

COURT OF APPEALS
IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

BRIAN KERRY O'KEEFE

Case No. 73527

Appellant

FILED

-VS-

JAN 17 2018

THE STATE OF NEVADA, et al.

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

Respondent(s) • SEE EXHIBIT A ATTACHED

MOTION TO TAKE JUDICIAL NOTICE PURSUANT
NRS 41.140 (1) OF FEDERAL SUIT CERTIFYING
O'KEEFE'S APPEAL VIA FEDERAL STATUTE
42 U.S.C. § 1983 IS NOT FRIVOLOUS BASED
ON PROCEDURAL DUE PROCESS VIOLATIONS OF U.S.
CONSTITUTIONAL XIV AMENDMENT AND SUSPENSION
OF THE GREAT WRIT, NEV. CONST. ARTICLE 1 § 5,
NEV. CONST. ARTICLE 1 § 2, CASTRO v. U.S., 540 U.S. 375 (2003)

COMES NOW, Brian O'Keefe, pro per, as a gentleman to manifest with the
fullest transparency and due diligence the attached EXHIBIT A (U.S. Dist. Ct.
Dist. of Nev., Reno - ORDER dated 01/05/18 - (ECF No. 39) Case No. 3:17-cv-281)
with the Court - who CERTIFIES action is thereby NOT FRIVOLOUS.

This federal action was initiated by the lower tribunals of Nevada, clearly
violating due process of law, constantly creating wrongful procedural and
recharacterization violations coupled with omitting "NOTICE" and hearings
on claims of federal rights established by U.S. Congress, SCOTUS, and
even the Nevada Constitution Articles 1 & 2; Art. 1 § 8 (5); Art. 4 § 21;
Art. 1 § 5 (Suspension Clause which has U.S. Const. Art. I sec. 9, cl. 2 embodied)
and O'Keefe's rights delineated by Castro v. U.S., supra, and Federal Statutes
28 U.S.C. §§ 1291, 1331, 2241, (2252 - NOTICE) and 2253 with BARTON v. Estelle, 463 U.S. 870, 812 P.2d
11, 1981 pursuant NRS 208.165/28 USC § 1746
BY: Brian L. O'Keefe - 76244
Brian L. O'Keefe - L.C.C.
1208 PRISON Rd.
Lovelock, Nevada 89449

LCCLL FORM 28.014

RECEIVED
JAN 16 2018
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

18-908071

EXHIBIT

A

CASE 3:17-cv-00281-MMD-WGC Doc. 39 Filed 01/05/18

ORDER

THIS COURT CERTIFIES... APPEAL... NOT FRIVOLOUS...

EXHIBIT

A

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STANLEY RIMER, BRIAN O'KEEFE,
JOHN ROSKY, RICHARD LANCASTER,

Plaintiffs,

v.

LUCINDA COUMOU, *et al.*,

Defendants.

Case No. 3:17-cv-00281-MMD-WGC

ORDER

This matter is referred to the Court for the limited purpose of determining whether *in forma pauperis* status should continue on appeal. (ECF No. 38.) This Court certifies that Plaintiffs' appeal from its order of dismissal is not frivolous and their *in forma pauperis* should continue on appeal.

DATED THIS 5th day of January 2018.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing MOTION TO TAKE JUDICIAL NOTICE ... CASTRO v. U.S. 540 U.S. 375 to the below address(es) on this 11th day of January, 2018, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b): By Best Slip No. 2003171

(ORIGINAL
COPY)

COURT OF APPEALS OF THE STATE OF NEVADA
OFFICE OF THE CLERK
201 S. Carson Street
Carson City, Nevada 89701

Clark County Dist. Attorney's Office
200 Lewis Ave.
P.O. Box 552212
Las Vegas, Nevada 89155-2212

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

Petitioner In Pro Per

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding MOTION TO TAKE JUDICIAL NOTICE ... CASTRO v. U.S. 540 U.S. 375 filed in District Court Case No. PI 16-1070 does not contain the social security number of any person.

Dated this 11th day of January (Thursday), 2018.

Brian K. O'Keefe - 90244
Brian K. O'Keefe

Petitioner In Pro Per