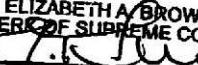


FILED

MAY 20 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

Ali Shahrokhi
10695 Dean Martin Dr. #1214
Las Vegas, NV 89141
(702) 835-3558
Alibe76@gmail.com
In Proper Person

IN THE SUPREME COURT OF NEVADA

ALI SHAHROKHI,	)	Case No.: 81978
Appellant,	)	
	)	District Court Case No.: D-18-581208-P
vs.	)	
	)	
KIZZY BURROW,	)	
Respondent.	)	

**SUPPLEMENT TO MOTION FOR STAY FOR LACK OF
SUBJECT-MATTER JURISDICTION, VIOLATION OF
CONSTITUTION & EQUAL PROTECTION RIGHTS &
VIOLATION OF SUSBTANTIVE AND PROCEDURAL DUE
PROCESS.**

ALI SHAHROKHI ("ALI"), in proper person, respectfully submits this Supplement to Motion for Stay as the lower court lacked subject-matter jurisdiction, **VIOLATED** Shahrokhi's substantive due process and procedural du process rights fully protected by U.S. Constitution, refused to declare on the record what jurisdiction or authority the Court has to infringe upon Shahrokhi's fundamental liberty interest, without declaring Shahrokhi "UNFIT" or holding a fitness hearing, has NOT applied strict scrutiny as mandated by federal law, refused to adjudicate pre-trial objections prior to trial and violated appellants 14th amendment rights to a fair judiciary buy having a criminal judge presiding

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21-14550

over the case. This motion and the points and authorities submitted herewith is made in good faith and not to delay justice.

DATED this 10th day of May, 2021.

Authentisign
Ali Shahrokhi
5/10/2021 8:50:03 AM PDT
Ali Shahrokhi

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ALI respectfully requests this court to consider the supplemental motion as Shahrokhi like to bring to attention to this Court other motions Shahrokhi has raised about subject-matter jurisdiction and Shahrokhi's constitutional rights that not only have NEVER been adjudicated, yet the lower court completely ignored them and violated Shahrokhi's rights and mirroring rights of his minor son B.E.S.

1) On 7/30/2020, Shahrokhi filed a motion demanding lower Court prove it's subject-matter jurisdiction on the record, this motion was **IGNORED and NEVER** adjudicated. (See V. 15, P.2831-2877)

2) On 8/12/2020, Shahrokhi filed a motion demanding lower Court to declare Shahrokhi's Fundamental Liberty Rights and declaratory rights, this motion was ignored and **NEVER adjudicated**. (See V. 16, P. 3153-3159)

3) On 9/11/2020, Shahrokhi filed a motion for his Equal Protection rights under the constitution; this motion was **IGNORED** by Mathew Harter again. (See V. 18, P. 3519-3530)

4) On 9/11/2020, Shahrokhi filed a motion requesting relief, asserting affirmative application of strict scrutiny procedural protections for his substantive due process rights; this motion was **IGNORED** by Mathew Harter again. (See V. 18, P. 3428-3441)

5) On 9/11/2020, Shahrokhi filed another motion requesting declaratory relief asserting his substantive rights; this motion was **IGNORED** by Harter again. (See V. 18, P. 3444-3466)

6) On 9/13/2020, Shahrokhi filed a motion OBJECTING the minute entry filed by district Court about Shahrokhi's substantive due process rights, this motion was **NEVER Adjudicated** and ignored again. (See V. 18, P. 3533-3544)

7) On 9/16/2020, Shahrokhi filed a motion objecting to order on trial setting, this motion again was ignored by Harter and **NEVER adjudicated** on. (See V.18, P. 3564-3568)

8) On 9/14/2020, Shahrokhi filed an application for OST to discuss Pre-trial objections, Shahrokhi's substantive due process rights and strict scrutiny requirements before trial starts, yet this application was **NEVER adjudicated** on and ignored by Harter again.

In the Course of this custody dispute in department N, there are over **35+ Motions** that have **NEVER been adjudicated** by Mathew Harter, the district court judge on purpose. The amount of shenanigans played out in this court by Thomas Standish and his law firm, coordinated with Mathew Harter to abuse his discretion and continuance of violating Shahrokhi's constitutional protected rights and substantive rights are UNBELIEVEABLE.

Department N, Family court is a law-less court and should be demolished immediately.

1 Substantive equal protection: similarly situated parents must be
2 treated similarly (fundamental rights strand of equal protection under
3 the fourteenth amendment.) State implication of a fundamental right
4 resulting in the arbitrary classification of parents into suspect classes
5 (non-custodial and custodial) is subject to constitutional review.
6 Whenever government action seriously burdens fundamental rights and
7 interests, heightened scrutiny of the procedures is warranted.

8 Where a state law impinges upon a fundamental right secured by
9 the U.S. Constitution it is presumptively unconstitutional. *Harris v.*
10 *Mcrae*, 448 U.S. 297 (1980); *Zablocki v. Redhail*, 434 U.S. 374
11 (1978). Conclusion: where a statutory classification significantly
12 interferes with the exercise of a fundamental right, constitutional
13 scrutiny of state procedures is required.

14 Under the Supremacy Clause appears in Article VI of the
15 Constitution of the United States, everyone must follow federal law in
16 the face of conflicting state law. it has long been established that "a
17 state statute is void to the extent that it actually conflicts with a valid
18 federal statute" and that a conflict will be found either where
19 compliance with both federal and state law is impossible or where the
20 state law stands as an obstacle to the accomplishment and execution of
21 the full purposes and objectives of Congress.

22 "Fundamental Rights do not hang by a tenuous thread of a
23 layman's knowledge of the niceties of law. It is sufficient if it appears
24 that he is attempting to assert his constitutional privilege. The plea,
25 rather than the form in which it is asserted ..." *U.S. v St. Pierre*, *Supra*,
26 128 F 2d

1 "The law will protect an individual who, in the prosecution of a
2 right does everything, which the law requires him to do, but fail to
3 obtain his right by the misconduct or neglect of a public officer." Lyle v
4 Arkansas, 9 Howe, 314, 13 L. Ed. 153 ."Where rights are secured by the
5 Constitution are involved, there can be no rule-making or legislation
6 which would abrogate them. Miranda v. Arizona, 380 US 426
7 (1966).

8 Justice Souter) We have long recognized that a parent's interests
9 in the nurture, upbringing, companionship, care, and custody of
10 children are generally protected by the Due Process Clause of the
11 Fourteenth Amendment. See, e.g., Meyer v. Nebraska, 262 U. S. 390,
12 399, 401 (1923); Pierce v. Society of Sisters, 268 U. S. 510, 535 (1925);
13 Stanley v. Illinois, 405 U. S. 645, 651 (1972); Wisconsin v. Yoder,
14 406 U. S. 205, 232 (1972); Quilloin v. Walcott, 434 U. S. 246, 255 (1978);
15 Parham v. J. R., 442 U. S. 584, 602 (1979); Santosky v. Kramer, 455 U.
16 S. 745, 753 (1982); Washington v. Glucksberg, 521 U. S. 702, 720 (1997).
17 As we first acknowledged in Meyer, the right of parents to "bring up
18 children," 262 U. S., at 399, and "to control the education of their own"
19 is protected by the Constitution, id., at 401. See also Glucksberg, supra,
20 at 761.

21 Justice Souter then opens the very next paragraph indicating the
22 constitutionality of parental rights are a "settled principle". In fact, it is
23 a well-established principle of constitutional law that custody of one's
24 minor children is a fundamental right. Santosky v. Kramer, 455 U.S.
25 745 (1982), Stanley v. Illinois, 405 U.S. 645 (1972).

1 Without dispute the Troxel case is UNANIMOUS in its
2 establishment that parental rights are constitutionally protected rights.
3 Even the dissenting judges, not agreeing with the remedy, recognized
4 that parental rights are constitutional Rights. From the dissents in
5 Troxel: a. (Justice Scalia) . . . [A] right of parents to direct the
6 upbringing of their children is among the "unalienable Rights" with
7 which the Declaration of Independence proclaims "all Men ... are
8 endowed by their Creator." . . . [T]hat right is also among the "othe[r]
9 [rights] retained by the people" which the Ninth Amendment says the
10 Constitution's enumeration of rights "shall not be construed to deny or
11 disparage." b. (Justice Kennedy) I acknowledge visitation cases may
12 arise where [considering appropriate protection by the state] the best
13 interests of the child standard would give insufficient protection to the
14 parent's constitutional right to raise the child without undue
15 intervention by the state.

16 Implications for recognizing the fundamental constitutional rights
17 that ALL parents possess, not only mothers, but fathers too, demands
18 that the deprivation of "the fundamental right of parents to make
19 decisions concerning the care, custody, and control" of their children
20 constitutes a significant interference with," (citations omitted) the
21 exercise of a fundamental constitutional right. Deprivation of
22 fundamental liberty rights "for even minimal periods of time,
23 unquestionably constitutes irreparable injury." *Elrod v. Burns*, 96
24 S.Ct. 2673; 427 U.S. 347, 373 (1976) (Note Justice Kennedy's Troxel
25 remarks on page 2 about parental rights under the First Amendment,
26 the Amendment at issue in *Elrod*.)

1 The liberty interest of the family encompasses an interest in
2 retaining custody of one's children and, thus, a state may not interfere
3 with a parent's custodial rights absent due process protections. *Langton*
4 *v. Maloney*, 527 F Supp 538, D.C. Conn. (1981).

5 Parent's right to custody of child is a right encompassed within
6 protection of this amendment which may not be interfered with under
7 guise of protecting public interest by legislative action which is
8 arbitrary or without reasonable relation to some purpose within
9 competency of state to effect. *Reynold v. Baby Fold, Inc.*, 369 NE 2d 858;
10 68111 2d 419, appeal dismissed 98 S Ct 1598, 435 US 963, IL, (1977).

11 Parent's interest in custody of their children is a liberty interest
12 which has received considerable constitutional protection; a parent who
13 is deprived of custody of his or her child, even though temporarily,
14 suffers thereby grievous loss and such loss deserves extensive due
15 process protection. *In the Interest of Cooper*, 621 P 2d 437; 5 Kansas
16 App Div 2d 584, (1980).

17 The Due Process Clause of the Fourteenth Amendment requires
18 that severance in the parent-child relationship caused by the state
19 occur only with rigorous protections for individual liberty interests at
20 stake. *Bell v. City of Milwaukee*, 746 F 2d 1205; US Ct App 7th Cir WI,
21 (1984).

22 Hence any ex-parte hearing or lack of due process would not
23 warrant termination of parental rights. Father enjoys the right to
24 associate with his children which is guaranteed by this amendment
25 (First) as incorporated in Amendment 14, or which is embodied in the
26 concept of "liberty" as that word is used in the Due Process Clause of
27
28

1 the 14th Amendment and Equal Protection Clause of the 14th
2 Amendment. *Mabra v. Schmidt*, 356 F Supp 620; DC, WI (1973).

3 Parental rights are fundamental rights protected under
4 federal/constitutional law. The USSC plurality
5 decision in *Troxel v. Granville*, 530 U.S. 57 (2000) evinces that all nine
6 justices agree that parental rights are fundamental rights.

7 Fundamental rights are possessed by the individual, not the
8 married couple. Fundamental rights are also called ***substantive rights***
9 ***or natural rights***.

10 Any contract, including marriage must have "consideration" to
11 be enforceable. In divorce/separation the contract between wife and
12 husband/boyfriend/girlfriend is being broken and the courts may
13 need to mediate the division of assets, but children are not assets and
14 the state can not interfere by allocating the children without a high
15 standard of proof that one parent is unfit. Therefore the only truly
16 constitutional solution for the parents, **and in fact now also**
17 **proven best for children scientifically, is an equal**
18 **amount of time spent with both parents.**

19 Where a fundamental right is implicated, the State of Nevada
20 must provide expressly written mandatory due process procedures and
21 use ***the least restrictive means of intrusion*** to achieve an optimal
22 outcome. Neither parent is provided with due process of law, i.e., in
23 some states there is no pre-deprivation hearing. *Stanley v. Illinois*, 405
24 U.S. 645 (1972).

25 Where a state law impinges upon a fundamental right secured by
26 the U.S. Constitution it is presumptively unconstitutional. *Harris v.*
27 *Mcrae*, 448 U.S. 297 (1980); *Zablocki v. Redhail*, 434 U.S. 374
28

1 (1978). Conclusion: where a statutory classification significantly
2 interferes with the exercise of a fundamental right, constitutional
3 scrutiny of state procedures is required.

4 Under the Supremacy Clause appears in Article VI of the
5 Constitution of the United States, everyone must follow federal law in
6 the face of conflicting state law. it has long been established that "a
7 state statute is void to the extent that it actually conflicts with a valid
8 federal statute" and that a conflict will be found either where
9 compliance with both federal and state law is impossible or where the
10 state law stands as an obstacle to the accomplishment and execution of
11 the full purposes and objectives of Congress.

12 Similarly, we have held that "otherwise valid state laws or court
13 orders cannot stand in the way of a federal court's remedial scheme if
14 the action is essential to enforce the scheme." *Stone v. City and County*
15 *of San Francisco*, 968 F.2d 850, 862.

16 Parental Rights must be afforded "strict scrutiny" or a heightened
17 scrutiny so stringent as to be utterly indistinguishable from "strict
18 scrutiny".

19 HALE v. HENKEL 201 U.S. 43 at 89 (1906) *Hale v. Henkel* was
20 decided by the united States Supreme Court in 1906. The opinion of the
21 court states: "The "individual" may stand upon "his Constitutional
22 Rights" as a CITIZEN. He is entitled to carry on his "private" business
23 in his own way. "His power to contract is unlimited." He owes no duty to
24 the State or to his neighbors to divulge his business, or to open his doors
25 to an investigation, so far as it may tend to incriminate him. He owes no

1 duty to the State, since he receives nothing there from, beyond the
2 protection of his life and property. "His rights" are such as "existed" by
3 the Law of the Land (Common Law) "long antecedent" to the
4 organization of the State", and can only be taken from him by "due
5 process of law", and "in accordance with the Constitution." "He owes
6 nothing" to the public so long as he does not trespass upon their rights."
7 HALE V. HENKEL 201 U.S. 43 at 89 (1906). Hale v. Henkel is binding
8 on all the courts of the United States of America until another Supreme
9 Court case says it isn't. No other Supreme Court case has ever
10 overturned Hale v. Henkel. None of the various issues of Hale v. Henkel
11 has ever been overruled since 1906, Hale v. Henkel has been cited by
12 the Federal and State Appellate Court systems over 1,600 times!
13 In nearly every instance when a case is cited, it has an impact on
14 precedent authority of the cited case.

15 Compared with other previously decided Supreme Court cases, no
16 other case has surpassed Hale v. Henkel in the number of times it has
17 been cited by the courts. "The rights of the individuals are restricted
18 only to the extent that they have been voluntarily surrendered by the
19 citizenship to the agencies of government."

20 "Any judge [or officer of the government] who does not comply
21 with his oath to the Constitution of the United States wars against that
22 Constitution and engages in acts in violation of the supreme law of the
23 land. The judge is engaged in acts of treason." Cooper v. Aaron, 358 U.S.
24 1,78 S. Ct. 1401 (1958)

25 "Jurisdiction over the person of the defendant which can be
26 acquired only by service of process on the defendant in the state to
27 which the court belongs or by his voluntary submission to
28

jurisdiction."Jurisdiction in Personam, Ballentine's Law Dictionary 3rd Ed.

"No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it.....it is the only supreme power in our system of government, and every man who, by accepting office participates in its functions, is only the more strongly bound to submit to that supremacy, and to observe the limitations it imposes on the exercise of the authority which it gives." U.S.v.Lee, 106 U.S. 196,2201 S. Ct. 240, 261, 27 L. Ed. 171 (1882).

"No provision of the Constitution is designed to be without effect. Any Thing that is in conflict ***is null and void of law.***" **Marbury v. Madison, 5 U.S. 137 (1803).**

Conclusion

We come to courts based on FACTS and LAWS. Not speculations or assumptions. Shahrokhi has presented beyond clear and convincing case-laws that lower court lacked subject-matter decision to enter and preside over a 3 days trial, and violated Shahrokhi and his minor's son mirroring fundamental liberty interests protected and associated with their constitutional rights. Such ORDERS issued with from a court that violated due process rights and has no authority to issue such orders are NULL & VIOLD. Shahrokhi demands a STAY.

1 If this Court does NOT grant the STAY, it speaks that
2 state of Nevada is in violation of our constitution and justices
3 of this court will be committing act of TREASON.

4 **Entered** in this action on the 10th day of May, 2021
5

6
7  Ali Shahrokhi

8 Ali Shahrokhi
9 10695 Dean Martin Dr. #1214
10 Las Vegas, NV 89141
11 (702) 835-3558
12 Alibe76@gmail.com
13 *In Proper Person*

14
15 **AFFIDAVIT of Ali Shahrokhi**

16 My name is Ali Shahrokhi. I am a litigant before the court. All of the
17 allegations herein are true and correct of my own personal knowledge. If called
18 upon to testify, I could and would give competent and truthful evidence.
19 I hereby declare under penalty of perjury under the laws of the State of Nevada the
20 foregoing is both true and correct.

21 Dated: May 10th, 2021

22  Ali Shahrokhi
23 5/10/2021 8:50:05 AM PDT

24 **Ali Shahrokhi**

25 *Declarant.*
26
27
28

-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 **May 10th, 2021**, I served the following:

"Motion for Stay"

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:

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

**Yvonne Ruiz
170 S Green Valley Pkwy. #300
Henderson, NV 89012**

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

Dated: **May 10th, 2021**.

Authentisign
Ali Shahrokhi
5/10/2021 8:50:06 AM PDT

Ali Shahrokhi