

IN THE SUPREME COURT OF THE STATE OF NEVADA

**ALI SHAHROKHI,**  
Appellant,

vs.

KIZZY BURROW,  
Respondent.

District Court Case # D-18-581208-P  
Supreme Court Case # 81978

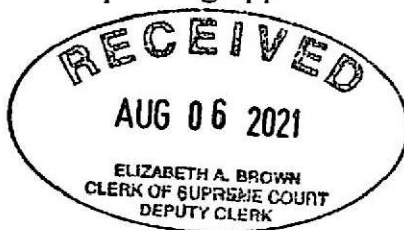
FILED

AUG 06 2021

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

**“MOTION to IMMEDIATELY ESTABLISH TEMPORARY VISITATION  
DE NOVO BETWEEN SHAHROKHI AND HIS MINOR CHILD WHILE  
THIS APPEAL IS RESOLVED.”**

**COMES NOW**, Petitioner, ALI SHAHROKHI, appearing in *proper person*, hereby moves for an ORDER De NOVO, immediately establishing physical visitation with his minor child while this appeal is resolved. District Court is divested out of jurisdiction on physical custody determination while this matter is pending appeal in the Supreme Court of Nevada.



21-22891

## **STATEMENT OF FACTS**

SHAHROKHI has not had any physical visitation with his minor son since 7/11/2019, even though Court of Appeals in COA-77936 had issued such directives to establish temporary visitation, where a criminal, corrupt, bottom feeder individual wrongfully named as a family court judge, department N, "Harter has violated Shahrokhi's fundamental rights acting under color of the law and removed custody without ever declaring Shahrokhi as "Unfit" as mandated by federal laws or ever proving on the record that Shahrokhi was/is immediate danger to the minor physically to a point that shocks the conscious mind.

BURROW and her lawyers and Donald H. Pearson have conspired among each other to deprive Shahrokhi and his minor out of their familial associations protected under 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendment rights protected by U.S. constitution and continue to interfere with Shahrokhi's custodial and visitation rights. Shahrokhi also had ineffective counsel who was supposed to secure visitation after the directives of 79336-COA, however they never did and Shahrokhi will be bringing legal action against that counsel which was Bruce Shapiro, Esq. Shahrokhi has also tried to do a writ and bring motions before the

district court, however corrupt Harter has shut Shahrokhi down out of retaliation that Shahrokhi exposed Harter's BK Fraud. At the time of a final trial on 9/21/2020 through 9/23/2021, Harter was a defendant in a federal case sued by Shahrokhi and to this date Harter is a defendant in that case (Case # 2:20-cv-01623), and Harter has refused to recuse himself from presiding over this case to promote appearance of impropriety. I have never seen a judge who is a defendant in a law suit, yet he continues to preside over a case to issue judicial orders against the litigant who is an adverse party in a different law suit and is suing that judge. Where is the appearance of impropriety Nevada Justices? In Nevada such does not exist.

BURROW'S case for relocation was completely fabricated on her new boyfriend Donald H. Pearson. BURROW presented to the court that Donald H. Pearson had a significant income and worked for Intel Corp, but purposefully left out the fact Donald H. Pearson is a DRUG DEALER. Burrow also left the facts out that she has filed for chapter 7 bankruptcy now, states she has \$0 to her name in any of her bank accounts, states to the federal bankruptcy court she has zero support from anyone and she states to the federal BK Court she pays \$1450 a month rent where as she had falsely committed perjury with the help of her attorneys that Pearson would support her and her life style and the minor's life will be completely improved, yet that was all lies. Standish lawfirm, the same attorney who helped Burrow file bogus motions and completely fabricated story so Burrow

could relocate is now named as a creditor who was owed \$40,000 by Burrow and now that debt is wiped out through a chapter 7 bankruptcy.

BURROW claimed Donald H. Pearson would provide and take care of her and

B.E.S. To reiterate, BURROW HAD only known Donald H. Pearson for two

months prior to filing her complaint. BURROW presented a “too-perfect” family life between she and Donald H. Pearson, where the child is in private school, yet

they are housing him on the couch of a 725 sq. ft. apartment. (*My son has been*

*sleeping on the couch since July 2019* ... almost 2 years he has been removed

from a 2500 home to a 725 sq. ft., one-bedroom apartment and on the SOFA...no

bed—no privacy...) Things just didn’t add up. Everything was a lie and

perjury. Now we know it was all lies and fabricated stories with no evidence to

back it up.

BURROW, her attorneys and Donald H. Pearson, have all presented to the district court that BURROW had a good faith reason to relocate with the minor child. Ultimately the request to relocate from Las Vegas to Portland Oregon was based ONLY upon her new life with Donald H. Pearson, aka “drug dealer.” BURROW and B.E.S ’s only ties to Oregon are through Donald H. Pearson, and

distirct court decision in allowing the relocation was based upon the life that Donald H. Pearson provides for BURROW and B.E.S, through testimony. Testimony ridden with lies and deception. Burrow has committed fraud upon the court and committed perjury.

Shahrokhi's parental rights have been terminated regardless of how the final order is labeled or spun off by the district court. PERIOD

Under de novo review, the appellate court uses the district court's record but reviews the evidence and law without deference to the district court's legal conclusions. See Lioce v. Cohen, 124 Nev. 1, 20, 174 P.3d 970, 982 (2008).

### **Familial Association Is Protected under 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup>**

#### **Amendments.**

The First Amendment protects family relationships, that presuppose deep attachments and commitments to the necessarily few other individuals with whom one shares not only a special community of thoughts, experiences, and beliefs but also distinctively personal aspects of one's life. Protecting intimate relations from unwarranted state interference is necessary to safeguard the ability independently to define one's identity that is central to any concept of liberty. The First Amendment protects family relationships.

The Fourteenth, First, and Fourth Amendments provide a guarantee that parents will not be separated from their children without due process of law except

in emergencies and temporary basis ONLY, the burden is on the government to prove on the record. Officials may not remove children from their parents unless they have information at the time of the seizure/separation that establishes reasonable cause to believe that the child is in imminent danger of serious bodily injury. Such reasonable cause arises, for example, where there is evidence of imminent abuse after sufficient investigation. State of Nevada has violated Shahrokhi's rights to familial association. Caselaw clearly establishes that the rights of parents and children to familial association under the Fourteenth, First, and Fourth Amendments are violated if a state official removes children from their parents without their consent, establishes reasonable cause to believe that the child is in imminent danger of serious bodily injury, and the scope, degree, and duration of the intrusion are reasonably necessary to avert the specific injury at issue.

The Fourteenth Amendment prohibits states from depriving "any person of life, liberty, or property, without due process of law." U.S. Const. amend. XIV § 1. The Supreme Court has stated that "the interest of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court." *Troxel v. Granville*, 530 U.S. 57, 65, 120 S. Ct. 2054, 147 L. Ed. 2d 49 (2000) (plurality opinion); see also *Santosky v. Kramer*, 455 U.S. 745, 753, 102 S. Ct. 1388, 71 L. Ed. 2d 599 (1982) (addressing the



"Court's historical recognition that freedom of personal choice in matters of family life is a fundamental liberty interest protected by the Fourteenth Amendment"). Courts have characterized the right to familial association as having both a substantive and a procedural component. While the right is a fundamental liberty interest, see, e.g., *Rosenbaum v. Washoe County*, 663 F.3d 1071, 1079 (9th Cir. 2011); *Smith v. City of Fontana*, 818 F.2d 1411, 1418 (9th Cir. 1987), overruled on other grounds by *Hodgers-Durgin v. De La Vina*, 199 F.3d 1037 (9th Cir. 1999) (en banc), officials may interfere with the right ONLY if they "provide the parents with Fundamentally fair procedures," *Santosky*, 455 U.S. at 753-54.

The First Amendment also protects "family relationships, that presuppose 'deep attachments and commitments to the necessarily few other individuals with whom one shares not only a special community of thoughts, experiences, and beliefs but also distinctively personal aspects of one's life.'" *Lee v. City of Los Angeles*, 250 F.3d 668, 685 (9th Cir. 2001) (quoting *Board of Dirs. v. Rotary Club*, 481 U.S. 537, 545, 107 S. Ct. 1940, 95 L. Ed. 2d 474 (1987)). This right was first identified in *Roberts v. United States Jaycees*, which indicated that protecting intimate relations "from unwarranted state interference" was necessary to safeguard "the ability independently to define one's identity that is central to any concept of liberty." 468 U.S. 609, 619, 104 S. Ct. 3244, 82 L. Ed. 2d 462 (1984).

The Court subsequently confirmed that "the First Amendment protects . . . family relationships." Board of Dirs., 481 U.S. at 545. An official "cannot seize children suspected of being abused or neglected unless reasonable avenues of investigation are first pursued." Wallis, 202 F.3d at 1138; see id. (quoting BeVier v. Hucal, 806 F.2d 123, 128 (7th Cir. 1986). State of Nevada has never investigated nor declared Shahrokhi "UNFIT".

In Quillion v. Walcott **434 U.S. 246 (1978)**, court stated: we have recognized on numerous occasions that the relationship between parents & children are constitutionally protected, we have little doubt that the due process clause will be offended if the state were to attempt to force a break up of a natural family over the objections of parents and their children without some showing of "UNFITNESS" and for the sole reason that to do so was thought to be in the child's best interest.

In Parham v. J.R.(1979) court stated: the laws concept of a family rest upon a presumption that parents poses what a child lacks in maturity, experience and capacity for judgment requires making life difficult decisions more importantly is recognized that the parents act in the best interest of their children simply because a decision of a parent is not agreeable to the child or because it involves risk and conflict, does not automatically transfer power to make that decision from the parents to an officer of the state.



In Santosky v. Kramer(1982) court stated: the fundamental liberty interest of natural parents is the care , custody management of their child does not evaporate simply because they have not been model parents or temporarily lost custody of their child to the state until the state proves parental "UNFITNESS".

In Reno v. Flores(1993) court stated: **the best interest of a child is NOT the legal standard that governs parents or guardians exercise** of their custody, so long as certain minimum requirements of child care are met.

And finally in Troxel v. Granville(2000) Court stated: Liberty interest at issue in this case is the interest of parents in the care, custody and control of their children is perhaps the oldest of fundamental liberty interests recognized by this court. The due process clause does not permit a state to infringe on the rights of a parent to make child rearing decisions simply because a state judge believes better decisions can be made.

### **Conclusion & Relief Requested**

Shahrokhi is raising federal issues in this motion. There is absolutely no reason State of Nevada has any constitutional authority to infringe upon Shahrokhi's familial association rights with his minor child which is protected under U.S. Constitution.

U.S. Supreme Court decisions mentioned above all have **BINDING AUTHORITY** on Nevada Supreme Court. The appellate courts will "review challenges to the constitutionality of a statute de novo, presume that statutes are constitutional, and require the party challenging a statute to make a clear showing of invalidity." Silvar v. Eighth Jud. Dist. Ct., 122 Nev. 289, 292, 129 P.3d 682, 684 (2006). Shahrokhi states Nevada Custody statutes are **INVALID** as they are

in conflict with Shahrokhi's 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendment rights.

Familial Association and its ties to U.S. constitution are well recognized through federal courts (See Keates v. Koile 2018, 9<sup>th</sup> Circuit), also through U.S. Supreme Court's decisions. (See Troxell v. Granville 530 U.S. 57 (2000)).

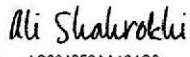
Shahrokhi has not been able to teach religion to his son, have private conversations with his son, has not been able to participate in his minors schooling stuff, and has not been able to have intimate relationship or conversation with his son and to physically interact with his minor son since 7/11/2019. These are all in Violations of Shahrokhi and his Minor child protected rights.

Last time anyone has heard or seen the minor is the *child interview( 2019)*, which Shahrokhi demands this court to review immediately to understand the relationship between the minor and Shahrokhi . Child interview is filed under-seal into the Supreme Court of Nevada in this appeal.

SHAHROKHI respectfully request the following relief from this Court:

- A) An Order immediately establishing temporary visitation rights in Las vegas with the minor;
- B) An Order immediately establishing temporary involvement in the minor schooling;
- C) An order immediately establishing Shahrokhi's right to practice religion with his son;
- D) An order immediately restoring Shahrokhi's legal decision making rights about his son's care, control and upbringing;
- F) An Order immediately for Burrow to stop interfering with Shahrokhi's and the minor's face time calls;
- G) An Order compelling Burrow to stop teaching the minor to lie and alienating the minor from Shahrokhi.

Dated: **August 5th 2021**

DocuSigned by:  
  
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**Ali Shahrokhi**

Plaintiff, ALI SHAHROKHI  
10695 Dean Martin Dr. #1214  
Las Vegas, NV 89141

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☞ AFFIDAVIT of ALI SHAHROKHI ☞

My name is ALI SHAHROKHI. I am an appellant herein. All facts herein alleged are true and correct of my own personal knowledge; and as to those matters alleged on information and belief, I reasonably believe them true. If called upon to testify, I could and would give competent and truthful evidence.

I declare under penalty of perjury, pursuant to the laws of the United States, the foregoing is both true and correct.

Dated: **August 5th, 2021**

DocuSigned by:  
*Ali Shahrokhi*  
AC804259AA184C8...

**Ali Shahrokhi**  
Plaintiff, ALI SHAHROKHI  
*Affiant*

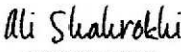
### **Certificate of Service**

I, Ali Shahrokhi, do hereby declare that I am over the age of 18 and a party to this action, and that I have placed a true and correct copy of this *Petition* into a sealed envelope and mailed it, postage prepaid, *via* United States Postal Service, addressed as follows:

Eighth Judicial District Court  
Dawn Throne Dept. U  
200 Lewis Ave.  
Las Vegas, NV 89155

Yvonne Ruiz, Esq.  
2920 N.. Green Valley Pkwy.  
#219  
Henderson, NV 89014

SERVED THIS 5th day of August, 2021.  
ALI SHAHROKHI,  
*In Proper Person*

DocuSigned by:  
  
ACB04259AA184C8...