

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALI SHAHROKHI,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DAWN THRONE, DISTRICT JUDGE,  
Respondents.

No. 84189

**FILED**

**FEB 25 2022**

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

*ORDER STRIKING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION*

This original, pro se petition for a writ of mandamus or prohibition challenges a district court order declaring petitioner a vexatious litigant and imposing prefiling restrictions on him in the underlying case and in a related case.

The petition is replete with inappropriate, offensive language and personal attacks on the district judge, as well as on other district judges, the plaintiff below, and plaintiff's former counsel.<sup>1</sup> For instance, petitioner's routing statement calls the judge "a biased, bottom feeder, incompetent, rookie judge who thinks she is above the law, who commits crimes, violates the U.S. Constitution and completely ignores NRS and local rules." He later states, "*The so-called judge is an IDIOT. Period.*" Throughout the petition are terms referring to the judge as a "TYRANT," "a political hack," "on crack," "a knuckle head," and "a piece of SHIT and a

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<sup>1</sup>Although the vexatious litigant order challenged herein was prompted by a motion from plaintiff below, petitioner improperly failed to name her as a real party in interest to this petition.

**CRIMINAL**” who “will lie under oath” and “is unfit to be judge.” Even petitioner’s certificate of service calls the judge a “**FAT FUCK.**”

Further, in the petition, petitioner refers to family court judges in general as “bottom-feeders,” “low lives cockroaches,” “scum bags, political hacks and morons,” “who are desperate prostitutes who will sell their mothers for pennies.” Petitioner calls the plaintiff “a lying, cheating, and worthless” litigant who “has come to the court with ‘unclean hands’ and corrupt lawyers.” Nor is this court spared petitioner’s venomous rhetoric, which accuses this court of “turning a blind eye” to the judge committing perjury.

As asserted in his petition, petitioner appears to believe that this sort of speech is protected by the First Amendment. (“*Fuck any corrupt judge and profanity is protected under the 1<sup>st</sup> Amendment and I will continue to cuss them out because they are not judge quality.*”) However, the United States Supreme Court has recognized that “[c]ourts of justice are universally acknowledged to be vested, by their very creation, with power to impose silence, respect, and decorum, in their presence, and submission to their lawful mandates.” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (internal quotation marks omitted). “The First Amendment does not allow a person to make harassing or threatening communications, and the Court’s inherent authority to manage proceedings before it provides a basis for admonishing [the wrongdoer’s] conduct.” *Wyatt v. Five Star Tech. Sols., LLC*, No. 120CV03198JMSTAB, 2021 WL 1340991, at \*2 (S.D. Ind. Mar. 23, 2021), *report and recommendation adopted*, No. 1:20-CV-03198-JMS-MG, 2021 WL 1338933 (S.D. Ind. Apr. 9, 2021). *See also Mohammed v. Anderson*, 833 F. App’x 651, 655 (7th Cir. 2020), *cert. denied*, 141 S. Ct. 1242 (2021) (explaining that the First Amendment does not protect against sanctions for profane, inappropriately belligerent, and threatening actions and communications in a civil lawsuit); *Bank v. Katz*,

No. 08CV1033NGGRER, 2009 WL 3077147, at \*2 (E.D.N.Y. Sept. 24, 2009), *aff'd*, 424 F. App'x 67 (2d Cir. 2011) (rejecting claim that court restriction on attire violates the First Amendment, since the restriction was reasonably related to maintaining "courtroom civility and respect for the judicial process").

Such abusive filings are intolerable and will not be permitted in this court. See *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 841 (10th Cir. 2005) (refusing to consider pro se "briefs on appeal [that] do little more than attempt to impugn (without basis) the integrity of the district judge"); *Phillips v. Carey*, 638 F.2d 207, 208 (10th Cir. 1981) ("[I]f the complaint or other pleadings are abusive or contain offensive language, they may be stricken sua sponte under the inherent powers of the court."); *Theriault v. Silber*, 579 F.2d 302, 303 (5th Cir. 1978) (refusing to "allow liberal pleading rules and pro se practice to be a vehicle for abusive documents," noting that the pro se litigant's first notice of appeal was stricken for containing "vile and insulting references to the trial judge," and dismissing with prejudice second notice of appeal as abusive); *Bethel v. Escambia Cty. Sheriff's Off.*, No. 3:05CV376/MD, 2006 WL 3498597, at \*2 (N.D. Fla. Dec. 4, 2006) (striking filing as a sanction "for plaintiff's efforts to malign, calumniate and denigrate this tribunal with such a scurrilous filing"); cf. NRAP 28(j) ("All briefs under this Rule must be concise, presented with accuracy, logically arranged with proper headings and free from burdensome, irrelevant, immaterial or scandalous materials. Briefs that are not in compliance may be disregarded or stricken, on motion or sua sponte by the court . . ."). Accordingly, we hereby strike the February 7, 2022, Petition for Writ of Mandate, or in the Alternative, Writ of Prohibition. Petitioner shall have 14 days from the date of this order to file and serve a revised writ petition that complies with this order and the



NRAP and refrains from referencing such scandalous and inflammatory materials.

We are aware that petitioner has filed several other documents in this court containing inappropriate material. *E.g.*, *Shahrokhi v. Burrow*, Docket No. 84131 (February 7 & 14, 2022, Requests for Judicial Notice); *Shahrokhi v. Burrow*, Docket No. 83726 (same); *Shahrokhi v. Burrow*, Docket Nos. 81978 & 82245 (same); *see also Shahrokhi v. Eighth Judicial Dist. Court*, Docket No. 84043 (January 27, 2022, Motion for Stay); *Shahrokhi v. Eighth Judicial Dist. Court*, Docket No. 83927 (December 30, 2021, Motion for Stay). Petitioner is hereby notified that all future writ petitions, motions, and other papers he files in this case or in any other action in this court must comport with the basic standards of decorum and respect, as described herein. Failure to do so may result in those submissions being summarily stricken.

It is so ORDERED.

 C.J.  
Parraguirre

 J.  
Stiglich

 J.  
Cadish

cc: Hon. Dawn Throne, District Judge, Family Court Division  
Ali Shahrokhi  
Kizzy Burrow  
Eighth District Court Clerk