

BOBBY L. FRANKLIN (*pro se*)
d/b/a/ DL&S Development Co.
2451 N. Rainbow Blvd. Suite 2037
Las Vegas, NV. 89108
dlepatent@hotmail.com
830-822-4791

FILED

JAN 08 2019

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

(original)

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOBBY LEN FRANKLIN,
Real Party in Interest,

Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT COURT;
JUDGE TIMOTHY C. WILLIAMS;
ATTORNEY WILLIAM R. URGAS; D.J.
LAUGHLIN, d/b/a/ BWD PROPERTIES 2, 3 &
4 LLC; SHELLEY YOUNG, STATE BAR OF
NEVADA,

Respondents.

Case No.: _____

District Court

Case No.: A-18-779502-C

NOTICE OF PETITION AND
PETITION FOR WRIT OF MANDAMUS

Pursuant to NRS 34.150-310, the petitioner "Franklin" declares that the Clark County District Court officer(s) *unlawfully deleted* the filed and served civil case A-18-779502-C from all record, in clear violation to the due process of law in the 14th Amendment to the United States Constitution. Such lower court officer(s) should be ordered to re-enter such civil case back on its docket portal record and allow the parties to exchange discovery disclosure in such *Attorney Misconduct* case that was duly paid for, filed, and then unlawfully deleted from all record.

The *Verification*; the *Affidavit* to the undisputed facts; the Index and its *Appendix*; and, the *Proof of Service* are attached herewith in this petition.

- RECEIVED
JAN 07 2019
CLERK OF SUPREME COURT
- In accordance with NRAP 21(a)(3):
(A) This petition falls under NRAP 17(a).
(B) The relief sought in the deleted case A-18-779502-C is in excess of \$15,000 separately, and for declaratory order to the state decisis rights on the 80 acres valued in excess of \$32 million.
(C) The issue presented is Franklin has been extorted from his property for many years.
(D) The facts necessary to understand the issue presented by this petition are clearly set herein.

(E) The reasons why the writ should issue, including the points and legal authorities are below.

MEMORANDUM OF POINTS AND LEGAL AUTHORITIES

All of the URL evidence (below) is in the filed Complaint that was deleted from record.

I. A COPY OF THE SUBJECT COMPLAINT DELETED FROM ALL RECORD:

URL <https://drive.google.com/open?id=1phUiSKISoExDxoVi9X7ak6jvrvKSZV2g>

On **08/16/2018**, Franklin properly filed, summoned and served Complaint A-18-779502-C , alleging that attorney William R. Urga had falsely fabricated “**five counts of fraud on the District Court minutes**” to get Franklin’s NRS 40.010 Quiet Title Action (“QTA”) title rights dismissed with prejudice, which District Court Judge Timothy C. Williams had mistakenly entertained and granted in his Department 16 Chambers..

The State Bar of Nevada legal counselors had previously refused to question or depose Mr. Urga of such *quoted attorney misconduct*, and it remains unresolved by any court, judge or jury.

II. THE UNDISPUTED AND PROVEN FACTS

Franklin alleged in the deleted complaint and still alleges by the Uniform Resource Locator “URL” official proof, that attorney William R. Urga had falsely fabricated *five counts of fraud on the District Court minutes* to get Franklin’s QTA dismissed with prejudice, which the District Court Judge Timothy Williams mistakenly entertained and granted in his Department 16.

Such *District Court minutes* were not deleted from the record:
<https://drive.google.com/open?id=0B0jiIQV1AnnCUIVvWVJlb282eU0>

In such *District Court minutes*, lead attorney Urga *falsely* declared that:

Count **1**. “This had been laid out in several *federal courts*”, while knowing Franklin’s existing First Title rights have never been examined or enjoined by *any* judicial court to be ‘laid out’. Such *federal courts* ruled a *lack of subject matter jurisdiction* to examine or enforce Franklin’s First Title rights on the described 80 acres, and are therefore “void orders” to Franklin’s existing First Title rights, under NRCP 60(b)(3) and (4):

“**Void order** which is one entered by court which lacks jurisdiction over parties or subject matter, or lacks inherent power to enter

judgment, or **order** procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that party is properly before court, People ex."

Count **2**. "The land was *mineral in character*", while clearly knowing the IBLA had *finally reversed* that BLM *mineral in character* contest on August 27th, 1990: https://drive.google.com/file/d/1xqmdHgn9IuepEKwDzd28DyYkMIvbb_2Y/view

Count **3**. That the federal courts ordered that Franklin "was deemed a vexatious litigant" while knowing that was false.

Count **4**. That Franklin did not "purchase the property from the BLM", while clearly knowing Franklin did purchase the described 80 acres from the BLM in 1988, under the 1877 Desert Land Act of Congress, with the purchased receipts to his existing First Title covenant, that was re-recorded in the Clark County Recorder's Office on September 20th, 1993: <https://drive.google.com/file/d/0B0jiIQV1AnnCc0xnQU5fdkRsQ2c/view>

Count **5**. That Franklin should be deemed a "vexatious litigant" in the District Court, to deceptively prohibit Franklin from *IFP* District Court access, and to be barred from any NRS 40.010 relief from attorney Urga's fraudulent statements above, to extort and flip the 80 acres into his client D.J. Laughlin and his corporate law firm partner's private bank accounts: <https://drive.google.com/file/d/0B0jiIQV1AnnCdDlwd1dWVjJKWUE/view>

District Court Judge Williams mistakenly entertained such fraud in his courtroom 16; he dismissed Franklin QTA with his prejudice; and now, the unknown courtroom officer(s) has *deleted* Franklin's filed civil lawsuit to redress such proven **attorney misconduct** done by attorney William Urga in the Department 16 courtroom.¹

III. THE DEFINED LAW ON ATTORNEY MISCONDUCT:

"**Fraud** on the **court** occurs when the judicial machinery itself has been tainted, such as when an **attorney**, who is an officer of the **court**, is involved in the perpetration of a **fraud** or makes material misrepresentations to the **court**. **Fraud upon the court** makes void the orders and judgments of that **court**."²

Recently, Franklin has purchased the *certified* copies of his existing First Title and its *stare decisis* rights on the described 80 acres, of which attorney Urga fraudulently declared and still

¹ For many years, attorney Urga has gotten away with uttering the same five counts of fraud on the courts for his clients in previous courtrooms, as he has done here in Department 16. It is time attorney Urga answer to his fraud.

² Meaning, attorney Urga's proven fraud makes *void* the orders of Judge Williams in his Dept. 16 courtroom.

falsely declares does not exist:

https://drive.google.com/file/d/1xPNMvxuAqKeHsLXJUauLgnrpSlr9_gfm/view³

IV. ATTORNEY URGAS PROVEN FRAUD WAS ADMINISTRATIVELY EXHAUSTED IN THE STATE BAR OF NEVADA

On **05/01/2018**, after many false statements told to Franklin and a year of deceitful delay by the named legal counselors and staff, the lead legal counselor named C. Stanley Hunterton of the State Bar of Nevada ("SBN") officially "dismissed" the proven *five counts of fraud on the District Court minutes* that was undisputedly done by attorney Urga, without ever **questioning** or **deposing** attorney Urga of his misconduct, in clear violation to their SBN written rules:

Timeframes for Investigation:

"Once we have received your complaint we will review it to determine if there is an issue under the Rules of Professional Conduct. This initial review usually occurs within ten business days of receipt. If more information is needed you will be notified. If you have raised an issue under the Rules of Professional Conduct, we will **forward a letter to the attorney and direct him or her to respond to our office in writing within ten (10) business days with an explanation.** Based on the attorney's response, we will then determine what further investigation might be necessary."

On **05/18/2018**, Franklin emailed the legal counsel administrator Shelley Young and the other SBN officers the *Request for Reconsideration*, which nobody responded to:

<https://drive.google.com/file/d/1wUhgKETD8mBsRmaedcY9q-L003J91MDL/view>

On **07/19/2018**, the Chief District Court Judge denied Franklin *IFP* status to file the subject complaint: https://drive.google.com/open?id=1sYimsk5s_YtC8KUMWasZaLM5hAZuP_A8

On **08/16/2018**, Franklin paid \$270.00 to duly file the subject **attorney misconduct** complaint, and the Clerk assigned the case to Department 14:

³ Franklin has *certified* his *stare decisis* First Title rights existing under NRS 40.010, superior to attorney Urga's clients' title, and Urga's undisputed fraud on the district court should be remanded to the district court for trial.

<https://drive.google.com/open?id=1HyvjIZ8eKPNauJEEOEuD87ALaZP00rRX> Who assigned the deleted case to Judge Williams courtroom in Department 16?

The District Court Internal Affairs Administration officer(s) have not informed Franklin of *who* deleted such filed civil case from all record; or, if it was “lawfully” deleted from all existing record: <https://drive.google.com/open?id=18gY8f5ofcB3akjpTk3CDEOypE17111fu>

On 11/15/2018, two persons from another Clark County building, signed and mailed Franklin this refund check for his filed *attorney misconduct* civil case that was deleted by some unknown officer(s): <https://drive.google.com/open?id=1kwf4nSNG-YbvUFEW1rfc4Xdoxb3uE5QQ>

On 12/14/2018, Franklin went to the District Court Clerk to file the *Notice of Appeal* from the *attorney misconduct* civil case A-18-779502-C that some unknown officer(s) deleted from all record. The lead Clerk (Mary Anderson) replied that she was “unable to file it because of a [unidentified] court order”. Franklin then went to the District Court Administration and filed this complaint: <https://drive.google.com/open?id=1lZ2OK0GiV1xzJGTVbjd242yk-WzwO4q2>

To this day, Franklin does not know *who* deleted this civil attorney misconduct case A-18-779502-C from all record; or, exactly *when* did some unknown officer(s) delete it from all record; or, *was it lawfully* deleted from all record.

//

V. SUMMATION

Until the undisputed and proven "five counts of fraud on the District Court minutes", committed by attorney Urga is resolved by a court, judge or jury of jurisdiction, Franklin's NRS 40.010 action to ever quiet his existing First Title rights against D.J. Laughlin's subsequent title claim will again be suspended into the clouds indefinitely, and the named Respondents will be getting away with their extortion racket to defraud Franklin, and to flip the disputed 80 acres to other persons and into their private bank accounts, without any Title Insurance to do so.⁴

VI. THE RELIEF REQUESTED

Based on the foregoing, the Eighth Judicial District Court should be ordered to re-enter the civil case A-18-779502-C that it unlawfully deleted, back into its District Court portal and all record, and to allow discovery disclosure and exchange in such case of 'attorney misconduct'.

Respectfully submitted by,

Bobby Len Franklin
BOBBY LEN FRANKLIN (*pro se*)
d/b/a/ DL&S Development Co.
2451 N. Rainbow Blvd. Suite 2037
Las Vegas, NV. 89108

12/27/2018
DATED

⁴ Franklin request that if any Justice in this Court has any conflicting interest with any Respondent, or with any named or unnamed persons in interest to the 80 acres, or to this case outcome, to be recused.

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

Bobby Len Franklin
BOBBY LEN FRANKLIN
d/b/a/ DL&S Development Co.
2451 N. Rainbow Blvd. Suite 2037
Las Vegas, NV. 89108

12/27/2018
DATED

(Petitioner *pro se*)
830-822-4791
dlepatent@hotmail.com

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOBBY LEN FRANKLIN,
Real Party in Interest,

Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT COURT, et al.

Respondents.

Case No.: _____

District Court

Case No.: A-18-779502-C

AFFIDAVIT TO UNDISPUTED FACTS

BE IT ACKNOWLEDGED, that Bobby L. Franklin, the Petitioner and undersigned deponent, being of legal age, does hereby depose and say under oath as follows:

1. The quoted "five counts of fraud on the District Court minutes" done by *attorney Urga*, in Judge Williams Department 16 courtroom, is undisputed and proven.
2. The reason why attorney Urga has for many years uttered the same fraudulent misconduct in other previous courts, is because years ago, *attorney Urga's* corporate law firm partner was Commissioner *Bruce Woodbury* who appointed Robert Bilbray as his chairman of the Laughlin Public Works, who together with their others directed \$ millions of tax paid infrastructure on all four corners on the boundary lines of my 80 acre estate, without giving me notice or getting my permission to so. Today, my 80 acre appraisal value is over \$32 million, and they want to eliminate my existing First Title rights so they can sell my 80 acres and flip the \$32 million into their private bank accounts.
3. If they have or do sell the disputed 80 acres without giving the buyers notice of my existing First Title rights on the described 80 acres, the buyer(s) too would be defrauded and subjected to hardship, and prayers for judicial relief from the courts.
4. I have suffered thirty years of fraud and extortion by the named adverse Respondents and the others, over the 80 acres, and I pray no other person has to go through that.
5. Every since 1990, after I officially had the BLM "mineral in character" contest against the 80 acres finally *reversed* in my favor by the IBLA, my family and I have been constantly extorted over the property, which may be irrelevant and too lengthy to detail in this Writ.
6. My certified *stare decisis* First Title rights are displayed on URL and indexed in the Appendix III, and are "superior" to D.J. Laughlin's subsequent adverse title, under NRS 40.010.
7. Attorney Urga's undisputed and proven "five counts of fraud on the District Court minutes" that he has been uttering for many years in the courts should be enjoined by this Court; he should be barred from the State Bar of Nevada membership; and, be civilly and criminally prosecuted for his extortion racket, with his other parties in interest, under the Nevada RICO statutes.

And I affirm that the foregoing is true except as to statements made upon information and belief, and as to those I believe them to be true.

Bobby L. Franklin
BOBBY L. FRANKLIN
d/b/a/ DL&S Development Co.
2451 N. Rainbow Blvd. Suite 2037
Las Vegas, NV. 89108
dlepatent@hotmail.com
830-822-4791

Witness my hand under the penalties of perjury this 27 day of December, 2018.

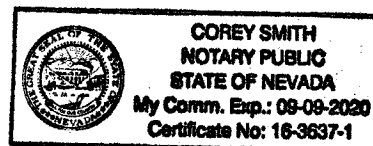
SUBSCRIBED AND SWORN to before me this

27 day of December, 2018.

NOTARY PUBLIC in and for the

County of CLARK, State of NEVADA.

Corey Smith



INDEX TO APPENDIX

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APPENDIX I:

THE REGISTER OF ACTIONS, Case No. A-15-728518-C
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Complaint Filed on 08/16/2018 in Dept. 14
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REGISTER OF ACTIONS

CASE No. A-15-728518-C

Bobby Franklin, Plaintiff(s) vs. D. J Laughlin, Defendant(s)

§
§
§
§
§
§

Case Type: Other Title to Property
Date Filed: 12/04/2015
Location: Department 16
Cross-Reference Case A728518
Number:

PARTY INFORMATION

Defendant BWD Properties 3 LLC

Lead Attorneys
William R. Urga
Retained
7026997500(W)

Defendant BWD Properties 4 LLC

William R. Urga
Retained
7026997500(W)

Defendant D. J Laughlin *Doing Business*
As BWD Properties 2 LLC

William R. Urga
Retained
7026997500(W)

Plaintiff Franklin, Bobby

Pro Se

EVENTS & ORDERS OF THE COURT

02/04/2016 Motion to Dismiss (9:00 AM) (Judicial Officer Williams, Timothy C.)
Defendants' (1) Motion to Dismiss Plaintiff's Complaint, (2) Opposition to Plaintiff's Pending Motions, and (3) Request for Sanctions

Minutes

02/04/2016 9:00 AM

- Mr. Urga advised the Court regarding the lengthy history of the case. He argued the Pltf.'s application to purchase the property from the BLM was denied due to their report, which indicated the land was mineral in nature and not suitable for agricultural purposes. Further, Pltf. exhausted all appeal rights against the government in numerous courts. In 2006 Deft.'s purchased the land at a BLM auction and a permanent injunction was filed to wipe out all liens by Pltf. The Court ruled the Deft.'s 100% owned the property. Mr. Urga made an oral motion to deem Mr. Franklin a vexatious litigant and to have the case dismissed with prejudice to prevent Pltf. from filing any additional motions against Deft.'s. Mr. Franklin argued he had no notice of the hearing. He further argued regarding the sanctions request, NRS 40.010, that a party must plead and prove they own the claim in question, superiority of title, lack of subject matter jurisdiction, and that he still had title to the property. After an outburst, Court ADMONISHED Pltf. Court advised Pltf. to respect the process and advised him of his appeal rights. COURT STATED FINDINGS and ORDERED, Motion to Dismiss Plaintiff's Complaint GRANTED; Order to Show Cause re: Vexatious Litigant SET; Hearing Re: Sanctions SET; Pltf. s motion set for 03/01/16 VACATED. 03/01/16 9:00 AM ORDER TO SHOW CAUSE: VEXATIOUS LITIGANT 03/01/16 9:00 AM HEARING RE: SANCTIONS

Parties Present

Return to Register of Actions

2

REGISTER OF ACTIONS

CASE NO. A-15-728518-C

Bobby Franklin, Plaintiff(s) vs. D. J Laughlin, Defendant(s)

§
§
§
§
§
§

Case Type: Other Title to Property
Date Filed: 12/04/2015
Location: Department 16
Cross-Reference Case Number: A728518

PARTY INFORMATION

Defendant BWD Properties 3 LLC

Lead Attorneys
William R. Urga
Retained
7026997500(W)

Defendant BWD Properties 4 LLC

William R. Urga
Retained
7026997500(W)

Defendant D. J Laughlin *Doing Business*
As BWD Properties 2 LLC

William R. Urga
Retained
7026997500(W)

Plaintiff Franklin, Bobby

Pro Se

EVENTS & ORDERS OF THE COURT

03/01/2016 All Pending Motions (9:00 AM) (Judicial Officer Williams, Timothy C.)

Minutes

03/01/2016 9:00 AM

- SHOW CAUSE HEARING RE: VEXATIOUS LITIGANT...HEARING RE: SANCTIONS Upon inquiry of the Court, Mr. Urga advised he filed a Supplement which was mailed to Mr. Franklin on 2/23/16. The Court provided a copy to Mr. Franklin as he advised he had not received a copy. Court advised he would give Mr. Franklin time to Reply to the Supplement, take Argument today, and make a Decision after receiving Mr. Franklin's Supplement. Mr. Urga inquired if there was another way to serve Mr. Franklin. The Court advised it would give him a copy of the Supplement. Arguments by parties. Court advised it was not an Appellate Court and previous lawsuits had already been decided. This Court had no jurisdiction to review the previous lawsuits. COURT ORDERED, Mr. Franklin to file his Supplement within 10 days, which is 3/15/16. He is directed to send Mr. Urga a copy. The Court will make a Decision after that and there will be no further Hearing.

Parties Present

Return to Register of Actions

3



CLERK OF THE COURT

OGM

WILLIAM R. URGAS, ESQ.

Nevada Bar No. 1195

E-Mail: wru@juwww.com

CHARLES T. COOK, ESQ.

Nevada Bar No. 1516

E-Mail: etc@juwww.com

MICHAEL R. ERNST, ESQ.

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JOLLEY URGAS WOODBURY & LITTLE

3800 Howard Hughes Parkway

Wells Fargo Tower, Sixteenth Floor

Las Vegas, Nevada 89169

Telephone: (702) 699-7500

Facsimile: (702) 699-7555

Attorneys for Defendants

BWD Properties 2, LLC,

BWD Properties 3, LLC, and

BWD Properties 4, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

BOBBY FRANKLIN

Plaintiff,

vs.

D.J. LAUGHLIN, dba BWD PROPERTIES 2, LLC, a Nevada Limited Liability Company, BWD PROPERTIES 3, LLC, a Nevada Limited Liability Company, BWD PROPERTIES 4, LLC, a Nevada Limited Liability Company, "Also all other persons unknown claiming any right, title, estate, lien or interest in the real property described in the complaint adverse to plaintiff's ownership, or any cloud upon plaintiff's title thereto"

Defendants.

Case No.: A-15-728518-C

Dept. No.: XVI

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT WITH PREJUDICE

Date of Hearing: February 4, 2016

Time of Hearing: 9:00 a.m.

///

///

///


4

1 Defendants' BWD Properties 2, LLC, BWD Properties 3, LLC, and BWD Properties 4,
2 LLC (collectively referred to herein as "BWD" or "Defendants") Motion to Dismiss Plaintiff's
3 Complaint came on for hearing before the Honorable Timothy C. Williams on the 4th day of
4 February, 2016 at 9:00 a.m. BWD appeared by and through their counsel, William R. Urga, Esq.
5 of Jolley Urga Woodbury & Little. Plaintiff Bobby Franklin appeared in Proper Person. The
6 Court, having reviewed the Motion and the other pleadings and papers on file herein, and having
7 heard arguments from BWD's counsel and Plaintiff, and there being no just reason for delay, and
8 good cause appearing,
9

10 **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss is GRANTED and
11 Plaintiff's Complaint is hereby dismissed with prejudice in its entirety.

12 **IT IS SO ORDERED.**

13 DATED this 4th day of April, 2016.

14
15 
16 DISTRICT COURT JUDGE
17 NH

18 Respectfully submitted:

19 JOLLEY URGA WOODBURY & LITTLE

20 By: 

21 William R. Urga, Esq., #1195

22 Email: wru@juww.com

23 Charles T. Cook, Esq., #1516

24 Email: ctc@juww.com

25 Michael R. Ernst, Esq., #11957

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27 3800 Howard Hughes Pkwy., 16th Floor

28 Las Vegas, Nevada 89169

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BWD Properties 3, LLC, and

BWD Properties 4, LLC

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FILED

AUG 16 2018

CLERK OF COURT

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830-822-4791
dlepatent@hotmail.com

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

BOBBY LEN FRANKLIN,

Plaintiff,

vs.

WILLIAM R. URGAS; D.J. LAUGHLIN;
SHELLEY YOUNG, the Legal Counsel
Administrator of the STATE BAR OF
NEVADA,

Defendants.

CASE NO.:

DEPT. NO.:

A-18-779502-C
XIV

COMPLAINT

Plaintiff, BOBBY LEN FRANKLIN, in proper person, complains against Defendants,
WILLIAM R. URGAS; D.J. LAUGHLIN; SHELLEY YOUNG, the Legal Counsel Administrator
of the STATE BAR OF NEVADA, as follows.

I. PARTIES

1. Plaintiff, BOBBY LEN FRANKLIN (hereinafter "Plaintiff") is an individual (Desert Land Entry) business man who is currently, and was at all relevant times herein, a resident of the State of Nevada, County of Clark, City of Las Vegas.

2. Defendant, WILLIAM R. URGAS (hereinafter "Defendant Urga") is a resident of Las Vegas, NV; he is an attorney for and member of the State Bar of Nevada; and, he is the Director and the Treasurer of his Jolly, Urga & Wirth, Ltd law firm corporation, whose Registered Agent

1 is named Jolly Urga Woodbury Holthus & Rose, and may be served personal and/or corporate
2 legal process at 330 S. Rampart Blvd. Suite 380, Las Vegas, NV. 89145.

3 3. Defendant, D.J. LAUGHLIN (hereinafter "Defendant Laughlin") is an individual business
4 man who is currently, and was at all relevant times herein, a resident of the State of Nevada,
5 County of Clark, Town of Laughlin, at 1650 S. Casino Drive, PMB 500, Laughlin, NV. 89029.

6 4. Defendant, SHELLY YOUNG (hereinafter "Defendant Young") is an individual, who is
7 the Legal Counsel Administrator for Defendant STATE BAR OF NEVADA (hereinafter
8 "Defendant SBN"), who may be served legal process in both her individual and corporate
9 capacities at State Bar of Nevada, 3100 W. Charleston Blvd. Suite 100, Las Vegas, NV. 89102.

10 5. All of the acts and/or failures to act alleged herein were duly performed by and/or are
11 attributable to Defendants, individually or acting by and through their agents or employees. Said
12 acts and/or failures to act were within the scope of any agency or employment, or were ratified
13 by Defendants.

14 II. FACTS

15 6. In 1988, Plaintiff purchased 80 acres of public lands in Laughlin NV, from the Bureau of
16 Land Management, under the 1877 Desert Land Act of Congress.

17 7. On 9/20/1993, Plaintiff re-recorded his *stare decisis* First Title rights to such 80 acres,
18 in the Clark County Recorder's Office, for security reasons:

19 <https://drive.google.com/file/d/0B0jiIQV1AnnCc0xnQU5fdkRsQ2c/view>

20 8. Subsequently, Defendant Laughlin began flying his helicopter over Plaintiff's 80 acres,
21 during the years Plaintiff was improving and developing infrastructure on his 80 acres.

22 9. In 2006, Defendant Laughlin filed his Title rights on such 80 acres, in the Clark County
23 Recorder's Office: https://docs.google.com/document/d/1ZB6adR_IlhUbBRkkUcSFn9ALPN2_PITTyPZOrKvfsUO/edit
24 which is clearly "adverse" to Plaintiff's First Title on such 80 acres, under NRS 40.010.
25

1 10. On **12/4/2015**, Plaintiff filed Quiet Title Action ("QTA") against Defendant Laughlin, in
2 the Clark County District Court, for NRS 40.010 relief, to judicially determine who possesses the
3 "superior title" on such 80 acres.

4 11. Defendant Urga was Defendant Laughlin's retained lead attorney in such QTA. In the
5 three hearings: https://img1.wsimg.com/blobby/go/15ed7369-3e99-4134-bab0-d764ba2c0ea7/downloads/1bo339pas_413412.pdf, the
6 Plaintiff alleged and still alleges that Defendant Urga perjured five counts of his fraud on the
7 District Court minutes, to achieve such QTA case dismissed with prejudice in its entirety.

8 12. On **4/4/2016**, the District Court Judge entertained Defendant Urga's perjured five counts
9 of fraud on the District Court minutes, alleged by Plaintiff, and "dismissed [the QTA] with
10 prejudice in its entirety". Around that same day, Plaintiff filed the complaint with the Defendant
11 SBN against Defendant Urga's alleged misconduct. Subsequently, the Defendant SBN instructed
12 Plaintiff to re-file a complaint online, after Plaintiff exhaust the Appellate Courts.

13 13. On **6/12/2017**, after both Nevada Appellate Courts failed to review Defendant Urga's
14 perjury and fraud on the District Court alleged by Plaintiff, the U.S. Supreme Court denied
15 Plaintiff's timely petition for writ of certiorari to review it.

16 14. On **6/17/2017**, Plaintiff filled out the SBN online complaint form against Defendant
17 Urga's professional misconduct alleged by Plaintiff, and attempted to upload the appellate
18 courts' record Plaintiff exhausted, with a photo of the billboard that Defendant Laughlin had on
19 Plaintiff's Titled 80 acres to sell it: <https://drive.google.com/open?id=0B0jiIQV1AnnCdDlwd1dWVjJKWUE>
20 However, the upload button and the submit button did not work on their SBN website.

21 15. On or around **6/20/2017**, Plaintiff drove to the SBN office on W. Charleston Blvd, and
22 asked the receptionist if Plaintiff's online complaint and two attachments were received. After an
23 hour of excuses by other SBN employees, they told Plaintiff they received all of it. Plaintiff
24 asked them for a filed time stamp case number on it, or anything to prove SBN received it. They
25 told Plaintiff in two weeks they would mail Plaintiff the filed case number. That never happened.

1 16. On 6/22/2017, the Assistant Bar Counsel for SBN, Phillip J. Pattee mailed his letter to
2 Plaintiff, concluding that "No further action will be taken in this matter." However, as noted
3 above SBN had **not** received Plaintiff's online complaint or its two attachments, and Pattee wrote
4 and sent that letter to Plaintiff to cover up for the lies his fellow SBN employees told to Plaintiff.

5 17. On 6/25/2017, Plaintiff successfully filed the SBN online complaint form and uploaded
6 the two attachments with it: <https://drive.google.com/open?id=0B0jiIQV1AnnCVXd1eEdjenpocGM> The next day,
7 Plaintiff received Pattee's cover up letter dated 6/22/2017.

8 18. On 6/27/2017, Plaintiff sent SBN Legal Counsel Pattee the letter to remind Pattee what
9 the facts are, and what his duty is: https://drive.google.com/open?id=19zEkqZZ0lrFfrMyYBCqBnUHtKBvNy_p5

10 19. On 7/19/2017, Plaintiff found the reason why the SBN were playing all these deceitful
11 games on Plaintiff. Defendant Urga is/was a "member of the Disciplinary Board for the Southern
12 District of the Nevada State Bar.": <https://drive.google.com/open?id=0B0jiIQV1AnnCdkRvMjJaSU5HNEk>

13 20. On 7/24/2017, Plaintiff *certified* Pattee a letter, to remind him what his *duty* is as Bar
14 Counsel in this case: <https://drive.google.com/open?id=0B0jiIQV1AnnCc1lmWXpKMghOTmM> Certified or not,
15 Pattee never responded to any letters that Plaintiff mailed to him.

16 21. Subsequently, Plaintiff drove to SBN office and asked the receptionist to speak with
17 counsel Pattee. She said Pattee won't be in today. Plaintiff asked for Pattee's supervisor. After
18 making several calls, she replied, "please leave a note with me"! Plaintiff replied, I am staying
19 here until I speak with Pattee's supervisor. An hour later, two gentlemen walked over to Plaintiff
20 and invited him into their conference room. One man said he is Pattee's supervisor, the other said
21 he is on Pattee's counsel team. Plaintiff showed them the documented facts; the evidence; and,
22 the gross negligence of duty and cover ups done by Bar Counsel Pattee. Bar Counsel (Hunterton)
23 concluded that he will officially consider the facts and evidence, and we parted as friends.

24 22. On 4/2/2018, Plaintiff emailed Defendant Young with the hyperlinks that unequivocally
25 proves beyond any doubt that Defendant Urga did in fact commit "five counts" of perjury and

1 fraud on the district court minutes to extort Plaintiff's 80 acre First Title for Defendant Laughlin:
2 <https://drive.google.com/open?id=1bEkKhNV8WrlwsTrfXBJj3rdb0d6Wuiu4> : Defendant Young did not respond.

3 23. On 5/1/2018, SBN Legal Counsel Hunterton mailed Plaintiff a letter (with a case number
4 on it), to imply Plaintiff's evidence was not clear enough to investigate or to depose Defendant
5 Urga's perjury and fraud on the district court minutes alleged by Plaintiff; and he concluded,
6 "this matter is dismissed": <https://drive.google.com/open?id=1CGkhlZsEbX7cmRF7ZaWuV01NOu8m-BS1>

7 24. On 5/18/2018, Plaintiff emailed Defendant Young; the SBN president and vice president;
8 and, SBN Legal Counsel Hunterton a *Request for Reconsideration* of the evidence overlooked,
9 again with the pdf hyperlinks that unequivocally proves beyond any doubt that Defendant Urga
10 did in fact commit the "five counts" of perjury and **fraud** on the district court minutes to gag
11 Plaintiff's 80 acre First Title rights, for his client Defendant Laughlin, in their extortion racket:
12 <https://drive.google.com/open?id=1wUhgKETD8mBsRmaedcY9q-L003J91MDL>

13 25. Because of Defendant Urga's undisputed 'five counts' of *attorney misconduct*, Plaintiff
14 has been deemed a "vexatious litigant" by the district court, and therefore Plaintiff is gagged and
15 prohibited therein to quiet title with Defendant Laughlin for NRS 40.010 relief.

16 26. Because of the four elements of *gross negligence* done by Defendant Young and her
17 named Bar Counselors; their derelictions of their duty owed to Plaintiff; and, their Defendant
18 SBN agency mismanagement, Plaintiff has suffered years of obstruction of justice to ever quiet
19 his First Title rights against Defendant Laughlin's adverse Title, under NRS 40.010. In fact,
20 Plaintiff may never get a fair hearing or trial in district court to quiet his Title with Defendant
21 Laughlin, until Defendant Urga's blatant perjury and fraud on the district court minutes is
22 resolved. Defendant Young and her administered Defendant SBN Legal Counselors knew, or
23 should have known of the foreseeable damages to Plaintiff's person, business and property
24 rights, that Defendant SBN Legal Counselors dismissed and refused to investigate or resolve.

25 27. And, the alleged Defendant(s)' conspired **fraud** is grounds for *intentional tort* relief.

1 28. After Defendants' answer to this complaint is filed, they will be subject(s) to further
2 discovery, interrogatory and injunctive relief.

3 **III. CLAIMS FOR RELIEF**

4 **A. Attorney Misconduct**

5 29. Defendant Urga has illegally and unequivocally committed "five counts" of perjury and
6 fraud on the district court minutes, in violation to the *Nevada Rules of Professional Conduct*, and
7 Defendants Young and SBN Legal Counsel have conspired to dismiss such *attorney misconduct*.

8 30. As a result to such conspired *attorney misconduct* as set forth above, Plaintiff sustained
9 punitive damages in an amount in excess to \$15,000.00, which will be proven at jury trial.

10 **B. Gross Negligence**

11 31. Plaintiff has shown the: (1) **Duty(s)** of care owed by the Defendants to the Plaintiff;
12 (2) The breach of such **duty(s)**; (3) The actual causal connection between the Defendants'
13 **conduct** and the resulting harm; and, (4) The **proximate cause**, which relates to whether the
14 harm was foreseeable.

15 32. Defendants Young and SBN counsel in harmony breached their duties as set forth above.

16 33. Defendants' breach directly and proximately caused the injury to Plaintiff's person; to
17 his business; and, to his existing First Title property rights as set forth above.

18 34. Plaintiff's injuries have resulted in personal, business and property compensatory and
19 punitive damages in excess of \$15,000.00, which will be proven at jury trial.

20 **C. Intentional torts**

21 35. Defendants' *five* counted acts of perjury and **fraud** on the district court minutes to gag
22 and extort Plaintiff's 80 acre First Title rights are as set forth above.

23 36. Defendant Urga conspired with his client Defendant Laughlin to do so.

24 37. Plaintiff's injuries have resulted in personal, business, and property compensatory and
25 punitive damages in excess of \$15,000.00, which will be proven at jury trial.

1
2
3 **III. PRAYER FOR RELIEF**

4 38. **Wherefore**, Plaintiff prays for the following relief:

- 5 1. For a judicial court ORDER to examine Plaintiff's existing First Title (above) against
6 Defendant D.J. Laughlin's adverse Title on the described 80 acres, to finally determine which
7 party holds the legal "superior title" under NRS 40.010;
8
9 2. For compensatory personal injury, business and property damages and expenses, for past,
10 present, and future in excess of \$15,000;
11
12 3. For general damages for past, present, and future pain and suffering, and other damages in
13 excess of \$15,000;
14
15 4. For interest at the statutory rate; and,
16
17 5. For such other and further relief as this court deems just and equitable.

18 Respectfully submitted,

19 /s/ Bobby Len Franklin
20 BOBBY LEN FRANKLIN

08/15/2018
DATED

21 If executed in this State: "I declare under penalty of perjury that the foregoing is true and
22 correct." 1.

23 Executed on: 08/15/2019
24 (date)

/s/ Bobby Franklin
(signature)

25 By: /s/ Bobby Len Franklin
BOBBY LEN FRANKLIN
dba: DL&S Development Co.
2451 N. Rainbow Blvd.
Unit 2037
Las Vegas, NV. 89108

830-822-4791
dlepatent@hotmail.com
(Plaintiff *pro se*)

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Under penalties of perjury, the undersigned declares that he is the Plaintiff named in the foregoing Complaint and knows the contents thereof; that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and that as to such matters he believes it to be true.

I declare under penalty of perjury under law of the State of Nevada that the foregoing is true and correct.

Bobby Franklin
Print Name

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2018 25 OCT.

Debra Conway
CLERK

TITLE 43 OF THE CODE OF FEDERAL REGULATION

SECTION 1862.6 - PATENT TO ISSUE AFTER 2 YEARS FROM DATE OF MANAGER'S FINAL RECEIPT.

- (A) THE DECISION OF THE SUPREME COURT OF THE UNITED STATES IN THOMAS J. STOCKLEY ET AL., APPELLANTS, V. THE UNITED STATES, DECIDED JANUARY 2, 1923 (260 U.S. 532, 67 L. ED. 390) HOLDS THAT AFTER THE LAPSE OF 2 YEARS FROM THE DATE OF THE ISSUANCE OF THE 'RECEIVER'S RECEIPT' *UPON THE FINAL ENTRY OF ANY TRACT OF LAND UNDER THE HOMESTEAD, OR DESERT-LAND LAWS, SUCH ENTRY, ENTITLED TO PATENT UNDER THE PROVISIO TO SECTION 7 OF THE ACT OF MARCH 3, 1891 (26 STAT. 1098; 43 U.S.C. 1165), REGARDLESS OF WHETHER OR NOT THE MANAGER'S FINAL CERTIFICATE HAS ISSUED.
- (B) THE SUPREME COURT OF THE UNITED STATES IN PAYNE V. U.S. EX REL. NEWTON (255 U.S. 438, 65 L. ED. 720), DECIDED THAT NEWTON WAS ENTITLED TO A PATENT ON HIS HOMESTEAD ENTRY UNDER THE PROVISIO TO SECTION 7 OF THE ACT OF MARCH 3, 1891, 2 YEARS HAVING ELAPSED FROM THE DATE OF THE ISSUANCE OF THE RECEIVER'S FINAL RECEIPT UPON FINAL ENTRY, AND THERE BEING NO CONTEST OR PROTEST PENDING AGAINST THE VALIDITY OF THE ENTRY, BUT STATED THAT THE PURPOSE OF THE STATUTE WAS:

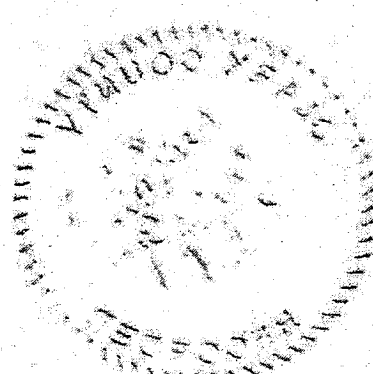
TO REQUIRE THAT THE RIGHT TO A PATENT WHICH FOR 2 YEARS HAS BEEN EVIDENCED BY A RECEIVER'S RECEIPT, AND AT THE END OF THAT PERIOD STANDS UNCHALLENGED, SHALL BE RECOGNIZED AND GIVEN EFFECT BY THE ISSUE OF THE PATENT WITHOUT FURTHER WAITING OR DELAY, AND THUS TO TRANSFER FROM THE LAND OFFICERS TO THE REGULAR JUDICIAL TRIBUNALS THE AUTHORITY TO DEAL WITH ANY SUBSEQUENT CONTROVERSY OVER THE VALIDITY OF THE ENTRY, AS WOULD BE THE CASE IF THE PATENT WERE ISSUED IN THE ABSENCE OF THE STATUTE.

* THE RECEIPTS FORMERLY ISSUED BY THE RECEIVERS ARE NOW ISSUED BY THE MANAGERS.

AMENDMENT V TO THE U.S. CONSTITUTION

NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL, OR OTHERWISE INFAMOUS CRIME, UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY, EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES, OR IN THE MILITIA, WHEN ACTUAL SERVICE IN TIME OF WAR OR PUBLIC DANGER; NOR SHALL ANY PERSON BE SUBJECT FOR THE SAME OFFENCE TO BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB; NOR SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF, NOR BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE, WITHOUT JUST COMPENSATION.

RE-RECORDED



CLARK COUNTY, NEVADA
JOAN L. SWIFT, RECORDER
RECORDED AT REQUEST OF:

B. FRANKLIN

09-20-93 11:20 BSB 14

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(16)

such alleged errors considered and reviewed, the writ of error herein should have issued out of the Circuit Court of Appeals of the proper circuit. Accordingly we hold that these several cases should be transferred to the Circuit Court of Appeals of the Seventh Circuit at the costs of the respective plaintiffs in error, that that court be thereupon possessed of the jurisdiction of the same and proceed to the determination of said writs of error as if such writs had issued out of such court.

And it is so ordered.

(260 U. S. 532)

STOCKLEY et al. v. UNITED STATES.

(Argued Nov. 20, 1922. Decided Jan. 2, 1923.)

No. 74.

1. Public lands \S 98—After issuance of receiver's receipt, issuance of register's certificate not required before limitations begin to run.

Act March 3, 1891, \S 7 (Comp. St. \S 5113), providing that, after the lapse of two years from the issuance of the receiver's receipt on the final entry, when there shall be no pending contest or protest against such entry, a final entryman shall be entitled to a patent, does not require the issuance of a register's certificate approving the final proof before the period of limitation stated therein begins to run, since it must be assumed Congress was familiar with the operations and practice of the Land Department and knew the difference between a receiver's receipt and a register's certificate.

2. Public lands \S 98—Change in department's practice does not change effect of statute of limitations, after receiver's receipt is issued.

The fact that after the enactment of the statute (Act March 3, 1891, \S 7 [Comp. St. \S 5113]) entitling an entryman to patent two years after the receiver's receipt is issued, the prior practice of the Land Department not to issue the receiver's receipt until the register's certificate accepting the final proof was also issued, was changed so as to permit the issuance of the receiver's receipt when final proof was made, without waiting for its approval, cannot have the effect of changing the plain limitation prescribed by that statute, so as to require the issuance of the register's certificate also before the period starts to run.

3. Public lands \S 98—Receiver's receipt for final payment is "receipt upon the final entry."

A receiver's receipt, issued to a homestead claimant at the time the claimant made final proof showing compliance with all the requirements to entitle him to a patent under the homestead laws and paid all fees and commissions lawfully due, was a "receipt upon the final entry" under the homestead laws, within Act March 3, 1891, \S 7 (Comp. St. \S 5113), entitling the claimant to patent two years

after the issuance of such receipt, if no contest or protest is then pending.

4. Public lands \S 98—Receipt issued in excess of receiver's authority starts running of limitations.

Even if a receiver of the land office had no authority under the instructions of the land department to issue receiver's receipt to a homestead entryman at the time he did, the issuance of such receipt starts the running of the two-year period of limitation prescribed by Act March 3, 1891, \S 7 (Comp. St. \S 5113).

5. Public lands \S 98—Limitation of two years after issuance of receipt forecloses inquiry into mineral character of land.

The expiration of the two-year period of limitations after the issuance of the receiver's receipt upon final entry which, under Act March 3, 1891, \S 7 (Comp. St. \S 5113), entitles the entryman to a patent if no contest or protest is then pending, precludes a subsequent inquiry as to whether the entryman knew or should have known that the land was chiefly valuable for its minerals at the time he made his entry and final proof.

Appeal from the United States Circuit Court of Appeals for the Fifth Circuit.

Suit in equity by the United States against Thomas J. Stockley and others to have plaintiff adjudged to be the owner of a tract of land, to enjoin all interference therewith, and to require defendants to account for the value of oil and gas abstracted by them therefrom. Decree for plaintiff was affirmed by the Circuit Court of Appeals (271 Fed. 632), and defendants appeal. Reversed, and cause remanded to the District Court, with directions to dismiss the bill of complaint.

*533

*Mr. S. L. Herold, of Shreveport, La., for appellants.

Mr. Assistant Attorney General Riter, for the United States.

*536

*Mr. Justice SUTHERLAND delivered the opinion of the Court.

This is a suit in equity brought by the United States, as plaintiff, against the appellants, as defendants, by which a decree was sought adjudging the plaintiff to be the owner of a tract of land in the parish of Caddo, La., enjoining all interference therewith, and requiring the defendants to account for the value of oil and gas extracted by them therefrom.

The United States District Court for the Western District of Louisiana, upon the report of a master, found for the plaintiff and entered a decree in accordance with the prayer of the bill ordering a restoration of possession and awarding damages against some of the defendants, including Stockley, for about \$62,000.

The case comes to this court by appeal from the decree of the Circuit Court of Ap-

peals affirming the decree of the District Court. 271 Fed. 632.

The defendants denied plaintiff's title and alleged that the land was the property of the defendant Stockley by virtue of his compliance with the homestead laws of the United States.

The conceded facts are that in 1897 Stockley took possession of the land and on November 13, 1905, made a preliminary entry thereof as a homestead. He complied with the provisions of the homestead laws, submitted final proof, including the required non-mineral affidavit, paid the commissions and fees then due, and on January 18, 1909, obtained the receiver's receipt therefor. Prior to that time, viz. on December 15, 1908, a large body of public lands, embracing within its boundaries the land in question, was withdrawn by an order of the President of the United States from all forms of appropriation. The withdrawal order was expressly made "subject to existing valid claims." The receiver's receipt, omitting unnecessary matter, is in the following words:

*537
 "Received of Thomas J. Stockley * * * the sum of three dollars and one cent in connection with Hd. Final, Serial 0188 for [lands described] 71.25 acres. * * *"

On March 17, 1910, Stockley leased the property in question to the defendant the Gulf Refining Company, which company subsequently drilled wells and developed oil. The rights of the other defendants are wholly dependent upon the title asserted on behalf of Stockley.

On July 16, 1910, after the report of a special agent confirming Stockley's claim of residence upon and cultivation and improvement of the lands, the Commissioner of the General Land Office ordered the case "clear-listed and closed as to the Field Service Division." Subsequently, and more than three years after the issuance of the receiver's receipt, viz. on February 27, 1912, a contest was ordered by the Commissioner of the General Land Office before the local register and receiver upon the charge that the land was mineral in character, being chiefly valuable for oil and gas, and that when Stockley made his final proof he knew or, as an ordinarily prudent man, should have known this fact. After a hearing, the register and receiver decided in favor of Stockley, but the Commissioner of the General Land Office reversed the decision and ordered the entry canceled. The Secretary of the Interior affirmed the Commissioner, with a modification allowing Stockley to obtain a patent for the surface only, under the provisions of the Act of July 17, 1914, c. 142, 38 Stat. 509 (Comp. St. §§ 4640a-4640c).

The defendants contended that the Commissioner of the General Land Office and the Secretary of the Interior were without authority to entertain this contest because

prior thereto full equitable title had vested in Stockley and he had become entitled to a patent by virtue of the provisions of section 7 of the Act of March 3, 1891, c. 561, 26 Stat. 1095, 1099 (Comp. St. § 5113). That section, so far as necessary to be stated, provides:

*538

"That after the lapse of two years from the date of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead, timber culture, desert land, or pre-emption laws, or under this act, and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of two years from the date of said entry before the issuing of a patent therefor."

The court below rejected defendants' contention, holding that the receipt issued to Stockley was not a "receiver's receipt upon the final entry" for the reason that, in the view of that court, a final entry could not become effective until the issuance of the certificate of the register. In other words, it was the opinion of the lower court that in order to constitute a final entry within the meaning of the statute above quoted, there must be an adjudication upon the proofs and the issuance of a final certificate, evidencing an approval thereof.

[1] We think the language of the statute does not justify this conclusion. It must be assumed that Congress was familiar with the operations and practice of the Land Department and knew the difference between a receiver's receipt and a register's certificate. These papers serve different purposes. One, as its name imports, acknowledges the receipt of the money paid. The other certifies to the payment and declares that the claimant on presentation of the certificate to the Commissioner of the General Land Office shall be entitled to a patent.

The evidence shows that prior to the passage of the statute, and thereafter until 1906, the practice was to issue receipt and certificate simultaneously upon the submission and acceptance of the final proof and payment of the fees and commissions. In 1908 this practice was changed, so that the

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receipt was issued upon the submission of the final proof and making of payment, while the certificate was issued upon approval of the proof and this might be at any time after the issuance of the receipt. The receiver and register act independently, the former alone being authorized to issue the receipt and the latter to sign the certificate. The receipt issued to Stockley was after submission of his proof and payment of all that he was required to pay under the law. No certificate was ever issued by the register.

[2] It is contended by the government that the receiver's receipt named in the statute should be restricted to a receipt issued simultaneously with the register's certificate

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18 AER 93

after approval of final proofs, and that, after the change of 1908 in the practice of the department, a receipt issued before such approval does not come within the meaning of the statute. Such a receipt, it is contended, obtains no validity as a "receiver's receipt upon the final entry" until after the proof has in fact been examined and approved.

[3] We cannot accept this conception of the law. A change in the practice of the Land Department manifestly could not have the effect of altering the meaning of an act of Congress. What the act meant upon its passage, it continued to mean thereafter. The plain provision is that the period of limitation shall begin to run from the date of the "issuance of the receiver's receipt upon the final entry." There is no ambiguity in this language and, therefore, no room for construction. There is nothing to construe. The sole inquiry is whether the receipt issued to Stockley falls within the words of the statute. In *Chotard v. Pope*, 12 Wheat. 586, 588 (6 L. Ed. 737), this court defined the term entry as meaning:

"That act by which an individual acquires an inceptive right to a portion of the unappropriated soil of the country, by filing his claim in the office of an officer known in the legislation of several states by the epithet of an entrytaker, and corresponding 'very much in his functions with the registers of land offices, under the acts of the United States.'"

It was in this sense that the term "final entry" was used in this statute. Having submitted to the proper officials proof showing full compliance with the law, and having paid all the fees and commissions lawfully due, Stockley had done everything which the law required on his part and became entitled to the immediate issuance of the receiver's receipt, and this receipt was issued and delivered to him. No subsequent receipt was contemplated or required. From the date of the receipt the entry may be held open for the period of two years, during which time its validity may be contested. Thereafter the entryman is entitled to a patent and the express command of the statute is that "the same shall be issued to him." *Lane v. Hoglund*, 244 U. S. 174, 37 Sup. Ct. 558, 61 L. Ed. 1066; *Payne v. United States ex rel. Newton*, 255 U. S. 438, 41 Sup. Ct. 368, 65 L. Ed. 720.

That Stockley's acts constituted final entry is borne out by rulings of the Land Department. Thus in *Gilbert v. Spearing*, 4 Land Dec. 468, 466, Secretary Lamar said:

"When the homestead application, affidavit and legal fees are properly placed in the hands of the local land officers, and the land applied for is properly subject to entry, from that moment the right of entry is complete and in contemplation of law the land is entered."

See, also, *Iddings v. Burns*, 8 Land Dec. 224, 226.

We are not at liberty to add to or take from the language of the statute. When Congress has plainly described the instrument from whose date the statute begins to run as the "receipt upon the final entry," there is no warrant for construing it to mean only a receipt issued simultaneously with the certificate or one issued after the adjudication on the final proof, which might be—and in this instance was—postponed indefinitely. It was to avoid just such delays for an unreasonable length of time—that is, for more than two years—that the statute was enacted. *Lane v. Hoglund*, supra, and *Land De-*

partment decisions cited. The purpose and effect of the statute are clearly and accurately stated by the Commissioner of the General Land Office in Instructions of June 4, 1914, 43 Land Dec. 322, 323, in the course of which it is said:

"There is no doubt that Congress chose the date of the receiver's receipt rather than of the certificate of the register as controlling, for the reason that payment by the claimant marks the end of compliance by him with the requirements of law. It would be manifestly unjust to make the right to a patent dependent upon the administrative action of the register, subjecting it to such delays as are incident to the conduct of public business and over which the claimant has no control. Payment, of which the receiver's receipt is but evidence, is, therefore, the material circumstance that starts the running of the statute, inasmuch as a claimant is and always has been entitled to a receipt when payment is made."

[4] It is urged, however, that in any event the receiver exceeded his authority in issuing the receipt, since the Commissioner of the General Land Office, on December 15, 1908, had instructed the register and receiver, among other things, as follows:

"Applications, selections, entries, and proofs based upon selections, settlements, or rights initiated prior to the date of withdrawal may be received by you and allowed to proceed under the rules up to and including the submission of final proofs. You must not, however, in such cases receive the purchase money or issue final certificate of entry, but must suspend the entries and proofs pending investigation as to the validity of the claims with regard to the character of the land and compliance with the law in other respects."

These instructions were issued, as shown upon their face, in view of the presidential withdrawal order of the same date. We suggest, without deciding, that, inasmuch as the withdrawal order was expressly made

subject to "existing valid claims, and Stockley's claim was obviously existing and valid, this instruction of the Commissioner was itself without authority, since, as applied to Stockley, it was in conflict with the withdrawal order. This has nothing to do with the question as to whether the lands were, in fact, mineral in character, which is another and different matter dealt with later."

However, Stockley, as already shown, did, in act, make final entry and the receiver did, in fact, issue and deliver his receipt thereon. The case, therefore, falls within the terms of the statute and must be governed by it, unless the receipt be held for naught on the ground that it was issued contrary to the Commissioner's instructions. But the very object of the statute was to preclude inquiry upon that or any other matter, except as provided by the statute, after the expiration of two years from the date of the receiver's receipt. In *United States v. Winona & St. Peter Railroad Co.*, 185 U. S. 468, 476, 17 Sup. Ct. 368, 371 (41 L. Ed. 789) this court had under consideration section 8 of the same act (26 Stat. 1099 [Comp. St. § 5114]), limiting the time within which suits by the United States might be brought to annul patents. That section, it was said, recognizes:

"That when its proper officers, acting in the ordinary course of their duties, have conveyed away lands which belonged to the government, such conveyances should, after the lapse of a prescribed time, be conclusive against the government, and this notwithstanding any errors, irregularities or improper action of its officers therein."

It was said further:

"Under the benign influence of this statute it would matter not what the mistake or error of the Land Department was, what the frauds and misrepresentations of the patentee were, the patent would become conclusive as a transfer of the title, providing only that the land was public land of the United States and open to sale and conveyance through the Land Department."

In *United States v. Chandler-Dunbar Water Power Co.*, 209 U. S. 447, 450, 28 Sup. Ct. 579, 580 (52 L. Ed. 881), this section of the act was again under *consideration. A patent was attacked as void for the alleged reason that the land which it purported to convey had been reserved for public purposes, and upon that ground the application of the statute was denied, but this court said:

"It is said that the instrument was void and hence was no patent. But the statute presupposes an instrument that might be declared void. When it refers to 'any patent heretofore issued,' it describes the purport and source of the document, not its legal effect. If the act were confined to valid patents it would be almost or quite without use."

To hold that the receipt here under consideration falls outside the terms of the statute would be to defeat the purpose of the statute and perpetuate the mischief which it sought to destroy. Prior to the decision in the case of *Jacob A. Harris*, 42 Land Dec.

611, 614 (quoted with approval in *Lane v. Hoglund*, supra), it had been held that the statute did not affect the conduct or action of the Land Department in taking up and disposing of final proof of entrymen after the lapse of the two-year period (*Mertie C. Traganza*, 40 Land Dec. 300), but this view was sharply challenged and overruled in the *Harris Case*, where it was said:

"Passed, primarily, to rectify a past and to prevent future abuses of the departmental power to suspend entries, the proviso is robbed of its essential purpose and practically repealed by the decision in the *Traganza Case*."

[5] The effective character of the receiver's receipt being established, the question, after the lapse of the two-year period, as to whether the land was mineral bearing, was no longer open. Inquiry upon that ground was then foreclosed, along with all others. *Payne v. United States ex. rel. Newton*, supra.

The bar of the statute likewise prevails, notwithstanding the executive withdrawal of December 15, 1908. The validity of that order is, of course, settled by the decision *in

United States v. Midwest Oil Co., 236 U. S. 459, 35 Sup. Ct. 309, 59 L. Ed. 673, but, as already stated, there is excepted from the operation of the order "existing valid claims." Obviously this means something less than a vested right, such as would follow from a completed final entry, since such a right would require no exception to insure its preservation. The purpose of the exception evidently was to save from the operation of the order claims which had been lawfully initiated and which, upon full compliance with the land laws, would ripen into a title. The effect of a preliminary homestead entry is to confer upon the entryman an exclusive right of possession, which continues so long as the entryman complies in good faith with the requirements of the homestead law. *Stearns v. United States*, 152 Fed. 900, 906, 82 C. C. A. 48; *Peyton v. Desmond*, 129 Fed. 1, 12, 63 C. C. A. 651. Since it is conceded that Stockley made such an entry in 1905 and his compliance with the requirements of the homestead law prior to the withdrawal order is not questioned, it follows that he had, when that order was issued, an existing valid claim, within the meaning of the exception. The action of the Commissioner of the General Land Office, therefore, in directing a contest against Stockley's entry three years after the issuance to him of the receiver's receipt was unauthorized and void.

The decree of the Circuit Court of Appeals is reversed, and the cause remanded to the District Court, with directions to dismiss the bill of complaint.

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AER-95
(20)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

20020923
00790

RECEIPT AND ACCOUNTING ADVICE

NO. 1329049

Subject: Desert Land Entry Filing Fee

NV050-Las Vegas District
August 26, 1988

Applicant: Bobby C. Franklin
206 Paris Avenue
Las Vegas, NV 89102

14 5017

\$35.00

Remitter:

Assignor:

RECORDER'S MEMO
POSSIBLE POOR RECORD DUE TO
QUALITY OF ORIGINAL DOCUMENT

LEASE MANAGEMENT DATA					<input type="checkbox"/> NEW	<input type="checkbox"/> UPDATE	<input type="checkbox"/> PAYMENT						
ORIGINAL SERIAL NO.	ASG.	TYPE	ST.	CTY.	FUND SYMBOL		ACRES/UNITS		RATE				
N-49548													
AMOUNT	ANV. DATE	EXP. DATE	BILL CYC.	SC	DISTRICT	NEXT BILL	MISC. DATA	U of M	ACTUAL UNIT				
ASSIGNMENT SERIAL NO.	ASG.	TYPE	ST.	CTY.	FUND SYMBOL		ACRES/UNITS		RATE				
AMOUNT	ANV. DATE	EXP. DATE	BILL CYC.	SC	DISTRICT	NEXT BILL	MISC. DATA	U of M	ACTUAL UNIT				

APPLY REMITTANCE			
ACTION	FUND SYMBOL	CTY.	AMOUNT
FILING FEE			
RENTAL			
UNEARNED			
REFUND			
TOTAL			
AMOUNT DUE			

Remarks:

PAID
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
AUG 26 1988

BY:

DATE:

<input type="checkbox"/> Lease in Escrow?	
<input type="checkbox"/> KGS?	Of Interest?
<input type="checkbox"/> Auto Escalates?	Operating Rights?
<input type="checkbox"/> Auto Renew?	Operator
	Bond Filed?

FOR MMS USE ONLY	
BILLEE	FOREST REFUGE
NUMBER	
OCS SECTION	
CODE	

43 C.F.R. 1862.6

5 21

20020923
00790

FORM 100-105
FIRM 1274-12

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PAGE: 1

CASE ABSTRACT AS OF: 8/27/88
83-83-1877; 819STAT0377; 43USC321-323, 325, CASE TYPE SERIAL NUMBER
DESERT LAND ACT 252000 NVN 49548

NAME AND ADDRESS

FRANKLIN BOBBY D
206 PARIS AVE
LAS VEGAS NV 89109
APPLICANT 100.00000 %

DESCRIPTION OF LAND

T. 32 S R. 66 E MOUNT DIABLO MER CLARK COUNTY, NV
LAS VEGAS DISTRICT STATELINE RESOURCE AREA
SEC. 16: S2SE
80.000 ACRES

ACTIONS

DATE	CODE	TAKEN	REMARKS
8/18/1988	124	APLN RECD	
*****		PENDING ACTION:	LAS VEGAS DISTRICT
8/18/1988	347	FILING FEE RECEIVED	\$15;
8/18/1988	392	MONIES RECEIVED	\$20;

GENERAL REMARKS

01 DLE

RECORDER'S MEMO
POSSIBLE POOR RECORD DUE TO
QUALITY OF ORIGINAL DOCUMENT

43CFR.1862.6

(6) (22)

PROOF OF SERVICE

I, BOBBY L. FRANKLIN the Petitioner, certify under penalty of perjury that a true copy of this *Petition for Writ of Mandamus* and all attachments was served to the respondent judge, corporation, commission, board or officer. A petition directed to a court shall also be accompanied by a notice of the filing of the petition, which shall be served on all parties to the proceeding in that court, by prepaid USPS mail to the following Respondents and their attorneys at their following addresses:

Judge TIMOTHY C. WILLIAMS, Department 16
Eighth Judicial District Court
Regional Justice Center
200 Lewis Ave
Las Vegas, NV.
(Respondent given Notice)
702-671-4403

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Legal Counsel Administrator;
STATE BAR OF NEVADA
3100 W. Charleston, Suite 100
Las Vegas, NV. 89102
(Respondent Real Parties)
702-382-2200

Attorney WILLIAM R. URGAS;
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D.J. LAUGHLIN;
BWD PROPERTIES 2, 3, & 4 LLC
Riverside Hotel & Casino
1650 Casino Dr. PMB 500
Laughlin NV. 89029
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PARSONS BEHLE & LATIMER

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Bobby L. Franklin

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January 3, 2019
Date Mailed