

NO. 8352/

FILED

SEP 17 2021

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

SUPREME COURT  
STATE OF NEVADA

NAME, MICHAEL COTA

Plaintiff(s),

-VS-

NAME, STATE OF NEVADA

Defendant(s).

CASE NO.

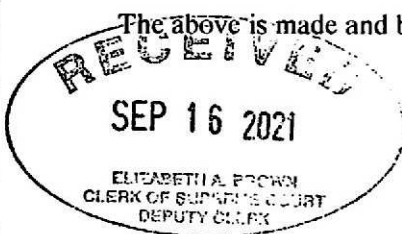
DC# 18-CR-0084, 18CR-0116

PETITION FOR WRIT OF MANDAMUS

COMES NOW, MICHAEL COTA, in PRO PER and herein above respectfully

Moves this Honorable Court for a WRIT OF MANDAMUS BE ISSUED  
UPON STATE OF NEVADA THROUGH 9TH JUDICIAL DISTRICT  
COURT

The above is made and based on the following Memorandum of Points and Authorities.



21-26957

MEMORANDUM OF POINTS AND AUTHORITIES

THIS IS A VERY SIMPLE CASE OF ABUSE OF POWER  
RESULTING IN MR COTA BEING DENIED A FAIR APPEAL  
IN THIS VERY COURT CAUSED BY THE ACTIONS OF  
THE DEFENDANTS. EXHIBIT ONE IS THE COVER  
SHEET OF APPELLANTS APPENDIX SHOWING MR COTAS  
SENTENCING COURT BEING FIRST JUDICIAL DISTRICT COURT  
BY JUDGE JAMES J. RUSSELL EXHIBIT TWO IS THE LETTER  
MR COTA WROTE TO JUDGE RUSSELL AS MR COTA HAD  
NEVER APPEARED IN FIRST JUDICIAL DISTRICT COURT.  
EXHIBIT THREE IS THE LETTER MR COTA RECEIVED FROM  
JUDGE RUSSELL'S JUDICIAL ASSISTANT VERIFYING MR COTA  
HAS NEVER HAD A CASE FILED IN THE FIRST JUDICIAL DISTRICT.  
YET EXHIBIT ONE STATES HE HAS. WE SUBMIT THAT  
EXHIBIT ONE IS A FRAUDULENT DOCUMENT, WE SUBMIT  
THAT THIS COURT RULED ON A APPEAL THAT WAS ENTITLED  
IN THE WRONG COUNTY, WE SUBMIT THAT DOUGLAS  
COUNTY KNOWINGLY DID THIS TO DEPRIVE MR COTA OF  
A FAIR APPEAL. (WE ASK THAT AN) IMMEDIATE  
WRIT OF MANDAMUS BE ISSUED AS THERE IS NO  
OTHER POSSIBLE REMEDY.

DATED THIS 9TH DAY OF SEPTEMBER 2021

x M. L. Cota II

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2  
3 **VERIFICATION**

4 Under penalty of perjury, the undersigned declares that he is the Plaintiff in the foregoing  
5 complaint and knows the contents thereof; that the pleading is true and of his own knowledge, except as  
6 to those matters stated on information and belief, and as to such matters he believes them to be true. I  
7 further verify that the foregoing pleading is true and correct, and is made under penalty of perjury without  
8 benefit of notary pursuant to NRS 208.165, as I am an incarcerated person.

9 Dated this 9<sup>th</sup> day of September, 2024.

10  
11 x M L COTA II  
12 MICHAEL COTA #1206075  
13 ELY STATE PRISON  
14 P.O. BOX 1989  
15 Ely, NV. 89301  
16 Plaintiff In Pro Se  
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AFFIRMATION

Pursuant to NRS 239b.030

The undersigned does hereby affirm that the preceding document, \_\_\_\_\_

PETITION FOR WRIT OF HABEAS CORPUS

(Title of Document)

Filed in case number: TO BE PROVIDED

☒ Document does not contain the social security number of any person

Or

☐ Document contains the social security number of a person as required by:

☐ A Specific state or federal law, to wit

Or

☐ For the administration of a public program

Or

☐ For an application for a federal or state grant

Or

☐ Confidential Family Court Information Sheet  
(NRS 125.130, NRS 125.230, and NRS 125b.055)

DATE: Sept 9, 2021

X Michael Cota II  
(Signature)

MICHAEL COTA  
(Print Name)

PRO Se'  
(Attorney for)

EXHIBIT ONE

EXHIBIT ONE



# EXHIBIT 2

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EXHIBIT 2

TO: JUDGE JAMES RUSSELL  
FROM: MICHAEL COTA  
DATE: AUGUST 26, 2021  
SUBJECT: QUESTION OF DOCUMENT FILED BY ATTY. JOHN MALONE

DEAR JUDGE,

IT HAS COME TO MY ATTENTION THAT IN 2019 MY ATTORNEY FILED AN APPEAL TO THE NEVADA SUPREME COURT CASE #s 77414 & 77415. THE ISSUE IS HE LISTS YOUR NAME AND THE FIRST JUDICIAL DISTRICT COURT AS THE SENTENCING COURT. I HAVE NEVER HAD A CASE IN FIRST JUDICIAL DISTRICT COURT AND AS SUCH HAVE NEVER BEEN BEFORE YOU. I BELIEVE THIS TO BE A FALSIFIED DOCUMENT. CAN YOU PLEASE CHECK INTO THIS MATTER AS YOUR NAME AND COURT IS USED, AND I'M SURE YOU WANT THIS CORRECTED.

Sincerely,

M. Cota



# EXHIBIT 3

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# EXHIBIT 3



**FIRST JUDICIAL DISTRICT COURT**  
CARSON CITY AND STOREY COUNTY  
STATE OF NEVADA

**JAMES T. RUSSELL**  
District Judge  
Department One

885 East Musser Street, Room 3061  
Carson City, Nevada 89701  
(775) 882-1996  
Fax: (775) 887-2272

September 2, 2021

Michael Cota #1206075  
Ely State Prison  
Post Office Box 1989  
Ely, NV 89301

RE: Correspondence dated August 26, 2021

Dear Mr. Cota:

In response to your letter dated August 26, 201, please be advised that we have checked our records and do not show an action pertaining to you being filed in the First Judicial District Court.

You can reach out to your attorney for further assistance.

Sincerely,

  
Julie Harkleroad  
Judicial Assistant