

NO. 79624

FILED

SEP 17 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID LEVOYD REED,
Petitioner/Plaintiff,
v.
The EIGHTH Judicial District
Court of the State Of Nevada, In and
For the County of CLARK,

SUPREME COURT NO.
Case No. C-18-329762-1
Dept. No. 19
Docket No. _____

Respondent/Defendant.

NOTICE OF MOTION

MOTION TO WAIVE FILING FEES FOR PETITION FOR WRIT OF MANDAMUS

COMES NOW, Petitioner/Plaintiff, DAVID LEVOYD REED, pro per,
and respectfully moves this Honorable Court to waive the filing fees necessary to file a Petition for Writ of
Mandamus, being filed contemporaneously herewith.

This motion is made and based pursuant to the supporting Points and Authorities attached hereto,
N.R.S. 34.150 through N.R.S. 34. 310, N.R.A.P., Rule 21(e) and Rule 24, as well as all papers,
pleadings, and documents on file herein.

POINTS AND AUTHORITIES

I. STATEMENT OF THE FACTS

On the 10th day of September, 2019 in the above entitled case,
Petitioner/Plaintiff DAVID LEVOYD REED, was granted leave to proceed in forma pauperis in the
District Court. See Exhibit #1, attached (Criminal Court Minutes)



19-38798

N.R.A.P., Rule 21(e) requires that a filing fee be paid prior to this Court entertaining a Petition for Writ of Mandamus.

N.R.A.P., Rule 24, allows an indigent who has been granted leave to proceed In Forma Pauperis in the District Court to so proceed in this Court.

Petitioner would offer that due to his poverty, his circumstances remaining the same, he is unable to pay the required filing fee for the Petition for Writ of Mandamus that he is filing herewith, and requests that said filing fees be waived in the interest of justice.

Dated this 10th day of September, 20 19.

CONCLUSION

WHEREFORE, all of the above stated reasons, Petitioner/Plaintiff respectfully requests this Honorable Court to waive the required filing fees.

DATED this 10th day of September, 20 19

Respectfully submitted,

David Perry/Reed

Petitioner/Plaintiff

CERTIFICATE OF SERVICE

I hereby certify pursuant to N.R.C.P. 5(b) that I am the Petitioner/Plaintiff in the foregoing Notice of Motion and Motion to Waive Filing Fees for Petition for Writ of Mandamus, and that on this 10 day of September, 20 19 I did serve a true and correct copy of the above mentioned document, by giving it to a prison official at the H.O.S.P. ~~CLARK Prison~~ to deposit in the U.S. Mail, sealed in an envelope, postage pre-paid, and addressed as follows:

SUPREME COURT OF NEVADA
OFFICE OF THE CLERK
201 S. CARSON ST., SUITE #201
CARSON CITY, NV 89701

Eighth Judicial Dist. Ct
HONORABLE WILLIAM KEPLART
200 LEWIS AVE 3RD FLOOR
LAS VEGAS, NV 89155-1160

DATED this 10th day of September, 20 19

David Perry/Reed

Petitioner/Plaintiff

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE

OF MOTION, MOTION TO WAIVE FILING FEES FOR PETITION FOR WRIT OF HABEAS CORPUS
(Title of Document)

filed in District Court Case No. C-18-329762-1

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-OR-

B. For the administration of a public program or
for an application for a federal or state grant.


(Signature)

September 14, 2019
(Date)

FINANCIAL CERTIFICATE

I request that an authorized officer of the institution in which I am confined, or other designated entity, such as Inmate Services for the Nevada Department of Prisons (NDOC), complete the below Financial Certificate.

I understand that:

(1) if I commence a petition for writ of habeas corpus in federal court pursuant to 28 U.S.C. § 2254, the filing fee is \$5.00, and that such fee will have to be paid by me if the current account balance (line #1 below), or the average account balance (line #2 below), or the average deposits to my account (line #3), whichever is greater, is \$20.00 or more;

(2) if I commence a civil rights action in federal court pursuant to 42 U.S.C. § 1983, the filing fee is \$350.00, which I must pay in full; and

(a) if my current account balance (line #1 below) is \$350.00 or more, I will not qualify for *in forma pauperis* status and I must pay the full filing fee of \$350.00 before I will be allowed to proceed with the action;

(b) if I do **NOT** have \$350.00 in my account as reflected on line #1 below, before I will be allowed to proceed with an action I will be required to pay 20% of my average monthly balance (line #2 below), or the average monthly deposits to my account (line #3 below), whichever is greater, and thereafter I must pay installments of 20% of the preceding month's deposits to my account in months that my account balance exceeds \$10.00 (if I am in the custody of the NDOC, I hereby authorize the NDOC to make such deductions from deposits to my account, and I further understand that if I have a prison job, then the 20% of my paycheck that is guaranteed to me as spendable money will be sent to the court for payment of the filing fee); and

(c) I must continue to make installment payments until the \$350.00 filing fee is fully paid, without regard to whether my action is closed or my release from confinement.

Type of action (check one): ☒ civil rights

☐ habeas corpus

David L. Reed
INMATE NAME (printed)

David L. Reed 79594
SIGNATURE & PRISON NUMBER

1. CURRENT ACCOUNT BALANCE	<u>\$ 0.03</u>
2. AVERAGE MONTHLY BALANCE*	<u>\$ 3.50</u>
3. AVERAGE MONTHLY DEPOSITS*	<u>\$ 40.09</u>
4. FILING FEE (based on #1, #2 or #3, whichever is greater)	<u>\$ 8.02</u>

* for the past six (6) months, from all sources, including amount in any savings account that is in excess of minimum amount that must be maintained

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

(Please sign in ink in a
color other than black.)

25 July 2019
DATE

Keri Terra
AUTHORIZED OFFICER
Acct. Asst. 3
TITLE

Financial Certificates
0079594 - REED, DAVID L
(1/26/2019 - 7/25/2019)

Trust				
Date	Description	Deposit	Withdrawal	Balance
01/26/2019	Opening Balance			\$0.05
02/09/2019	Keefe	\$50.00		\$50.05
02/09/2019	Legal Copies		(\$12.00)	\$38.05
02/09/2019	Legal Copies		(\$1.40)	\$36.65
02/09/2019	Legal Copies		(\$0.80)	\$35.85
02/09/2019	Legal Copies		(\$3.80)	\$32.05
02/09/2019	Legal Copies		(\$1.20)	\$30.85
02/09/2019	Legal Copies		(\$1.80)	\$29.05
02/09/2019	Legal Copies		(\$4.00)	\$25.05
02/09/2019	Savings		(\$5.00)	\$20.05
02/11/2019	Legal Postage		(\$2.47)	\$17.58
02/20/2019	Postage		(\$0.55)	\$17.03
02/20/2019	Legal Postage		(\$0.70)	\$16.33
02/20/2019	Legal Postage		(\$7.35)	\$8.98
02/22/2019	Trust 2	\$0.17		\$9.15
02/22/2019	Commissary		(\$9.00)	\$0.15
04/04/2019	Keefe	\$70.00		\$70.15
04/04/2019	Legal Copies		(\$4.70)	\$65.45
04/04/2019	Legal Copies		(\$10.80)	\$54.65
04/04/2019	Legal Copies		(\$4.20)	\$50.45
04/04/2019	Legal Copies		(\$6.00)	\$44.45
04/04/2019	Legal Copies		(\$0.90)	\$43.55
04/04/2019	Legal Copies		(\$5.40)	\$38.15
04/04/2019	Legal Copies		(\$1.50)	\$36.65
04/04/2019	Legal Copies		(\$1.50)	\$35.15
04/04/2019	Savings		(\$7.00)	\$28.15
04/09/2019	Intake	\$0.53		\$28.68
04/11/2019	Legal Copies		(\$0.27)	\$28.41
04/11/2019	Savings		(\$0.05)	\$28.36
04/19/2019	Commissary		(\$28.33)	\$0.03
05/11/2019	Keefe	\$70.00		\$70.03
05/11/2019	Trust 2		(\$70.00)	\$0.03
05/17/2019	Trust 2	\$52.35		\$52.38
05/17/2019	Commissary		(\$52.35)	\$0.03
05/24/2019	Trust 2	\$16.66		\$16.69
05/24/2019	Commissary		(\$16.66)	\$0.03
05/28/2019	Commissary Refund	\$47.35		\$47.38
05/28/2019	Trust 2		(\$47.35)	\$0.03
06/03/2019	Trust 2	\$48.13		\$48.16
06/03/2019	Commissary		(\$48.13)	\$0.03
06/14/2019	Keefe	\$50.00		\$50.03
06/14/2019	Trust 2		(\$50.00)	\$0.03
06/24/2019	Trust 2	\$46.00		\$46.03
06/24/2019	Commissary		(\$46.00)	\$0.03
07/05/2019	Trust 2	\$4.00		\$4.03
07/05/2019	Commissary		(\$4.00)	\$0.03

Financial Certificates
0079594 - REED, DAVID L

Trust

Date	Description	Deposit	Withdrawal	Balance
07/25/2019	Closing Balance			\$0.03

Trust2

Date	Description	Deposit	Withdrawal	Balance
01/26/2019	Opening Balance			\$0.17
02/22/2019	Trust 2		(\$0.17)	\$0.00
05/11/2019	Trust 2	\$70.00		\$70.00
05/17/2019	Trust 2		(\$52.35)	\$17.65
05/24/2019	Trust 2		(\$16.66)	\$0.99
05/28/2019	Trust 2	\$47.35		\$48.34
06/03/2019	Trust 2		(\$48.13)	\$0.21
06/14/2019	Trust 2	\$50.00		\$50.21
06/24/2019	Trust 2		(\$46.00)	\$4.21
07/05/2019	Trust 2		(\$4.00)	\$0.21
07/25/2019	Closing Balance			\$0.21

Trust3

Date	Description	Deposit	Withdrawal	Balance
	No Activity			
01/26/2019	Opening Balance			\$0.00
07/25/2019	Closing Balance			\$0.00

Savings

Date	Description	Deposit	Withdrawal	Balance
01/26/2019	Opening Balance			\$13.32
02/09/2019	Savings	\$5.00		\$18.32
04/04/2019	Savings	\$7.00		\$25.32
04/11/2019	Savings	\$0.05		\$25.37
07/25/2019	Closing Balance			\$25.37

Financial Certificates

0079594 - REED, DAVID L

Date	Daily Balance	Daily Deposit	Number Of Deposit
01/26/2019	\$0.05	\$0.00	0
01/27/2019	\$0.05	\$0.00	0
01/28/2019	\$0.05	\$0.00	0
01/29/2019	\$0.05	\$0.00	0
01/30/2019	\$0.05	\$0.00	0
01/31/2019	\$0.05	\$0.00	0
02/01/2019	\$0.05	\$0.00	0
02/02/2019	\$0.05	\$0.00	0
02/03/2019	\$0.05	\$0.00	0
02/04/2019	\$0.05	\$0.00	0
02/05/2019	\$0.05	\$0.00	0
02/06/2019	\$0.05	\$0.00	0
02/07/2019	\$0.05	\$0.00	0
02/08/2019	\$0.05	\$0.00	0
02/09/2019	\$20.05	\$50.00	1
02/10/2019	\$20.05	\$0.00	0
02/11/2019	\$17.58	\$0.00	0
02/12/2019	\$17.58	\$0.00	0
02/13/2019	\$17.58	\$0.00	0
02/14/2019	\$17.58	\$0.00	0
02/15/2019	\$17.58	\$0.00	0
02/16/2019	\$17.58	\$0.00	0
02/17/2019	\$17.58	\$0.00	0
02/18/2019	\$17.58	\$0.00	0
02/19/2019	\$17.58	\$0.00	0
02/20/2019	\$8.98	\$0.00	0
02/21/2019	\$8.98	\$0.00	0
02/22/2019	\$0.15	\$0.00	0
02/23/2019	\$0.15	\$0.00	0
02/24/2019	\$0.15	\$0.00	0
02/25/2019	\$0.15	\$0.00	0
02/26/2019	\$0.15	\$0.00	0
02/27/2019	\$0.15	\$0.00	0
02/28/2019	\$0.15	\$0.00	0
03/01/2019	\$0.15	\$0.00	0
03/02/2019	\$0.15	\$0.00	0
03/03/2019	\$0.15	\$0.00	0
03/04/2019	\$0.15	\$0.00	0
03/05/2019	\$0.15	\$0.00	0
03/06/2019	\$0.15	\$0.00	0
03/07/2019	\$0.15	\$0.00	0
03/08/2019	\$0.15	\$0.00	0
03/09/2019	\$0.15	\$0.00	0
03/10/2019	\$0.15	\$0.00	0
03/11/2019	\$0.15	\$0.00	0
03/12/2019	\$0.15	\$0.00	0
03/13/2019	\$0.15	\$0.00	0
03/14/2019	\$0.15	\$0.00	0
03/15/2019	\$0.15	\$0.00	0

Financial Certificates

0079594 - REED, DAVID L

Date	Daily Balance	Daily Deposit	Number Of Deposit
03/16/2019	\$0.15	\$0.00	0
03/17/2019	\$0.15	\$0.00	0
03/18/2019	\$0.15	\$0.00	0
03/19/2019	\$0.15	\$0.00	0
03/20/2019	\$0.15	\$0.00	0
03/21/2019	\$0.15	\$0.00	0
03/22/2019	\$0.15	\$0.00	0
03/23/2019	\$0.15	\$0.00	0
03/24/2019	\$0.15	\$0.00	0
03/25/2019	\$0.15	\$0.00	0
03/26/2019	\$0.15	\$0.00	0
03/27/2019	\$0.15	\$0.00	0
03/28/2019	\$0.15	\$0.00	0
03/29/2019	\$0.15	\$0.00	0
03/30/2019	\$0.15	\$0.00	0
03/31/2019	\$0.15	\$0.00	0
04/01/2019	\$0.15	\$0.00	0
04/02/2019	\$0.15	\$0.00	0
04/03/2019	\$0.15	\$0.00	0
04/04/2019	\$28.15	\$70.00	1
04/05/2019	\$28.15	\$0.00	0
04/06/2019	\$28.15	\$0.00	0
04/07/2019	\$28.15	\$0.00	0
04/08/2019	\$28.15	\$0.00	0
04/09/2019	\$28.68	\$0.53	1
04/10/2019	\$28.68	\$0.00	0
04/11/2019	\$28.36	\$0.00	0
04/12/2019	\$28.36	\$0.00	0
04/13/2019	\$28.36	\$0.00	0
04/14/2019	\$28.36	\$0.00	0
04/15/2019	\$28.36	\$0.00	0
04/16/2019	\$28.36	\$0.00	0
04/17/2019	\$28.36	\$0.00	0
04/18/2019	\$28.36	\$0.00	0
04/19/2019	\$0.03	\$0.00	0
04/20/2019	\$0.03	\$0.00	0
04/21/2019	\$0.03	\$0.00	0
04/22/2019	\$0.03	\$0.00	0
04/23/2019	\$0.03	\$0.00	0
04/24/2019	\$0.03	\$0.00	0
04/25/2019	\$0.03	\$0.00	0
04/26/2019	\$0.03	\$0.00	0
04/27/2019	\$0.03	\$0.00	0
04/28/2019	\$0.03	\$0.00	0
04/29/2019	\$0.03	\$0.00	0
04/30/2019	\$0.03	\$0.00	0
05/01/2019	\$0.03	\$0.00	0
05/02/2019	\$0.03	\$0.00	0
05/03/2019	\$0.03	\$0.00	0

Financial Certificates

0079594 - REED, DAVID L

Date	Daily Balance	Daily Deposit	Number Of Deposit
05/04/2019	\$0.03	\$0.00	0
05/05/2019	\$0.03	\$0.00	0
05/06/2019	\$0.03	\$0.00	0
05/07/2019	\$0.03	\$0.00	0
05/08/2019	\$0.03	\$0.00	0
05/09/2019	\$0.03	\$0.00	0
05/10/2019	\$0.03	\$0.00	0
05/11/2019	\$0.03	\$70.00	1
05/12/2019	\$0.03	\$0.00	0
05/13/2019	\$0.03	\$0.00	0
05/14/2019	\$0.03	\$0.00	0
05/15/2019	\$0.03	\$0.00	0
05/16/2019	\$0.03	\$0.00	0
05/17/2019	\$0.03	\$0.00	0
05/18/2019	\$0.03	\$0.00	0
05/19/2019	\$0.03	\$0.00	0
05/20/2019	\$0.03	\$0.00	0
05/21/2019	\$0.03	\$0.00	0
05/22/2019	\$0.03	\$0.00	0
05/23/2019	\$0.03	\$0.00	0
05/24/2019	\$0.03	\$0.00	0
05/25/2019	\$0.03	\$0.00	0
05/26/2019	\$0.03	\$0.00	0
05/27/2019	\$0.03	\$0.00	0
05/28/2019	\$0.03	\$0.00	0
05/29/2019	\$0.03	\$0.00	0
05/30/2019	\$0.03	\$0.00	0
05/31/2019	\$0.03	\$0.00	0
06/01/2019	\$0.03	\$0.00	0
06/02/2019	\$0.03	\$0.00	0
06/03/2019	\$0.03	\$0.00	0
06/04/2019	\$0.03	\$0.00	0
06/05/2019	\$0.03	\$0.00	0
06/06/2019	\$0.03	\$0.00	0
06/07/2019	\$0.03	\$0.00	0
06/08/2019	\$0.03	\$0.00	0
06/09/2019	\$0.03	\$0.00	0
06/10/2019	\$0.03	\$0.00	0
06/11/2019	\$0.03	\$0.00	0
06/12/2019	\$0.03	\$0.00	0
06/13/2019	\$0.03	\$0.00	0
06/14/2019	\$0.03	\$50.00	1
06/15/2019	\$0.03	\$0.00	0
06/16/2019	\$0.03	\$0.00	0
06/17/2019	\$0.03	\$0.00	0
06/18/2019	\$0.03	\$0.00	0
06/19/2019	\$0.03	\$0.00	0
06/20/2019	\$0.03	\$0.00	0
06/21/2019	\$0.03	\$0.00	0

Financial Certificates

0079594 - REED, DAVID L

Date	Daily Balance	Daily Deposit	Number Of Deposit
06/22/2019	\$0.03	\$0.00	0
06/23/2019	\$0.03	\$0.00	0
06/24/2019	\$0.03	\$0.00	0
06/25/2019	\$0.03	\$0.00	0
06/26/2019	\$0.03	\$0.00	0
06/27/2019	\$0.03	\$0.00	0
06/28/2019	\$0.03	\$0.00	0
06/29/2019	\$0.03	\$0.00	0
06/30/2019	\$0.03	\$0.00	0
07/01/2019	\$0.03	\$0.00	0
07/02/2019	\$0.03	\$0.00	0
07/03/2019	\$0.03	\$0.00	0
07/04/2019	\$0.03	\$0.00	0
07/05/2019	\$0.03	\$0.00	0
07/06/2019	\$0.03	\$0.00	0
07/07/2019	\$0.03	\$0.00	0
07/08/2019	\$0.03	\$0.00	0
07/09/2019	\$0.03	\$0.00	0
07/10/2019	\$0.03	\$0.00	0
07/11/2019	\$0.03	\$0.00	0
07/12/2019	\$0.03	\$0.00	0
07/13/2019	\$0.03	\$0.00	0
07/14/2019	\$0.03	\$0.00	0
07/15/2019	\$0.03	\$0.00	0
07/16/2019	\$0.03	\$0.00	0
07/17/2019	\$0.03	\$0.00	0
07/18/2019	\$0.03	\$0.00	0
07/19/2019	\$0.03	\$0.00	0
07/20/2019	\$0.03	\$0.00	0
07/21/2019	\$0.03	\$0.00	0
07/22/2019	\$0.03	\$0.00	0
07/23/2019	\$0.03	\$0.00	0
07/24/2019	\$0.03	\$0.00	0
07/25/2019	\$0.03	\$0.00	0

Start Date	End Date	Total Daily Balances	Number Of Days	Average Monthly Balances
01/26/2019	02/25/2019	\$217.58	31	\$7.02
02/26/2019	03/25/2019	\$4.20	28	\$0.15
03/26/2019	04/25/2019	\$426.55	31	\$13.76
04/26/2019	05/25/2019	\$0.90	30	\$0.03
05/26/2019	06/25/2019	\$0.93	31	\$0.03
06/26/2019	07/25/2019	\$0.90	30	\$0.03

Start Date	End Date	Total Deposits	Number Of Deposits	Average Monthly Deposits
01/26/2019	02/25/2019	\$50.00	1	\$50.00
03/26/2019	04/25/2019	\$70.53	2	\$35.27
04/26/2019	05/25/2019	\$70.00	1	\$70.00
05/26/2019	06/25/2019	\$50.00	1	\$50.00

Current Account Balance: 7/25/2019 \$0.03

Financial Certificates

0079594 - REED, DAVID L

Average Monthly Balance:	\$3.50
Average Monthly Deposits:	\$40.09
Average Total Monthly Deposit:	\$34.21

40.09x
20.0%
8.02*+
40.09*