

1 Ali Shahrokhi
2 10695 Dean Martin Dr. #1214
3 Las Vegas, NV 89141
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5 Alibe76@gmail.com
6 In Proper Person

FILED

MAY 25 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *D. Richards*
DEPUTY CLERK

IN THE SUPREME COURT OF NEVADA

7 **ALI SHAHROKHI,**)
8 Appellant,) Case No.: 81978
9) District Court Case No.: D-18-581208-P
10 **VS.**)
11 **KIZZY BURROW,**)
12 Respondent.)
13)

14 **“EMERGENCY MOTION TO RECONSIDER REQUEST FOR**
15 **STAY WHICH WAS DENIED WITHOUT SPECIFIC**
16 **REASONS ON 5/24/2021**
17 **ANSWER IS NEEDED BY 6/7/2021”**

18 ALI SHAHROKHI (“ALI”), in proper person, respectfully submits this
19 Emergency Motion for reconsideration of Stay filed on 5/3/2021 that was
20 denied without explaining why on 5/24/2021. Shahrokhi demands this Court to
21 start protecting Shahrokhi’s constitutional rights as Chief Justice continues to
22 issues denied orders without explaining why he is trying to enforce “VOID”
23 orders that lack subject-matter jurisdiction and were issued in direct violation of
24 Shahrokhi’s substantive and procedural due process.

25 DATED this 25th day of May, 2021.

26 Ali Shahrokhi

DocuSigned by:

Ali Shahrokhi

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27 **RECEIVED**

MAY 25 2021

28 ELIZABETH A. BROWN
CLERK OF SUPREME COURT
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Shahrokhi respectfully requests this court to reconsider its order on an emergency basis denying Shahrokhi's request for Stay without providing sufficient reasons why such motion was denied and explain why this Court continues to try to enforce orders that are in direct violation of Shahrokhi's substantive and procedural due process rights as Shahrokhi has challenged subject-matter jurisdiction from the lower Court which the lower court has failed to prove on the record and Shahrokhi's pre-trial objections 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.

Shahrokhi asks the Court to take judicial notice of the fact that he is without counsel, is not schooled in the law and legal procedures, and is not licensed to practice law. Therefore his pleadings must be read and construed liberally. See Haines v. Kerner, 404 US at 520 (1980); Birl v. Estelle, 660 F.2d 592 (1981).

Further Shahrokhi puts on the record that this court has a *responsibility and legal duty to protect any and all of Shahrokhi's constitutional and statutory rights*. See United States v. Lee, 106 US 196,220 [1882]

OPINIONS BELOW

The Court decision **DENYING** motion to stay entered on May 24,2021 is an error by this court, as this court is continuing to deprive

1 Shahrokhi and his minor's constitutional rights and enforce orders that
2 are **VOID** and lack-subject matter jurisdiction and completely in
3 violation of Shahrokhi's and his minors son's substantive and
4 procedural due process rights.

5 6 INTRODUCTION

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

11 2) On 8/12/2020, Shahrokhi filed a motion demanding lower Court to
12 declare Shahrokhi's Fundamental Liberty Rights and declaratory rights,
13 this motion was ignored and **NEVER adjudicated**. (See V. 16, P. 3153-
14 3159)

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

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

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

25 6) On 9/13/2020, Shahrokhi filed a motion OBJECTING the
26 minute entry filed by district Court about Shahrokhi's substantive due
27
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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.

CONSTITUTIONAL PROVISIONS

First Amendment, U.S. Constitution

Fifth Amendment, U.S. Constitution.....

Eleventh Amendment, U.S. Constitution.....

Fourteenth Amendment, U.S. Constitution.....

STATUTORY PROVISIONS

18 U.S. Code § 241, Conspiracy against rights.....

18 U.S. Code § 242, Deprivation of rights under color of law.....

18 U.S. Code § 286, Conspiracy to defraud the U.S. Government.....

18 U.S. Code § 287, False, fictitious or fraudulent claims.....

18 U.S. Code § 371, Conspiracy to defraud the United States.....

18 U.S. Code § 1031, Major fraud against the United States.....

1 18 U.S. Code § 1951 (a)(b)(2), Interference with comm. by threats or
2 violence.....

3 18 U.S. Code § 1961(1)(A)(B)(2)(3)(4)(5), Racketeering activity

4 18 U.S. Code § 2382, Misprision of Treason.....

5 28 U.S. Code § 455, Disqualification of justice, judge or magistrate judge

6 31 U.S. Code § 3729(a)(1)(A)(B)(E), False claims.

7 42 U.S. Code § 658, Title IV-D, Section 458, Social Security Act, Incentive
8 payments to states.

9 10 **CONSTITUTIONAL PROVISIONS INVOLVED**

11
12 **This case involves the First, Fifth, Eleventh and Fourteenth**
13 **Amendments the United States Constitution.** Amendment V :No person shall be
14 held to answer for a capital, or otherwise infamous crime, unless on a presentment
15 or indictment of a grand jury, except in cases arising in the land or naval forces, or
16 in the militia, when in actual service in time of war or public danger; nor shall any
17 person be subject for the same offense to be twice put in jeopardy of life or limb;
18 nor shall be compelled in any criminal case to be a witness against himself, nor be
19 deprived of life, liberty, or property, without due process of law; nor shall private
20 property be taken for public use, without just compensation.

21 **The First Amendment** is associated with Parental liberty rights as to the
22 right of an individual to associate frequently and freely with his minor child, right
23 of an individual to have private speech with his minor child, a right of an
24 individual to educate his minor kid, a right of an individual to practice religion
25 with his minor child, a right of an individual under privacy protections.

26 **The Fifth Amendment** creates a number of rights relevant to both criminal
27 and civil legal proceedings. In criminal cases, the Fifth Amendment guarantees the
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1 right to a grand jury, forbids "double jeopardy," and protects against self-
2 incrimination. It also requires that "due process of law" be part of any proceeding
3 that denies a citizen "life, liberty or property" and requires the government to
4 compensate citizens when it takes private property for public use.

5 Amendment XI The Judicial power of the United States shall not be
6 construed to extend to any suit in law or equity, commenced or prosecuted against
7 one of the United States by Citizens of another State, or by Citizens or Subjects of
8 any Foreign State.

9 **The Eleventh Amendment** was the first Constitutional amendment adopted
10 after the Bill of Rights. The amendment was adopted following the Supreme
11 Court's ruling in Chisholm v. Georgia, 2 U.S. 419 (1793). In Chisholm, the Court
12 ruled that federal courts had the authority to hear cases in law and equity brought
13 by private citizens against states and that states did not enjoy sovereign immunity
14 from suits made by citizens of other states in federal court. Thus, the amendment
15 clarified Article III, Section 2 of the Constitution, which gives diversity jurisdiction
16 to the judiciary to hear cases "between a state and citizens of another state."

17 Amendment XIV Section 1. All persons born or naturalized in the United States,
18 and subject to the jurisdiction thereof, are citizens of the United States and of the
19 state wherein they reside. No state shall make or enforce any law which shall
20 abridge the privileges or immunities of citizens of the United States; nor shall any
21 state deprive any person of life, liberty, or property, without due process of law;
22 nor deny to any person within its jurisdiction the equal protection of the laws.

23 Section 2. Representatives shall be apportioned among the several states according
24 to their respective numbers, counting the whole number of persons in each state,
25 excluding Indians not taxed. But when the right to vote at any election for the
26 choice of electors for President and Vice President of the United States,
27 Representatives in Congress, the executive and judicial officers of a state, or the
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1 members of the legislature thereof, is denied to any of the male inhabitants of such
2 state, being twenty-one years of age, and citizens of the United States, or in any
3 way abridged, except for participation in rebellion, or other crime, the basis of
4 representation therein shall be reduced in the proportion which the number of such
5 male citizens shall bear to the whole number of male citizens twenty-one years of
6 age in such state. Section 3. No person shall be a Senator or Representative in
7 Congress, or elector of President and Vice President, or hold any office, civil or
8 military, under the United States, or under any state, who, having previously taken
9 an oath, as a member of Congress, or as an officer of the United States, or as a
10 member of any state legislature, or as an executive or judicial officer of any state,
11 to support the Constitution of the United States, shall have engaged in insurrection
12 or rebellion against the same, or given aid or comfort to the enemies thereof. But
13 Congress may by a vote of two-thirds of each House, remove such disability.
14 Section 4. The validity of the public debt of the United States, authorized by law,
15 including debts incurred for payment of pensions and bounties for services in
16 suppressing insurrection or rebellion, shall not be questioned. But neither the
17 United States nor any state shall assume or pay any debt or obligation incurred in
18 aid of insurrection or rebellion against the United States, or any claim for the loss
19 or emancipation of any slave; but all such debts, obligations and claims shall be
20 held illegal and void. Section 5. The Congress shall have power to enforce, by
21 appropriate legislation, the provisions of this article.

22 **The Fourteenth Amendment** addresses many aspects of citizenship, the
23 rights of citizens and the equal protections of the laws. Civil Rights, Due Process
24 Clause and Equal Protection Clause are important integral rights that apply to this
25 case.

26 **Civil Rights:** A civil right is an enforceable right or privilege, which if
27 interfered with by another gives rise to an action for injury. Discrimination occurs
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1 when the civil rights of an individual are denied or interfered with because of the
2 individual's membership in a particular group or class. Various jurisdictions have
3 enacted statutes to prevent discrimination based on a person's race, sex, religion,
4 age, previous condition of servitude, physical limitation, national origin, political
5 affiliation and in some instances sexual orientation.

6 **Due Process:** The Fifth Amendment says to the federal government that no
7 one shall be "deprived of life, liberty or property without due process of law." The
8 Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the
9 Due Process Clause, to describe a legal obligation of all states. These words have
10 as their central promise an assurance that all levels of American government must
11 operate within the law ("legality") and provide fair procedures. Substantive Due
12 Process Substantive due process has been interpreted to include the right to work in
13 an ordinary kind of job, marry, and to raise one's children as a parent

14 **Equal Protection:** The Equal Protection Clause of the Fourteenth
15 Amendment of the U.S. Constitution prohibits states from denying any person
16 within its territory the equal protection of the laws. This means that a state must
17 treat an individual in the same manner as others in similar conditions and
18 circumstances. The Federal Government must do the same, but this is required by
19 the Fifth Amendment Due Process.

20 **18 U.S. Code 4 242 - Deprivation of rights under color of law Whoever,**
21 under color of any law, statute, ordinance, regulation, or custom, willfully subjects
22 any person in any State, Territory, Commonwealth, Possession, or District to the
23 deprivation of any rights, privileges, or immunities secured or protected by
24 the Constitution or laws of the United States, or to different punishments, pains, or
25 penalties, on account of such person being an alien, or by reason of his color, or
26 race, than are prescribed for the punishment of citizens, shall be fined under this
27 title or imprisoned not more than one year, or both; and if bodily injury results
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1 from the acts committed in violation of this section or if such acts include the use,
2 attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall
3 be fined under this title or imprisoned not more than ten years, or both; and if death
4 results from the acts committed in violation of this section or if such acts include
5 kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to
6 commit aggravated sexual abuse, or an attempt to kill, shall be fined under this
7 title, or imprisoned for any term of years or for life, or both. 18 U.S. Code § 286,
8 Conspiracy to defraud the U.S. Government

9 Whoever enters into any agreement, combination, or conspiracy to defraud
10 the United States, or any department or agency thereof, by obtaining or aiding to
11 obtain the payment or allowance of any false, fictitious or fraudulent claim, shall
12 be fined under this title or imprisoned not more than ten years, or both.

13 **18 U.S. Code 1951(a)(b)(2)**, Interference with comm. by threats or violence
14 Whoever in any way or degree obstructs, delays, or affects commerce or the
15 movement of any article or commodity in commerce, by robbery or extortion or
16 attempts or conspires so to do, or commits or threatens physical violence to any
17 person or property in furtherance of a plan or purpose to do anything in violation of
18 this section shall be fined under this title or imprisoned not more than twenty years,
19 or both. As used in this section— (1) The term "robbery" means the unlawful
20 taking or obtaining of personal property from the person or in the presence of
21 another, against his will, by means of actual or threatened force, or violence, or
22 fear of injury, immediate or future, to his person or property, or property in his
23 custody or possession, or the person or property of a relative or member of his
24 family or of anyone in his company at the time of the taking or obtaining. The term
25 "extortion" means the obtaining of property from another, with his consent,
26 induced by wrongful use of actual or threatened force, violence, or fear, or under
27 color of official right. The term "commerce" means commerce within the District
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1 of Columbia, or any Territory or Possession of the United States; all commerce
2 between any point in a State, Territory, Possession, or the District of Columbia and
3 any point outside thereof; all commerce between points within the same State
4 through any place outside such State; and all other commerce over which the
5 United States has jurisdiction.

6 **Shahrokhi's fundamental rights has been violated Every Hearing for**
7 **visitation!**

8 State laws vary under the "Domestic Relations Exception" giving states the
9 jurisdiction over custody law. However, certain constitutional rights will override
10 these as no state can make any law that takes away Constitutional Rights of its
11 citizens. The rights of parents to the care, custody and nurture of their children
12 is of such character that it cannot be denied without violating those fundamental
13 principles of justice which lie at the base of all our civil and political institutions,
14 and such right is a fundamental right protected by this amendment (First) and
15 Amendments 5, 9, and 14. Doe v. Irwin, 441 F Supp 1247; U.S.D.C. of Michigan,
16 (1985).

17 The several states has no greater power to restrain individual
18 freedoms protected by the First Amendment than does the Congress of
19 the United States. Wallace v. Jaifree, 105 S Ct 2479; 472 US 38, (1985).
20 The First Amendment has been found to include the right to religion
21 and to raise one's children as one sees fit. Loss of First Amendment
22 Freedoms, for even minimal periods of time, unquestionably constitutes
23 irreparable injury. Though First Amendment rights are not absolute,
24 they may be curtailed only by interests of vital importance, the burden
25 of proving which rests on their government. Elrod v. Burns, 96 S Ct
26 2673; 427 US 347, (1976).

1 Law and court procedures that are "fair on their faces" but
2 administered "with an evil eye or a heavy hand" was discriminatory and
3 violates the equal protection clause of the Fourteenth Amendment. *Yick*
4 *Wo v. Hopkins*, 118 US 356, (1886). Therefore any denial of parental
5 rights based only on sex is discriminatory. Even when blood
6 relationships are strained, parents retain vital interest in preventing
7 irretrievable destruction of their family life; if anything, persons faced
8 with forced dissolution of their parental rights have more critical need
9 for procedural protections than do those resisting state intervention
10 into ongoing family affairs. *Santosky v. Kramer*, 102 S Ct 1388; 455 US
11 745, (1982). . Parental rights may not be terminated without "clear and
12 convincing evidence." *SANTOSKY V. KRAMER*, 102 S Ct. 1388 [1982]

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

17 Parent's right to custody of child is a right encompassed within
18 protection of this amendment which may not be interfered with under
19 guise of protecting public interest by legislative action which is
20 arbitrary or without reasonable relation to some purpose within
21 competency of state to effect. *Reynold v. Baby Fold, Inc.*, 369 NE 2d 858;
22 68111 2d 419, appeal dismissed 98 S Ct 1598, 435 US 963, IL, (1977).

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

4 The Due Process Clause of the Fourteenth Amendment requires
5 that severance in the parent-child relationship caused by the state
6 occur only with rigorous protections for individual liberty interests at
7 stake. Bell v. City of Milwaukee, 746 F 2d 1205; US Ct App 7th Cir WI,
8 (1984).

9 The United States Supreme Court noted that a parent's right to
10 "the companionship, care, custody and management of his or her
11 children" is an interest "far more precious" than any property right.
12 May v. Anderson, 345 US 528, 533; 73 S Ct 840,843, (1952). A parent's
13 right to care and companionship of his or her children are so
14 fundamental, as to be guaranteed protection under the First, Ninth,
15 and Fourteenth Amendments of the United States Constitution. in re:
16 J.S. and C.,324 A 2d 90; supra 129 NJ Super, at 489. The Court
17 stressed, "the parent-child relationship is an important interest that
18 undeniably Warrants deference and, absent a powerful countervailing
19 interest, protection." A parent's interest in the companionship, care,
20 custody and management of his or her children rises to a
21 constitutionally secured right, given the centrality of family life as the
22 focus for personal meaning and responsibility. Stanley v. Illinois, 405
23 US 645, 651; 92 S Ct 1208,(1972).Parent's rights have been recognized
24 as being "essential to the orderly pursuit of happiness by free man."
25 Meyer v. Nebraska, 262 or 426 US 390; 43 S Ct 625, (1923).

26 Conclusion

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

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

13 **Entered** in this action on the 25th day of May, 2021

14
15 DocuSigned by:

16 *Ali Shahrokhi*

17 1E3FE1A4645B4B2

18 Ali Shahrokhi
19 10695 Dean Martin Dr. #1214
20 Las Vegas, NV 89141
21 (702) 835-3558
22 Alibe76@gmail.com
23 *In Proper Person*

24
25 **AFFIDAVIT of Ali Shahrokhi**

26 My name is Ali Shahrokhi. I am a litigant before the court. All of the
27 allegations herein are true and correct of my own personal knowledge. If called
28 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: May 25th, 2021

DocuSigned by:
Ali Shahrokhi
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Ali Shahrokhi

Declarant.

-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 25th, 2021, I served the following:

"Motion for Reconsideration"

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:

Vincent Ochoa, District Court Judge
601 N. Pecos Rd.
Las Vegas, NV 89101
Yvonne Ruiz (E-Served)
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 25th, 2021.**

DocuSigned by:

Ali Shalrokhi

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