

- (1) MICHAEL T. BOTELHO
80937
(2) NNCC, P.O. Box 7000
CARSON CITY, NV. 89702
(3) IN PROPER PERSON

FILED

AUG 11 2017

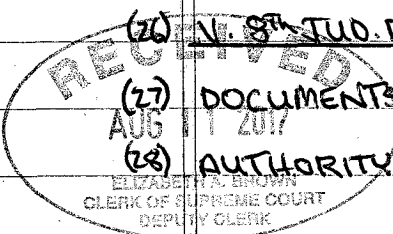
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

- (4)
(5)
(6)
(7)
(8)

IN THE SUPREME COURT OF THE STATE OF NEVADA

- (9) MICHAEL T. BOTELHO
APPELLANT
(10) VS.
(11) RENO JUSTICE COURT,
STATE OF NEVADA,
(12) RESPONDENTS,
NV. SUPREME COURT CASE NO. 73593
JUSTICE COURT CASE NO. RCR 03-011479
DISTRICT COURT CASE NO. CR03-2156
MOTION TO CHANGE CAPTION AND
PARTIES WRONGLY NAMED THEREIN

- (13) COMES NOW, MICHAEL T. BOTELHO, APPELLANT, IN PROPER PERSON, BRINGING
(14) FORTH NECESSARY MOTION TO CHANGE CAPTION AND PARTIES WRONGLY
(15) NAMED IN DISTRICT COURT ORDER [A]ND IN RECEIPT FOR DOCUMENTS
(16) AS FILED IN THIS COURT, CASE NO. 73593.
(17) BOTELHO FIRST INITIATED ACTION IN RENO JUSTICE COURT AS [CAPTIONED
(18) HEREIN]. IT WAS FORWARDED AFTER INCORRECT ACTION, TO SECOND JUDICIAL
(19) DISTRICT COURT, WHERE THE CLERK CHANGED ACTION TO MICHAEL T. BOTELHO
(20) V. BENEDETTI, WARDEN, STATE OF NEVADA AND CHANGED JUSTICE COURT CASE
(21) NO. TO DISTRICT COURT CASE NO.
(22) BOTELHO RESPECTFULLY REQUESTS THIS COURT TO PLEASE ACKNOWLEDGE
(23) THESE LEGAL FACTS AND CHANGE CAPTION & PARTIES THEREIN, AS BOTELHO'S
(24) ACTION DICTATES. EVEN THE DISTRICT COURT ADVERSE ORDER SAID JUSTICE
(25) COURT SHOULD HAVE DEALT WITH THIS ACTION. AND PURSUANT TO BOWMAN
(26) V. 8TH JUD. DIST. COURT, 728 P2d 443 "ALL CLERKS TO "FILE" EVERY AND ALL
(27) DOCUMENTS PRESENTED TO THEM FOR FILING, "FURTHER," COURT CLERKS HAVE NO
(28) AUTHORITY TO PICK AND CHOOSE WHAT THEY WILL OR WILL NOT FILE, IN



ADDITION, NO STATE EMPLOYEE UNDER COMMON LAW, HAS EITHER THE AUTHORITY OR JURISDICTION TO REFUSE THE FILING OF "ANY" DOCUMENTS [NO] MATTER WHAT FORM IT MAY BE, OR [UNDER WHAT JURISDICTION]."

AFFIRMATION AND CERTIFICATE OF SERVICE

I, MICHAEL T. BOTELHO, SWEAR UNDER PENALTY OF PERJURY THAT ALL STATEMENTS ARE TRUE AND CORRECT. PURSUANT TO NAS 209.165, 19 USC 1621. THIS DOCUMENT DOES NOT CONTAIN THE S.S.N. OF ANY PERSON

I FURTHER CERTIFY THAT I MAILED A COMPLETE COPY OF MOTION TO CHANGE CAPTION AND SUPPORTING AFFIDAVIT, TO THIS COURT, AND AS ADDRESSED BELOW, BY PLACING SAME IN U.S. MAIL V.^{MA} PRISON LAW LIBRARY MAILBOX, FRCP 5(b), MAILBOX RULE, VIA NDOC BRASS SLIP, TO THE FOLLOWING:

DATED 8-9-2017

MICHAEL T. BOTELHO #80837
NNCC, P.O. BOX 7000
CARSON CITY, NV. 89702

COPY TO

IN PROPER PERSON

NV. ATTY GENERAL
100 N. CARSON ST.
CARSON CITY, NV. 89702
89701-4717

"

"

Pgs TOTAL 3, TWO IN MOTION, ONE FOR AFFIDAVIT.

STATE OF NEVADA }
COUNTY OF CARSON } ss. AFFIDAVIT OF: MICHAEL T. BOTELHO, IN PROPER PERSON
IN JUSTICE COURT CASE NO. RCR03-011479

TO ALL WHOM IT MAY CONCERN:

I, MICHAEL T. BOTELHO, THE UNDERSIGNED, DO HEREBY SWEAR UNDER THE PENALTY OF PERJURY, THAT ALL ASSERTIONS OF THIS AFFIDAVIT MADE IN SUPPORT OF MOTION TO CHANGE CAPTION FILED IN NV. SUPREME COURT ARE ABSOLUTELY TRUE AND CORRECT, AND ARE IN COMPLIANCE WITH NRS 208.165 AND 18 USC 1621.

I ASSERT THAT I FILED INITIAL ACTION IN [J]USTICE COURT AS MICHAEL T. BOTELHO V. RENO JUSTICE COURT, CASE NO. RCR 03-011479, ON 10-12-2016. IT WAS DISTRICT COURT CLERK WHO CHANGED THE PARTY FROM RENO JUSTICE COURT TO BENEDETTI, WARDEN, STATE OF NV, CASE NO CRO3-2156. THIS WAS DONE PRIOR TO THIS NOW APPEALED ORDER ISSUED BY 2ND JUD. DIST. CT AND THIS COURTS RECEIPT OF DOCUMENTS. THE CASE IS MTB V. RENO JUSTICE COURT, AND THE DISTRICT COURT FILED ARBITRARY ORDER EVEN AFTER IT SAID RENO JUSTICE COURT SHOULD HAVE RULED ON THIS CASE. I AM APPEALING THIS ORDER [AND] THE UNLAWFUL CHANGING OF MY ACTION BY THE CLERKS.

THIS ACTION WAS FILED AS MICHAEL T. BOTELHO (PETITIONER) V. RENO JUSTICE COURT (DEFENDANT) CASE NO. RCR 03-011479, ON 10-12-2016, "IN JUSTICE COURT" AND THE CAPTION AND PARTIES THEREIN MUST REMAIN AS I FILED THEM, OR ITS FRAUD UPON THE COURT, THE RECORD, AND IS ALTERED AS A FICTICIOUS ACTION THAT WAS NEVER FILED ANYWHERE, IN ANY COURT [.] THESE ARE INDISPUTABLE FACTS IN JUSTICE COURT RECORD & DISTRICT COURT, AS WELL.

DATED 8-9-2017

(THIS IS PG. 3
OF FILED MOTION)


MICHAEL T. BOTELHO # 80937
NNCC, P.O. BOX 7000
CARSON CITY, NV. 89702

IN PROPER PERSON