

1 Ali Shahrokhi
2 10695 Dean Martin Dr. #1214
3 Las Vegas, Nev. 89141
4 Tel: (702)835-3558

5 *Appellant in Propria Persona*

FILED

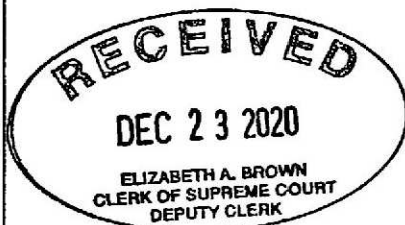
JAN 25 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *S. Young*
DEPUTY CLERK

7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

10 _____) **Case No: 81978**
11 **ALI SHAHROKH**)
12)
13 *Appellant,*)
14)
15 **vs.**)
16)
17 **KIZZY BURROW**)
18 *Respondent.*)
19 _____)

20 **MOTION SEEKING AN ORDER TO SHOW CAUSE WHY MATHEW P.**
21 **HARTER, DISTRICT JUDGE, SHOULD NOT BE HELD IN CONTEMPT OF**
22 **COURT NOT FOLLOWING DIRECTIVES SERVED ON HIM IN COURT OF**
23 **APPEALS WRIT #79336**



21-02151

COMES NOW, Petitioner, Ali Shahrokhi, appearing in Proper Person, hereby moves FOR AN "EMERGENCY MOTION" seeking an ORDER TO SHOW CAUSE and why Mathew P. Harter, District Court Judge Department N, in underlying case # D-18-581208-P should not be held in contempt of Court not following Court of Appeals DIRECTIVES served on him on 11/6/2019, COA Writ # 79336.

On 11/6/2019 Court of Appeals Issued directives which were served on Mathew Harter in his capacity as a district Court Judge by the Clerk of Supreme Court in Writ # 79336.

In their conclusion in Emergency Writ Court of Appeals # 79336 an ORDER was issued and SERVED on Mathew Harter, District Court Judge Department N. Such Directives states as:

- (1) vacate its July 16 no-contact order as to the child, only, and enter a new order setting forth the limited contact provided pursuant to our August 14 order;**
- (2) immediately set an adversarial hearing on the temporary custody and relocation issues;**
- (3) strike the portion of its August 6 order requiring a psychological evaluation, subject to any new order that complies with NRCP 35, or alternatively NRCP 16.22;**
- (4) strike the portion of the August 6 order making domestic violence findings—any future domestic violence findings should be made only after an evidentiary hearing affording an adequate opportunity to respond to the allegations; and**
- (5) schedule a full evidentiary hearing to finally determine custody and relocation.**

To this date, Directives # 1, #2, # 3 issued and Served on Mathew Harter by the Supreme Court Clerk on 11/6/2019 have not been followed and Mathew Harter is in violation of such court ORDER.

1) To this day, no written ORDER exists that supports July 16 no-contact ORDER has been vacated or Visitations have been established;

2) To this day, no adversarial hearing was set to IMMEDIATELY resolve the temporary relocation or temporary custody issues;

3) To this day no ORDER for custody evolution or referral has been issued that is in compliant with NRCP Rule 16.22;

4) To this day , no written ORDER exists that shows August 6 Domestic Violence Findings have been STRICKEN OUT;

We have laws in place so we all follow them, Mathew Harter is not above the law and certainly not in a position to make up his own laws. The Court of appeals is a superior Court with Superior AUTHORITY over the lower courts. It is very problematic that a lower court judge has no consideration for superior ORDERS and continues to ignore the directives served on him with no respect for the existing laws.

Mathew Harter continues to violate the higher court ORDERS and I ask this court to immediately issuing an ORDER on Mathew Harter, district court judge department N, asking him why he should not be held in contempt of court and why he feels as he is above the law. EDCR 5.509 governs the procedure for an ORDER to show cause and this affidavit identifies the ORDERS and also identifies the orders and how they have been violated by Mathew Harter. Court of Appeals Writ # 79336, page 8, dated 11/6/2019 describes the 5 directives issued on Mathew Harter and yet he continues to violate every single one of them.

NRS 34.290

NRS 34.290 Penalties for refusal or neglect to obey writ; state and county officers.

1. When a peremptory mandate has been issued and directed to any inferior tribunal, corporation, board or person, if it appear to the court that any member of such tribunal, corporation or board, or such person, upon whom the writ has been personally served, has, without just excuse, refused or neglected to obey the same, the court may, after notice and hearing, adjudge the party guilty of contempt and upon motion impose a fine not exceeding \$1,000.

2. In case of persistence in a refusal of obedience, the court may order the party to be imprisoned for a period not exceeding 3 months and may make any orders necessary and proper for the complete enforcement of the writ.

3. If a fine be imposed upon a judge or officer who draws a salary from the State or county, a certified copy of the order shall be forwarded to the State Controller or county treasurer, as the case may be, and the amount thereof may be retained from the salary of such judge or officer. Such judge or officer for such willful disobedience shall also be deemed guilty of a misdemeanor in office.

[Part 1911 CPA § 765; RL § 5707; NCL § 9254]

CONCLUSION:

Shahrokhi respectfully asks that Nevada Supreme Court immediatley
ORDER Mathew Harter to show casue why he has not followed the directives of
the writ and Shahrokhi asks this Court to Hold Harter in Contempt of the Court for
refusing to follow directives that have caused irrepaerable harm not only to
Shahrokhi but to the minor child. Shahrokhi asks this Court to also impose proper
fines on Harter pursuant to NRS 34.290(3).

Dated: **Decemebr 17, 2020**

AuthenticSign
Ali Shahrokhi
12/22/2020 10:41:17 AM PST

ALI SHAHROKHI

Petitioner, in Propria Persona

AFFIDAVIT of Ali Shahrokhi

My name is Ali Shahrokhi. I am a litigant before the court. All of the allegations herein are true and correct of my own personal knowledge. If called upon to testify, I could and would give competent and truthful evidence.

I hereby declare under penalty of perjury under the laws of the State of Nevada the foregoing is both true and correct.

Dated: Decemebr 17, 2020

Ali Shahrokhi

Declarant.

Authentisign
Ali Shahrokhi
12/22/2020 10:41:18 AM PST

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-CERTIFICATE-OF-SERVICE-

I am an individual over the age of eighteen and not a party to the within action. My home address is 10695 Dean Martin Dr. #1214, Las Vegas, Nev. 89141. My phone number is (702)835-3558.

On **Decemebr 17, 2020**, I served the following:

SHOW CAUSE and CONTEMPT of COURT

on an interested party in the above-entitled action by

 X via e-mail transmission,

 personal service on the person below listed,

 X depositing it in the U.S. Mail, postage prepaid,

 and addressed to the person below listed,

 overnight delivery, addressed as follows:

**Thomas Standish, ESQ.
Standish Law
1635 Village Center Cir. #180
LAS VEGAS, NEV. 89135**

**Mathew Harter, District Court Judge
601 N. Pecos Rd.
Las Vegas, NV 89101**

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

Dated: **Decemebr 17, 2020**

/s/ Ali Shahrokhi
Declarant.