

"original"

Fredys Arcángel Martínez

(Name)

1003276

(I.D. No.)

Northern Nevada Correctional Center  
Post Office Box 7000  
Carson City, Nevada 89702

REC'D & FILED

2021 SEP -7 PM 3:37

AUGREY ROWLATT

Electronically Filed  
Sep 10 2021 01:53 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE 1<sup>st</sup> JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF Carson City

Fredys Arcángel Martínez

Petitioner/Plaintiff,

vs.

The State of Nevada

Respondent/Defendant

Case No.: 21 EW 00022 ZB

Dept. No. 2

Case No.: 06C226586

DEPT. NO. XXV

Actually Innocent 28 U.S.C. § 2244(d)(1) ...

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that I, Computation good time credits appeal the  
Judgment / Order entered on the 5 day of August, 2021 by this  
court.

Dated this 31 day of August, 2021.

(Signature)

**CERTIFICATE OF SERVICE BY MAIL**

Pursuant to NRCP Rule 5(b), I hereby certify that I am the Defendant named herein and that on this 31 day of August, 2021, I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the following:

Carson City County District Attorney  
885 East Musser Street, Suite 2030  
Carson City, NV 89702



(Signature)

**AFFIRMATION PURSUANT TO NRS 239B.030**

\*\* I certify that the foregoing document DOES NOT contain the social security number of any persons.

8-31-2021  
(Date)



(Signature)

REC'D & FILED

2021 SEP -8 PM 4:27

AUGUSTINE WILSON  
CLERK  
BY   
DEPUTY

**In The First Judicial District Court of the State of Nevada  
In and for Carson City**

STATE OF NEVADA,

Petitioner(s),

vs.

FREDDY MARTINEZ aka FREDY  
MARTINEZ,

Respondent(s).

Case No.: 21 EW 00022 1B

Dept. No.: II

**CASE APPEAL STATEMENT**

1. Name of appellant filing this case appeal statement:

- FREDDY MARTINEZ

2. Identify the judge issuing the decision, judgment, or order appealed from:

- HONORABLE JAMES E. WILSON, JR.

3. Identify each appellant and the name and address of counsel for each appellant:

- FREDDY MARTINEZ # 1003276 (PROPER PERSON)  
P.O. BOX 7000  
CARSON CITY, NV 89702

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

- STATE OF NEVADA  
AARON D. FORD, ATTORNEY GENERAL (COUNSEL FOR RESP.)  
555 E. WASHINGTON AVE. STE. 3900  
LAS VEGAS, NEVADA 89101

1 5. Indicate whether any attorney identified above in response to question 3 or 4 is not  
2 licensed to practice law in Nevada and, if so, whether the district court granted that  
3 attorney permission to appear under SCR 42 (attach a copy of any district court order  
4 granting such permission):

5 - NOT APPLICABLE

6 6. Indicate whether appellant was represented by appointed or retained counsel in the  
7 district court:

8 - APPELLANT IN PROPER PERSON IN DISTRICT COURT

9 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

10 - APPELLANT IN PROPER PERSON ON APPEAL

11 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date  
12 of entry of the district court order granting such leave:

13 - NOT APPLICABLE (WRIT OF HABEAS CORPUS)

14 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,  
15 indictment, information, or petition was filed):

16 - DECISION AND ORDER TO TRANSFER FILED JULY 19, 2021

17 10. Provide a brief description of the nature of the action and result in the district court,  
18 including the type of judgment or order being appealed and the relief granted by the  
19 district court:

20 - ORDER DISMISSING PETITION WITHOUT PREJUDICE FILED  
21 AUGUST 5, 2021

22 11. Indicate whether the case has previously been the subject of an appeal to or original writ  
23 proceeding in the Supreme Court and, if so, the caption and Supreme Court docket  
24 number of the prior proceeding:

25 - NOT APPLICABLE

26 12. Indicate whether this appeal involves child custody or visitation:

27 - NOT APPLICABLE  
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13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:  
- NOT APPLICABLE.

Dated this 8<sup>th</sup> day of September, 2021.

AUBREY ROWLATT, Carson City Clerk  
885 E. Musser St., #3031  
Carson City, NV 89701

By , Deputy

Judge: WILSON JR, JAMES E

Case No. 21 EW 00022 1B  
Ticket No.  
CTN:

STATE OF NEVADA

By:

MARTINEZ, FREDDY

DRSPND

-vs-

By:

Dob: Sex:  
Lic: Sid:

Plate#: Make:  
Year: Accident:  
Type: Venue:  
Location:

STATE OF NEVADA

PLNTPET

Bond:  
Type:

Set:  
Posted:

Charges:

Ct. Offense Dt: Cvr:  
Arrest Dt:  
Comments:

Sentencing:

No.	Filed	Action	Operator	Fine/Cost	Due
1	09/07/21	NOTICE OF APPEAL FILED	1BSBARAJAS	24.00	0.00
2	09/07/21	MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS 34.750	1BSBARAJAS	0.00	0.00
3	09/07/21	MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	1BSBARAJAS	0.00	0.00
4	08/06/21	CASE CLOSED	1BSBARAJAS	0.00	0.00
5	08/05/21	FILE RETURNED AFTER SUBMISSION - ORDER ENTERED	1BSBARAJAS	0.00	0.00
6	08/05/21	ORDER DISMISSING PETITION WITHOUT PREJUDICE	1BSBARAJAS	0.00	0.00
7	07/19/21	DECISION AND ORDER TO TRANSFER	1BPETERSON	0.00	0.00
Total:				24.00	0.00
Totals By: COST				24.00	0.00
INFORMATION				0.00	0.00
*** End of Report ***					

REC'D & FILED ✓

2021 AUG -5 PM 1:33

AUBREY P. BEATT  
CLERK

BY \_\_\_\_\_  
DEPUTY

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10 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
11 **IN AND FOR CARSON CITY**

12 **STATE OF NEVADA,**

13 **Plaintiff,**

14 **v.**

15 **FREDY MARTINEZ,**

16 **Defendant.**

-oOo-

CASE NO. 21 EW 00022 1B

DEPT. 2

**ORDER DISMISSING PETITION  
WITHOUT PREJUDICE**

17 On July 2, 2021, the Eighth Judicial District Court transferred this case to the  
18 First Judicial District Court, which has jurisdictions over computation of time Petitions  
19 for Writ of Habeas Corpus arising from Northern Nevada Correctional Facility.

20 Petitioner Fredy Martinez did not file proof that he had exhausted all  
21 administrative remedies available to him. NRS 34.810(4) requires the Court dismiss  
22 without prejudice a habeas time challenge without first exhausting available  
23 administrative remedies.

24 Good cause appearing,

25 **THE COURT ORDERS:**

26 Because there is no evidence that Mr. Martinez exhausted all administrative  
27 remedies prior to filing his petition, the Court dismisses his petition without prejudice.

1 Because the Court dismisses the petition on the grounds of failing to exhaust  
2 administrative remedies, the Court need not address the other arguments in the State's  
3 Countermotion to Dismiss.

4 August 5, 2021.

5   
6 James E. Wilson Jr.  
7 District Court Judge

8 **CERTIFICATE OF SERVICE**

9 I certify that I am an employee of the First Judicial District Court of Nevada; that  
10 on the 5 day of August 2021, I served a copy of this document by placing a true copy  
11 in an envelope addressed to:

Fredy Martinez, #1003276 NNCC P.O. Box 7000 Carson City, NV 89702	
--	--

14 the envelope sealed and then deposited in the Court's central mailing basket in the court  
15 clerk's office for delivery to the USPS at 1111 South Roop Street, Carson City, Nevada, for  
16 mailing.  
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20 Billie Shadron  
21 Judicial Assistant  
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