

FILED

SEP 29 2022

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

1 Chad Windham Mitchell
2 % 897 E. Musser St.
3 Carson City, NV 89701
4 Pro se Litigant
5

6 IN THE SUPREME COURT OF THE STATE OF NEVADA
7

8 CHAD WINDHAM MITCHELL,

Case No.: 84693

9 Petitioner,

10 vs.

'MOTION TO STAY ISSUANCE

11 THE FIRST JUDICIAL DISTRICT

OF REMITTITUR /

12 COURT OF THE STATE OF NEVADA,

ACKNOWLEDGEMENT TO THE

13 Respondent.

COURT'

14 I approach the Court 'Pro se/Pro per', in acknowledgement

15 of some shortcomings due to denials of Carson City Sheriff's

16 Office ("C.C.S.O."), amongst which is no "proof of service" on

17 this filing. I remain indigent and as such am denied more

18 than one legal mailing envelope by the C.C.S.O. and am afforded

19 no access to adequate access to supplies, materials, or research

20 provided by the custodial entity. (*Younger v. Gilmore*, 404 U.S.

21 15 (1971) - constitutional rights violated when "no indication of any

22 assistance at the initial stage of preparation of writs or petitions.")

23 I seek to acknowledge to the Court (for full understanding)

24 that when I filed my prepared 'Writ of Mandamus' on 5/10/22

25 I only had the following (7) seven NRAP's in my possession; 9, 14,

26 24, 25, 28, 32, 46. Amongst those rules - Rule 28, (e), (3), states;

27 "APPENDIX party is NOT PERMITTED" to file an appendix under

28 Rule 30, (c) "and goes on to tell me" to support assertions in briefs

1 regarding matters in the record by providing citations to the
2 appropriate pages ~~in~~ of the trial court record." Since I'm denied
3 access to any "legal research" through the jail - I believed (in
4 good faith) I was not required to attach an appendix, and I
5 attempted "due diligence" by citing Cobra Resident Kiosk commun-
6 ication numbers for reference of what was at issue, to prove
7 the matter to the Court. Compounding my inadequate understanding
8 (because C.C.S.O. denies any access to legal), Rule 28.(k), states;
9 "brief need not comply with technical requirements if using the form
10 brief provided by the Court Clerk". I understood myself (based on
11 the available information) to be conformed to the Nevada Supreme Court's
12 rules. The First Judicial District Court, and C.C.S.O., by the nature
13 of the denials and refusals are fully aware and complicit in forcing
14 an indigent citizen's failures in reaching most required expectations
15 for proper filings.

16 Based on the (7) seven single NRAP's I had when the 'Mandamus'
17 was filed, I was in adherence of the rules of the Court. I receive
18 no legal assistance from (criminal case) appointed counsel, and I am
19 actively denied, or obstructed access to legal research, legal copies
20 for exhibits, or even secure legal mailing to any court. (I have suffered
21 "actual injury" to multiple "confidential legal filings" to Second Judicial
22 District Court, and to privileged communications to Senior Staff
23 Attorney Christopher Peterson with Nevada office of American Civil
24 Liberties Union (4/21/22 delayed til 4/14/22), and there is no legal
25 mail log - incoming or outgoing - in practice by C.C.S.O. jail.)

26 I plea for the Court's issue for 'Stay of Remittitur'.
27 At this time, I do not have the ability to access the needed
28 legal research to know if I can, or how to properly apply for

1 Certiorari. I ask the Court to issue the "Stay of Remittitur"
2 under NRAP 2. "may suspend any provision of the rules" and
3 order proceedings as the Court directs", also NRAP 1. (c), and NRAP
4 41 - all being liberally construed if the Court understands that
5 I do not wish to take action under Certiorari if I do not have
6 standing or "ability" to.

7 I do not wish to take up the Courts time without my actions
8 being proper. I suffer an extreme disadvantage in light of the
9 Courts' Sept. 7, 2022 'Order Denying En Banc Reconsideration' stating;
10 "Having considered the "petition on file here in" and that file being
11 incomplete (no appendix of exhibits or documentation), because of
12 custodial denials, I request a 'Stay of Remittitur' for (60) sixty
13 days (if the Court will allow) so that I can obtain adequate
14 research on "Application for Certiorari".

15 I think it is important to inform this Court that when I
16 petitioned for 'En Banc Reconsideration', I was unaware that I
17 could not seek 'Petition for Review' as I suffer no access to
18 legal research under C.C.S.O. which is specific to the reason for
19 the sought 'Mandamus' for First Judicial District Court. I don't
20 want to file a "pre-failed" approach to Certiorari, or even pursue
21 it, if I do not have substantive grounds, or if there is another
22 course of action available.

23 As a citizen filer, without means to hire an attorney, and also
24 failed an attempt to "widen the scope of appointed counsel's
25 representation (on 8/30/22 - F.J.D.C. case # 21 CR00222 1B) to include
26 providing legal copies, court rules, and other specific research for
27 'pro se/pro per' actions in defense of my Fourteenth, Eighth,
28 Sixth, First Amendment rights (and the challenge of legal

1 authority to confine me under these deprivations), I plea for the
2 'Stay of Remittitur' so I do not deploy another filing without
3 being sure of its viability as I did with the "En Banc Reconsi-
4 deration" filing. I need to know the impact of the action and
5 what process lies afterward or alternates available.

6 It is my intent with this filing, to show the Court acknowledge-
7 ment of my shortcomings and yet show my desire to try to be as
8 efficient as possible from under near absolute denials by a
9 custodial entity. I believe that my 'Writ of Mandamus' filing
10 has suffered "actual injury" at least twice while I have tried
11 to adhere to rules of filing without the "capability" promised in
12 the Fourteenth Amendment. (Lewis v. Casey, 518 U.S. 343 (1996)-
13 "actual injury" showing required... "might show... a complaint he prepared
14 was dismissed for failure to satisfy some technical requirement which...
15 he could not have known.") It is in that showing I request the
16 "Stay" be granted by this Court.

17 I declare under penalty of perjury according to the laws
18 of the State of Nevada, that this is true and correct.

19 I now affirm this document does not contain any personal
20 information of any person as defined by NRS 603A.040.
21

22 Date: September 26, 2022 signature: Ched Windham Mitchell
23 print: Ched Windham Mitchell

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