

FILED

OCT 21 2019

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

Brian Kerry O'Keefe # 90244
Levelock Correctional Center
1200 Prison Road
Levelock, Nevada 89419

Appellant In Pro Se

IN THE COURT OF APPEALS OF THE STATE OF NEVADA
~~IN THE UNITED STATES DISTRICT COURT~~

~~FOR THE DISTRICT OF NEVADA~~

* * * * *

BRIAN KERRY O'KEEFE ,)

Case No. 77541 - COA

Appellant ,)

-vs-

THE STATE OF NEVADA ,)

Respondent ,)

JUDICIAL NOTICE PURSUANT TO NRS 47.140(1)
AS A MATTER OF LAW THE DUE PROCESS
CLAUSE OF THE 14TH AMENDMENT, FEDERAL
STATUTES 2252, 2253 AND THE 5TH
AMENDMENT DOUBLE JEOPARDY CLAUSE INCORPORATED
PROVIDING PROTECTION WHILE PRETRIAL DETAINEE

Appellant points this Court to remember that "Federal Due Process" should have been provided before the deprivation of a protected liberty-interest provided by the writ issued embodied with the certificate of appealability, emphasizing the state was "noticed," pursuant to § 2252, that a double jeopardy colorable claim, pursuant to § 2253(c), was found as custody status of a pretrial detainee under no judgment. This should have provided a heightened protection of procedural due process, pursuant to the Great Writ, pursuant to 28 U.S.C. § 2241(c)(3).

• (Double Jeopardy Clause incorporated into 14th Amend. Due Process Clause) Moreover, this Court's Affirmance Order of 9/23/2019, states appellant cited an incorrect authority completely overlooking guidance given by the Ninth Circuit in Bateman v. U.S. Postal, 231 F.3d 1220, 1223 (9th Cir. 2000) "Courts are required to be obliged to apply the correct law, regardless if none of the parties briefed it implicitly briefed it wrong, or failed to brief it at all). Brian L. O'Keefe pro per #90244
Entered this 16th day of October, 2019 pursuant to NRS 208.165, by
JULIE HAINES V. KERNER, 404 U.S. 519, 520 (1972)

LCC LL FORM 36.014

RECEIVED

OCT 21 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

19-43545

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: _____

☐ Petition: _____

☒ Other: JUDICIAL NOTICE

to the below address(es) on this 16th day of October, 2019, by
placing same in the hands of prison staff for posting in the U.S. Mail, per
Nev.R.App.P. 25:

COURT OF APPEALS
OFFICE OF THE CLERK
201 S. CARSON ST.
STE. 201
CARSON CITY, Nevada 89701

Attorney For _____

☐ and _____

_____, Nevada 89_____

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

Appellant In Pro Se
High Desert State Prison
P.O. Box 650
Indian Springs, NV. 89070

Supreme Court of Nevada
Office of the Clerk
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

In Re: Case Name: Brian O'Leary v. THE STATE OF NEVADA
Supreme Court No. 77541, 77797, 78550, 79598, 79599
District Court No. _____

Dear Clerk, 5 docket sheets please

Please provide me with a copy of the Docket Sheet for the above stated case.

If there is a charge for such, please provide me with the information necessary so that I may request same from your office.

I thank you in advance for your attention to this matter.

Sincerely,

Brian O'Leary

~~Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419~~

copy: retained

High Desert 8-7-
P.O. BOX 650

Indian Springs NV 89070