

FILED

IN THE COURT OF APPEAL OF THE STATE OF NEVADA FEB 16 2022

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

Justin Odell Langford No. 83016-COA
Appellant

v.
C/O SMITH, et al.

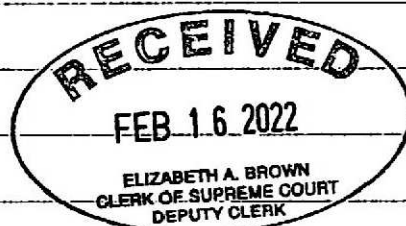
MOTION FOR REHEARING PURSUANT NRAP 40

COMES NOW, Justin Odell Langford, In Proper, to File his
Motion For Rehearing Pursuant NRAP 40, and Moves this
Honorable Court For and order granting his appeal.

This motion is made and based upon NRAP 40(2)(a), and
is further made and based upon all papers, pleadings,
and documents on file with this court and the
attached Memorandum of Points and Authorities.

Date: 2/10/22

Respectfully Submitted
Justin Odell Langford
Justin Odell Langford-1159546
LCC, 1200 Prison Road
Lovelock, Nev. 89419



On page 2 in Footnote 1 of this Courts Order entered on Feb. 4TH 2022, this Court states:

We note that this argument is without merit as Langford conflates the laws of Nevada with the codified statutes. The Nevada Revised Statutes merely "constitute the official codified version of Statutes of Nevada and may be cited as prima facie evidence of the law."

NRS 220.120(3). The Nevada Revised Statutes consist of enacted laws which have been classified, codified, and annotated by the Legislative Counsel, see NRS 220.120. The actual Laws of Nevada are contained in the Statutes of Nevada, and the full text of such laws, including any enacting language, may be found therein.

When the Legislature passed "Senate Bill No. 2 (1957)" which dictates what the "Nevada Revised Statutes" are or are not and it states:

An act to revise the laws and statutes of Nevada of a general or public nature; to adapt and enact such revised laws and statutes, to be known as the Nevada Revised Statutes, as the law of the State of Nevada; to repeal all prior laws and statutes of a general, public and permanent nature; providing penalties; and other matters relating thereto.

Even the Legislative Counsel Bureau in their Preface has acknowledged "THE FACT" that the "Nevada Revised Statute are the law", the Legislative Counsel's Preface states:

It is the end that upon the convening of the 1957 legislature Nevada Revised Statutes was ready to present for approval. By the provisions of chapter 2, Statutes of Nevada 1957, "Nevada Revised Statutes, consisting of NRS 1.010 to 710.590, inclusive, was adopted and enacted as the law of the State of Nevada."

This can be found at www.leg.state.nv.us/Division/Research/Library/Documents/HistDocs/Preface.PDF

The wording is suppose to orient the courts way of thinking, not the other way around, the courts' have a role in society, by enforcing enacted statutes and rules for which there is suppose to be cognitive and affective interpretation that shapes the process, that dominates personal impulses to decide incorrectly (or) without law.

By failure to enforce states legislative intent, the Court has journeyed to a world, heavy and dark into Unconstitutionality to the State Constitution, Petitioner avers he has to rely on a message in a fortune cookie to get proper application of the law. Again Petitioner states NRS 209.451 cannot be applied to him when his argument is supported by legislative Records in which a bunch of blockheaded judges refuse to acknowledge the truth and keep committing fraud themselves.

Thus this court has no foundation to rely on NRS's 220.170(3) & 220.120 when they are contradictory to Senate Bill No. 2 (1957) in which "declares the Nevada Revised Statutes as the law". When does this Plaintiff get to see Judges in this State uphold their Oath of Office, and quit supporting the kidnapping of this States citizens. Also NRS 209.451 holds a Pro se litigant in prison to a higher standard attorneys and judges than attorney and judges, which goes against scotus authority, see *Haines v. Kerner*, 404 U.S. 519 (1972); see also *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1959); *Pickering v. Pennsylvania R. Co.*, 151 F.2d 240; *Pocket v. Cox*, 456 2nd 233 "Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers." So the Plaintiff asks this Court to change its decision in regards to it directing the lower court to refer the issue to the N.D.O.C., The Courts dont punish attorneys for filing frivolous pleads or for committing fraud, Judges dont get punished for getting it wrong i.e. abusing its discretion. NRS 209.451 is a discriminatory law as it targets inmates.

And since this court addressed NRCP 16.1(e)(2) issue, Plaintiff now chooses to point this court to NRCP 16.1(c) as it pertains to the case conference report, the one Plaintiff is required to file, but can only file it after a case conference has been held

and both are impossible to arrange for a inmate in custody as we have no way to schedule a case conference with the defendants.

This court also missed the fact that not all the parties filed their answer on July 31, 2020. Defendants Renee Baker, The State of Nevada, ex rel. NDOC, The Nevada department of corrections didn't file their answer on 10-1-2020 with their Joinder. Those Defendants were served their summons and didn't file a response, from the time they were served they had 45 days to respond, numerous attempts at filing for default were wrongly thwarted by the lower court. Also the 240 days for a case conference report for these defendants hadn't lapsed yet when the case was dismissed, so Plaintiff ask this court to reverse the dismissal against these defendants.

The same issue applies to defendant C/O Smith with NRCP 16.1(e)(2) as he filed a joinder later than the above 3 defendants so he even had a latter deadline for the 240 days, so he was also wrongly dismissed. The Plaintiff was also wrongly denied default against this defendant. Proof of service for this defendant and the above 3 defendants are on the record and the court refuses to acknowledge that all four (4) of these defendants have defaulted and refuses to grant the Plaintiff default even though he is entitled to it. All the court has to do is look at the docket sheet for the

lower court and it will see when the above 4 defendants filed their answers and ~~see~~ see the fact that the 240 days had not expired when the case was dismissed and that proof of service was on file and that the defendants legally defaulted.

Conclusion

Wherefore Plaintiff ask that this court remedy the above issues with the appropriate relief.

Certificate of Service

I, Justin Odell Langford, ~~do~~ certify, that I have attached a true and correct copy of the above-entitled document with special instructions to the clerk of the court for E-File & E-Service to all my opponents pursuant to N.E.F.C.R., 5(K), 9 et seq. (A-E) etc., to the following:

Hon. Jim C. Shirley, District Judge

Attorney General/Carson City

clerk of the Court/court Administrator Pershing County

Date: 2/10/22

15/ 
Appellant, 1159546