

FILED

FEB 11 2022

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

1 TYRONE KEITH ARMSTRONG
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4 Tel: (702) 491-8426
5 Email: performanceoneautomotive@gmail.com
6 *Appellant Pro Se*

7
8 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

9 * * * * *

10 TYRONE KEITH ARMSTRONG,) Supreme Court Case No: 83545
11 Appellant,)

12 vs.)

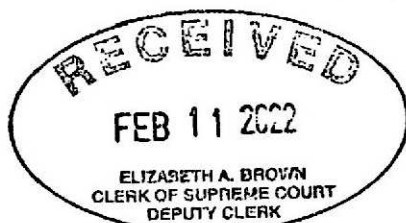
13 U.S. BANK NATIONAL)
14 ASSOCIATION, as Trustee for)
15 Structured Asset Securities)
16 Corporation Mortgage Pass-Through)
17 Certificates, Series 2007-BC3;)
18 OCWEN LOAN SERVICING, LLC;)
19 PHH MORTGAGE CORPORATION;)
20 WESTERN PROGRESSIVE-)
21 NEVADA, INC.;)
22 Respondents.)

23 **APPELLANT'S MOTION TO**
24 **SUBMIT APPENDIX FOR FILING**
25 **PURSUANT TO NRAP 27 AND 30**

26 COMES NOW Appellant Pro Se TYRONE KEITH ARMSTRONG,
27 pursuant to NRAP 27(c)(3)(A) and 30(i), and moves this Court to enter an order to
28 permit a pro se litigant to file an appendix.

29 **I. FACTS**

30 On January 24, 2022, Appellant, a pro se litigant, telephonically requested a
31 14-day extension of time to file his opening brief. On January 25, 2022, the clerk



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22-04688

entered an order that indicated, “[A]ppellant ***shall*** have until February 9, 2022, to file and serve the opening brief ***and appendix***.¹

On February 9, 2022, Appellant called the Supreme Court clerk and inquired about the location of the Las Vegas drop box to submit the opening brief and appendix. The clerk informed Appellant that a pro se litigant was prohibited from filing an appendix and it would be rejected. Appellant responded that he prepared and incorporated citations to the Appendix in his Opening Brief based on the order he received from the Supreme Court to submit an Appendix by February 9, 2022. The Clerk advised Appellant that the order for him to produce an appendix was made in error.

That the citations in Appellant's Opening Brief cite to the record first, then to the Appendix. Appellant spent several days to prepare the appendix and will need another extension of time to remove the citations contained in the Opening Brief; or alternatively grant Appellant leave to submit the appendix contemporaneously with the opening brief and its citations thereto.

II. ARGUMENT

The provisions of NRAP 27(c)(3)(A) provides:

Under NRAP 27(c)(3)(A), an order issued by the clerk under this Rule shall be subject to reconsideration by a single justice or judge pursuant to motion filed within 14 days after entry of the clerk's order.

¹ Order granting telephonic extension attached as Exhibit 1.

1 The provisions of NRAP 30(i) provide that:

2 “This Rule does not apply to a party who is not represented by counsel. A pro se party
3 shall not file an appendix except as otherwise provided in these Rules or ordered by the
4 court. If the court’s review of the complete record is necessary, the court will direct the
district court to transmit the record as provided in Rule 11.”

5 Here, an Order was entered for Appellant to submit his Opening Brief *and*
6 Appendix, in accordance with NRAP 30(i). Under NRAP 27(c)(3)(A), an order
7 issued by the clerk under this Rule shall be subject to reconsideration by a single
8 justice or judge pursuant to motion filed within 14 days after entry of the clerk’s
9 order.
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11

12 Based on his reliance of the order of January 25, 2022, Appellant allocated
13 several days from his extension of time to create and insert relevant citations to the
14 appendix in his opening brief. Appellant did not learn that the appendix would not
15 be accepted until February 9, 2022, the last day to file. Appellant has submitted
16 his appendix with the opening brief in the event the Court grants leave for
17 Appellant to file the same. Alternatively, Appellant requests an additional 14 day
18 extension to correct his opening brief and omit the citations to the appendix.
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CONCLUSION

Based on the foregoing, Appellant respectfully requests that he be granted an Order to file the Appendix with his Opening Brief; or alternatively be granted another 14-day extension to cure defects in his Opening Brief.

DATED this 9th day of February, 2022

By: 

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Appellant Pro Se

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of February, 2022, I served a true and correct copy of the foregoing *Appellant's Motion to Submit Appendix for Filing Pursuant to NRAP 27 and 30*, via electronic mail and/or U.S. Mail, first class postage prepaid, addressed to the following:

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Attorney for:

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PHH Mortgage Corporation;

Western Progressive-Nevada, Inc.

By: /s/ Tyrone K. Armstrong

TYRONE K. ARMSTRONG

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EXHIBIT 1

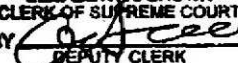
IN THE SUPREME COURT OF THE STATE OF NEVADA

TYRONE KEITH ARMSTRONG,
Appellant,
vs.
U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR STRUCTURED
ASSET SECURITIES CORPORATION
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-BC3;
OCWEN LOAN SERVICING, LLC; PHH
MORTGAGE CORPORATION; AND
WESTERN PROGRESSIVE-NEVADA,
INC.,
Respondents.

No. 83545

FILED

JAN 25 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER GRANTING TELEPHONIC EXTENSION

Pursuant to a telephonic request received on January 24, 2022,
appellant shall have until February 9, 2022, to file and serve the opening
brief and appendix. See NRAP 26(b)(1)(B).

It is so ORDERED.


CLERK OF THE SUPREME COURT
ELIZABETH A. BROWN

BY: 

cc: Tyrone Keith Armstrong
Houser LLP
Fox Rothschild, LLP/Las Vegas

SUPREME COURT
OF
NEVADA

CLERK'S ORDER

(13) 1947 

22-02955