5), would be a protection to himself or
10 even his property.) *Wright v. Cradlebaugh*, 3 Nev. 341, 1867 Nev. LEXIS 38
11 (Nev. 1867); *State v. Fouquette*, 67 Nev. 505, 221 P.2d 404, 1950 Nev. LEXIS 71
12 (Nev. 1950); Cert. denied, 341 U.S. 932, 78 Ct. 799, 95 L. Ed. 1361, 1951 U.S. LEXIS 1875
13 (U.S. 1951).

14 Equal protection applies pursuant Nevada Constitution, article
15 4 § 21 (General laws are to have uniform application) to which O'Keefe
16 was deprived by D.D.A. Lucinda Gurnou (CLARK COUNTY D.A.'s office)
17 who sent O'Keefe an "ex-parte" letter stating:

- 18 • (a) she recognized the action was civil;
- 19 • (b) O'Keefe was plaintiff, defendant's were state actors;
- 20 • (c) she would be filing an official response with (45) days;
- 21 • (d) she recognized independent case no. PI 16-1090 under NRS 34-360;
- 22 • (e) she failed to file "NOTICE OF APPEARANCE" with court;
- 23 • (f) she violated her Oath thereby not a proper party;
- 24 • (g) she suspended the writ of habeas corpus, inter alia;
- 25 • (h) case was recharacterized, transferred before warning with notice;
- 26 • (i) parties that were served by summons were the same
- 27 parties that converted writ to a post writ order NRS 34-704.
- 28

1 As delineated in Davis v. Scherer, *supra* (Procedural Due Process imposes
2 constraints on governmental decisions which deprive individuals of Liberty
3 within the meaning of the Due Process Clause of the 5th, 14th
4 U.S. Amendments.)

5 O'Keefe's protected liberty interests was generated
6 not only by state statute, NES 34-360, but by the Nevada and U.S.
7 Constitutions. Here when O'Keefe expected an answer, the
8 case was transferred and subsequently denied as time barred
9 pursuant NES 34-726, without "NOTICE" first.

10 Just 78 in the decision released two
11 weeks subsequent O'Keefe's filed petition in the 11th Judicial
12 District Court, No. PI 16-1070, filed 12-14-2016,

13 the new Nevada Court of
14 Appeals released RAMIREZ v. Nevada, 2016 Nev. App. Unpub. LEXIS 553 (2016)
15 for basically the same thing, where it was wrongly converted (petition)
16 for allegedly challenging the judgment when the petitioner, like
17 O'Keefe, was challenging the deprivation of a liberty interest,
18 a hearing, before the action - detrimental - was taken.

19 The Oath
20 of Office (Nev. Const., article 15 § 2); see also Oath or Affirmation Clause,
21 (Article VI, cl. 3 of U.S. Constitution) demand that all members of the
22 legislature, and all officers, executive, judicial and ministerial, SHALL, before
23 they enter upon the duties of their respective offices, take and subscribe
24 to the following oath:

25 I, _____, do solemnly swear that I will support,
26 protect and defend the constitution and government of the United States,
27 and the constitution and government of the state of Nevada ... under the
28 pains and penalties of perjury. see also U.S. Const., article VI, cl. 2.

Legal Argument,

to such as where lies the boundaries to justiciability and the equal protection of due process afforded by the DUE PROCESS CLAUSES of not only the U.S. Const. XIV amendment; by Nevada's Constitution under article 1 § 8 (5); and by the Oath or Affirmation clauses of the U.S. Const. with Nevada's Oath of office.

Pinpointing that pursuant Sheriff, Clark County, Nev. v. William L. Hatch, 100 Nev. 664, 691 P.2d 449 (Dec. 6, 1984) quoting Sheriff v. Blackmore, 99 Nev. 827, 673 P.2d 137 (1983)

"where an accused is detained unlawfully by reason of violation of jurisdictional procedural requirements... a district court may review the legality of the detention on habeas corpus."

Habeas Corpus ad subjiciendum is,

"An indirect or collateral attack, on the other hand, is an attempt to avoid or defeat a judicial decision or judgment in an INDEPENDENT PROCEEDING - a proceeding which had a purpose other than that of impeaching or overturning the decision or judgment. Habeas Corpus is a form of collateral attack - an independent proceeding instituted for the purpose of testing the legality of detention.

It is a separate action to determine whether a defendant is being unlawfully deprived of his or her LIBERTY and is not an appropriate proceeding for appeal.

SEE Case v. Nebraska, 381 U.S. 326, 346-47 (1965) citing Fay v. Noia, 372 U.S. 391 (1963).

Here, the Clark County District Attorney's Civil Division via D.D.A. Lucinda Curren, clearly made a obvious, wrongful arbitrary and capricious opinion.

1 The "purpose" of this decision is absolutely undisputed to the
2 purpose being to recharacterize, thereby converting a state
3 Constitutional writ under NRS 34.360 having no limitations to
4 one falling under a different legal category, i.e., NRS 34.726,
5 thereby to place as a direct action under the original case no.
6 and to follow the prescribed limitations under NRS 34.726,
7 i.e., time bars and procedural bars such as successive petition.

8 Emphasis is that D.D.A. (CIVIL) LUCINDA CUMMIS did all
9 this damage thereby prejudicing O'Keefe without even having
10 filed a proper NOTICE OF APPEARANCE on the court record,
11 therefore not a proper party to litigate the case in any manner.

12 Despite the ABA Rules for Professional Responsibility and the
13 Nevada Rules of Professional Conduct (RULE 3.3 - Conduct Toward
14 the Tribunal) (A lawyer shall not knowingly "make a false statement
15 of fact or law to a tribunal").

16 Here, D.D.A. Cummis had ex-parte¹
17 with Judge Shirley via her phone text; ex-parte¹ with O'Keefe
18 for she never filed a proper, timely NOTICE OF APPEARANCE;
19 and told an "untruth" that O'Keefe erroneously filed a petition
20 challenging his JUDGMENT OF CONVICTION, which has never been
21 substantiated in any manner or reviewed by the courts.

22 All one
23 need do is read the actual petition filed by plaintiff Brian
24 Leroy O'Keefe in the 11th Judicial District Court on December 14, 2016
25 identified as case no. PI 16-1070 which was served to all parties
26 via the summons. TRUTH BE TOLD, you all did read my
27 petition and the only answer is more poppycock, suspending the writ.
28 fn1: Communication.

1 III.

CONCLUSION (PRAYER FOR RELIEF)

2
3 Recognize, the answer was not to recharacterize O'Keefe's
4 petition, especially without "NOTICE" and Opportunity to
5 rebut, amend.

6 Recognize O'Keefe's petition was past the point of no
7 return with service of summons having been completed.

8 Recognize O'Keefe's petition, 11th Judicial District
9 Court case no. PI16-1070, filed Dec. 14, 2016, (2) two weeks
10 prior Ramirez v. Nevada, supra holds a similar situation where
11 O'Keefe was denied his ABNEY, type "hearing", briefing and appeal
12 before the deprivation of my guaranteed protected liberty interest
13 occurred.

14 Recognize O'Keefe's petition, PI16-1070, does not
15 challenge his judgment of conviction.

16 Recognize the state, under
17 DDA. Cumul., violated a myriad of procedural rules and failed
18 to become a proper party to the case which is required by law.

19
20 Recognize the Nevada - "Supreme Court; Court of Appeals" has a
21 duty and must exercise jurisdiction and learn to corral their
22 district courts who disavow the state and Federal GREAT WRIT
23 by the guise of a puppeteer thereby sadly making not only
24 this Court, O'Keefe, Habeas Corpus ad Subjiciendum and the
25 Constitutions of the United States, Nevada with the DUE PROCESS
26 CLAUSES of the 5th, 14th Amendments their personal - PUPPETS!
27 Take action, starting with reading this Motion, not some clerk,
28 and grant this Motion warranted by Nevada and U.S. Constitutions.

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing
(check appropriate box)

☐ Opening Brief

☐ Reply Brief

☒ Motion: COMINIBUS) MOTION UNDER NRAP RULE 46 A

☐ Petition: _____

☐ Other: _____

to the below address(es) on this 14th day of September, 2017, by
placing same in the hands of prison staff for posting in the U.S. Mail, per
Nev.R.App.P. 25: the ORIGINAL AND APPELLANTS COPY (FILE/STAMP/RETURN)

SUPREME COURT OF NEVADA
OFFICE OF THE CLERK
201 S. Carson St.
Suite 201
Carson City, Nevada 89701

Attorney For _____

☐ and intra,

LUCINDA COINOU (Senior Attorney - Civil)
500 S. GRAND CENTRAL PLINY

Las Vegas, Nevada 89106

Attorney appointed for Defendants case No. PI 16-1070.

WAITING FOR RETURNED FILED COPY
Don K O'Leary
Don K O'Leary # 90244

Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Appellant In Pro Se

Pursuant NRS 208.165
28 USC § 1746,

• AFFIRMATION PURSUANT TO NRS 239B.030

This action contains no social security number of any person.

DATED Sept. 14, 2017

Don K O'Leary #90244

EXHIBIT

A

(3) pages, PLAINTIFF'S NOA UNDER NRS 34.575

NOTE: CASE NO. PI16-1070

FILED 07/13/2017

EXHIBIT

A

Steven D. Grierson

1 NOAS
2 Brian Kerry O'Keefe # 90244
3 Lovelock Correctional Center
4 1200 Prison Road
5 Lovelock, Nevada 89419

6 Plaintiff In Pro Se

7 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF CLARK

9 * * * * *

10 BRIAN KERRY O'KEEFE,)
11 Plaintiff in error,)
12 -vs-)
13 RENÉE BAKER, et al.,)
14 Defendant(s) in error.)

Case No. 08C250630
16-1070
Dept. No. XVII

(see page 2)

15 PLAINTIFF'S NOTICE OF APPEAL PURSUANT
16 - NRS 34.595 -
17 OF CONVERSION OF STATE CONSTITUTIONAL WRIT
18 UNDER NRS 24.360 TO A POST WRIT, NRS 34.724,
19 WRONGFULLY APPLYING LIMITATIONS

20 Notice is given that Plaintiff, Brian O'Keefe pro se, hereby appeals to the new
21 (Nevada Supreme Court's new) COURT OF APPEALS OF NEVADA headed by Judge
22 Gibbons, with Tao, J., Silver, J., (NRAP RULE 17(b)) the trial court's pronouncement
23 of "denial" on July 6, 2012, placing a procedural bar to a statute (NRS 24.360)
24 and a POINT-OF-ERROR, that can never be waived, barred or even forfeited.

25 see Ramirez vs. NEVADA, 2016 Nev. App. Unpub. LEXIS 553 (Dec. 28, 2016 FILED)

26 On Appeal, questions of law including now, conversion of writ without due process.
27 WHETHER the state can change venue and convert master's suit filed as a
28 state Constitutional writ pursuant NRS 24.360 - to a state post petition, NRS 34.724.
WHETHER the state can bar a claim of want of jurisdiction, which is required de novo
review, and a matter to be inquired upon by habeas corpus.

DATED July 10, 2017 pursuant NRS 208.165, 28 USC § 1784.

Brian K. O'Keefe
Brian K. O'Keefe 10244

RECEIVED
JUL 13 2017
CLERK OF THE COURT

11th Judicial District No.

PI 16-1070

ISSUE ON APPEAL

1
2
3 • WHETHER the state can procedurally bar (untimeliness) a claim of
4 "writ of jurisdiction" based on a procedural due process clause
5 violation of the U.S. Constitutional Amendment XIV. see Lindroth v. -
6 Malik, 127 Nev. 175 (2011); Swan v. Swan, 106 Nev. 464, 469 (1990).
7 • WHETHER the state can convert a State Constitutional writ of habeas
8 corpus, pursuant NRS-34-360, to a post writ pursuant NRS 34-724
9 with due process by omitting plaintiff's right to a hearing to
10 dispute. see Ramirez vs. STATE OF NEVADA 2016 Nev. App. LEXIS 553 (Dec. 28, -
11 2016 FILED)

12 13 STATEMENT OF CASE

14
15 Plaintiff O'Keefe filed a

16 successful state constitutional habeas corpus pursuant NRS 34-360 &
17 which the Eleventh Judicial District Court ordered the writ to be
18 served, December 14, 2016.

19 All defendant's served, including members of the
20 Nevada Supreme Court. (O'Keefe v. Renee Baker, et al., No. PI 16-1070
21 filed Dec 14, 2016) This was filed and service started before
22 the "Ramirez," supra case was even released.

23 The district
24 Attorney's office, Clark County, convinced the trial court to treat it
25 not as an independent action wrongly converting without due process.
26 See Sheriff Clark County v. Hatch, 100 Nev. 664, 691 P.2d 449, 450; See also
27 Fay v. Noia, 372 U.S. 391, 417, 420 (1963). The writ of habeas corpus ad-
28 subjiciendum was designed to test jurisdiction, legality of proceedings.

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Plaintiff's NOTICE OF APPEAL PURSUANT NRS 34.575...LIMITATIONS to the below address(es) on this 10th day of JULY, 2017, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b): By Broker Slip No. 2012869

~~Clerk of the Court~~, Steven Grierson
200 Lewis Avenue, 3RD Floor
Las Vegas, Nevada 89155

(See page 2)

Brian K. O'Keefe
Brian K. O'Keefe # 90244
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Plaintiff In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding Plaintiff's NOTICE OF APPEAL PURSUANT NRS 34.575...LIMITATIONS filed in District Court Case No. (11th Jud) PE16-1070 does not contain the social security number of any person.

Dated this 10th day of JULY, 2017.

Brian K. O'Keefe
Brian K. O'Keefe
Plaintiff in error In Pro Se

EXHIBIT

B

PLAINTIFF'S NOA

NOTE: CASE NO. PI 16-1070

LETTER - 08/02/2017 - L. HAMILTON, CLERK

SUPREME COURT OF NEVADA

COURT OF APPEALS

EXHIBIT

B



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

August 2, 2017

Heather Ungermann/Appeals Dept.
Clark County District Court
200 Lewis Ave., 3rd Fl.
Las Vegas, NV 89155

Re: Brian O'Keefe – Eleventh Dist. Ct. no. PI 16-1070

Attn: Appeals Dept.,

On July 20, 2017 this court received the attached document entitled "Notice of Appeal" from Brian K. O'Keefe. This court has determined that this document should have been submitted to your court for filing, therefore I am forwarding it to you. If you have any questions, please call our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. Hamilton".

L. Hamilton
Deputy Clerk

cc: Brian K. O'Keefe

EXHIBIT

C

DATED JULY 21, 2017

SUPREME COURT OF NEVADA

CASE NO. 73527

NOTE: CASE NO. PI16-1070 to CZ50630

WRONGLY RECHARACTERIZED

NRS 34.360 WRIT FILED IN 11TH

DISTRICT COURT UNDER PI16-1070

NOT 8TH, CZ50630

EXHIBIT

C

**IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

BRIAN KERRY O'KEEFE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 73527
District Court Case No. C250630

RECEIPT FOR DOCUMENTS

TO: Brian Kerry O'Keefe
Clark County District Attorney \ Steven S. Owens, Chief Deputy District Attorney
Steven D. Grierson, Eighth District Court Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

07/21/2017 Appeal Filing Fee waived. Criminal.
07/21/2017 Filed Notice of Appeal/Proper Person. Appeal docketed in the
Supreme Court this day.

DATE: July 21, 2017

Elizabeth A. Brown, Clerk of Court
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EXHIBIT

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DATED AUG. 14, 2017

SUPREME COURT OF NEVADA

CASE NO. 73527

NOTE: CASE NO. PI16-1070 to CZ50630

WRONGLY RECHARACTERIZED

NRS 34.360 WRIT FILED IN 11TH

DISTRICT COURT UNDER PI 16-1070

NOT 8TH, CZ50630

EXHIBIT

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TO: Brian Kerry O'Keefe
Clark County District Attorney \ Steven S. Owens, Chief Deputy District Attorney
Steven D. Grierson, Eighth District Court Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

08/14/2017 Filed Second Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day.

DATE: August 14, 2017

Elizabeth A. Brown, Clerk of Court
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