

FILED

AUG 17 2021

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

IN THE SUPREME COURT IN THE STATE OF NEVADA

MICHAEL WHITFIELD,
Appellant

CASE NO. 79718

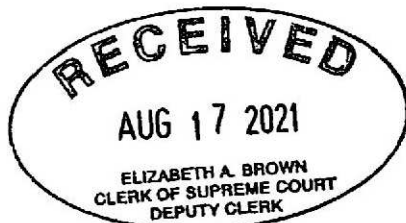
v.

NEVADA STATE PERSONNEL
COMMISSION, STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION,
LORNA WARD, APPEALS OFFICER,
and JAMES DZURENDA, NEVADA
DEPARTMENT OF CORRECTIONS,
As Employer,
Respondents.

APPEALLANTS' PETITION FOR REHEARING

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Self Represented Litigant

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21-24015

1 **APPELLANT'S PETITION FOR REHEARING**

2 *Introduction*, Under NRAP 40, Appellant petitions for a rehearing of the
3
4 Opinion issued on July 29, 2021. The opinion overlooked important points
5 which if left as is will harm the appellant. The matter should be reheard
6 because the court overlooked or misapprehended points of facts and law.

7
8 *Reconsider and Reversal* is warranted on several issues. The appellant will
9 designate the other party as Respondent throughout this document.

10
11 The Respondent answered this plaintiff complaint twice. Respondent's first
12 answer was of the state plan to participate in "Statement of Intent to Participate
13 in Petition for Judicial Review." filed 4/4/2019 at 11:15 am. Respondents'
14 second action was to file a motion to dismiss five hours later dated 4/4/2019 at
15 4:16pm.

16
17 This clearly shows the Respondent understood the petition was for them.

18
19 Plaintiff asked the court why Respondents were allowed to amend their answer
20 while the plaintiff was not allowed to amend his complaint. There is no
21 mistaking respondents knew the petition was for them and knew to answer.

22
23 Upon realizing the plaintiff error the respondents filed a motion to dismiss.

24
25 NRCP 15 (a) allows 21 days to amend a pleading once it is served. The
26 respondents were allowed to amend their answer to the complaint the plaintiff
27 asked the court to allow him the same privilege they allowed the respondents.
28

1 *Secondly*, respondents present a narrative that the plaintiff committed domestic
2 violence. The protection order is prevention of domestic violence with minor
3 children. The respondents have not produced a record to show that the plaintiff
4 was ever charged or arrested for any acts of domestic violence. Plaintiff lives
5 in Reno, NV and order was obtained fraudulently in San Jose, CA, The
6 requirements for a protection order are different from Nevada (see Santa Clara
7 requirements for DVRO). Plaintiff was going through a custody case (Washoe
8 Family Court case FV16-02062) and the protection order was being used as
9 leverage to get a better custody arrangement. Plaintiff was presented with the
10 choice of his job or his children.

11 The Attorney General knew the DVRO was a prevention of domestic violence
12 with children (see Santa Clara Superior Court Portal). Plaintiff was never
13 charged in Reno, NV or San Jose, CA, Nevada had personal jurisdiction of the
14 plaintiff. See exhibit 1 from 9/24/2019 of confidential exhibits and see how the
15 plaintiff is presented which is in the most negative way.

16 *Washoe District Court Rule 10(10)* Filing review- after a document is
17 submitted a clerk may review the document to determine whether it is a non
18 conforming document. Plaintiff document clearly missed naming the
19 respondents. This was not pointed out to the plaintiff by the clerk.

20 *Fourth*, no one wants this case. Lawyers do not want to face the state. My
21 attorneys told me to settle and ask for very little of my input. I wanted to focus

1 on the state's original answer of their plans to participate and the attorneys
2 assigned to me chose to focus on the motion to dismiss. The court appointed
3 me these attorneys that did not have my best interests at heart because they
4 were working for free. The whole process seems to be designed for the self
5 represented litigant to fail and for the state to succeed.
6
7

8 *In closing* I would like to state mistakes were made at every level. Others were
9 allowed to correct their mistakes and the plaintiff was not given this
10 opportunity. Plaintiff asked the court to allow corrections since the plaintiff
11 was a first time pro se litigant.
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13 *Conclusion* The petition issued on July 29, 2021 be reversed.
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CERTIFICATE OF COMPLIANCE

1. I hereby certify that this Petition for Rehearing complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because: It has been prepared in a proportionally spaced typeface using Microsoft Word in a 14 point Times New Roman font

2. I further certify that this brief complies with the page-or type volume limitations of NRAP 40 or NRAP 40A because: It is proportionally spaced, has a typeface of 14 points or more and does not exceed 10 pages.

3. I further affirm under NRS 239B.030(4) that the petition for Rehearing has no one's personal information.

Dated this 16th day of August 2021


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