

IN THE SUPREME COURT OF THE STATE OF NEVADA

EFREN AGUIRRE, JR.,
Appellant,
vs.
ELKO COUNTY SHERIFF'S OFFICE,
Respondent.

No. 82445

FILED

MAR 04 2022

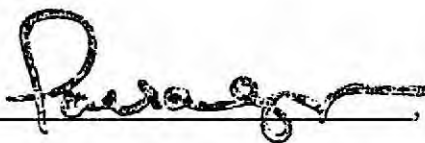
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING MOTION

This is an appeal from a judgment of forfeiture. On November 3, 2021, appellant filed a supplemental appendix containing a declaration of homestead. On February 18, 2022, respondent filed a motion to strike the supplemental appendix on the ground that it contains material not presented to the district court. Appellant opposes the motion and asks this court to take judicial notice of the documents, and respondent has filed a reply. It appears that the arguments raised by the motion to strike go directly to the merits of the issues on appeal and this court declines to grant the motion to strike. *See Taylor v. Barringer*, 75 Nev. 409, 410, 344 P.2d 676, 676 (1959).

This court will take judicial notice of the homestead declaration (*see* NRS 47.130), but the parties are reminded that in resolving this matter, this court will not entertain any issue that is improperly raised, or any factual matters or arguments improperly included in the parties' presentations to this court.

It is so ORDERED.

, C.J.

cc: Gerber Law Offices, LLP
Elko County District Attorney