

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW TRAVIS HOUSTON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
Nov 28 2023 06:51 PM
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court Case No. 86972

**MOTION FOR RECONSIDERATION OR ALTERNATIVELY, MOTION TO
WITHDRAW AS COUNSEL (THIRD REQUEST)**

COMES NOW Appellant, Matthew Travis Houston, by and through counsel, Alexis M. Duecker, Esq., and files this Motion for Reconsideration or alternatively, Motion to Withdraw as Counsel (Third Request). This Motion is based on the following memorandum and all papers and pleadings on file herein.

DATED this 28th day of November, 2023.

SDS Chartered, LLC d/b/a SOFOS

By: /s/ Alexis M. Duecker

Alexis M. Duecker

Attorney for Appellant

MEMORANDUM

Pursuant to NRAP 27(b), "the court may act on a motion for a procedural order-including a motion under Rule 26(b)-at any time without awaiting a response. Under Rule 27(c), the clerk may act on motions for specified types of procedural orders. A party adversely affected by the court's, or the clerk's, action may file a motion to reconsider, vacate or modify that action."

The Motion for Reconsideration may be untimely; however, counsel was not served with the civil complaint in A-23-875418-C until after the expiration of 14 days to file a Motion for Reconsideration stemming from the Order denying the Motion entered on September 15, 2023. Good cause exists for the untimeliness as Appellant is still trying to remove counsel of record as recently as November 1, 2023 which additionally demonstrates Appellant's continued intent to remove counsel.

Counsel is renewing their Motion to Withdraw as counsel filed on September 5, 2023 and August 25, 2023. Since the filing of the Motion to Withdraw, counsel has recently been served (November 1, 2023) with the Complaint in the civil lawsuit Appellant filed against counsel, attached hereto

as Exhibit 1. This Court denied counsel's motions due to counsel not attaching an affidavit or some declaration from Appellant, Matthew Houston, that he did not affirmatively want to remove counsel. Now, since the filing of the last motion, Appellant has served counsel with his complaint specifically alleging that he wants me removed as counsel in this matter. (See Exhibit 1, Appellant's numbered Page 10).

Additionally, the lawsuit filed against counsel in this matter directly stems from representation in the underlying post-conviction matter. (See Exhibit 1, Appellant's Numbered Page 3). Therefore, defense in the civil suit will necessarily create a conflict where counsel would have defend herself to Appellant's detriment to prevail in counsel's own defense. Counsel's loyalties are divided.

This Motion is not filed for the purposes of delay, Appellant's Opening Brief is due today, November 28, 2023, and counsel has a brief prepared to file, but ethically, counsel does not believe it is appropriate to file the Opening Brief against the Appellant's wishes. Appellant contacted the State Bar Ethics

hotline telephonically, who also concurred that continued representation would not be appropriate. (See Exhibit 2.)

Counsel's motion was also denied for failure to include an affidavit or declaration regarding the Motion to Withdraw. Counsel has attached an affidavit as Exhibit 2 whereby counsel explains the conflict necessitating removal from this matter.

Counsel urges this Court to grant Counsel's Motion and to remove counsel of record and to appoint independent counsel for Mr. Houston.

DATED this November 28, 2023.

SDS Chartered, LLC d/b/a
SOFOS

By: /s/ Alexis M. Duecker
Alexis M. Duecker
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on November 28, 2023. Electronic service of the foregoing document shall be made in accordance with the mast service list as follows:

STEVEN B. WOLFSON

Clark County District Attorney

Counsel for Respondent

AARON FORD

Nevada Attorney General

/s/ Alexis M. Duecker

An employee of SDS Chartered, LLC
d/b/a SOFOS

EXHIBIT 1

Filing code → COMP
CLARK COUNTY, NEVADA
SEE Case 2:21-cv-00499-JAD-DJA Document 57-1 Filed 07/11/23 Page 52 of 81
MATTHEW TRAVIS HOUSTON, Plaintiff,
vs. ALEXIS M. DUECKER ET AL'S, Defendant No. 1
DREW CHRISTENSEN ET AL'S, Defendant No. 2
Case No. _____
Dept. No. _____
"JURY TRI." _____
Electronically Filed 08/07/2023
CLERK OF THE COURT A-23-875418-C Department VI
COMPLAINT PURSUANT TO RULE 12(b)(5) AND RULES OF CIVIL PROCEDURE IN ACCORDANCE WITH EDCR 2.20 AND
STATEMENT OF FACTS: Kidnapped from his home in
"HEARING REQUESTED" Plaintiff -
2. Iowa, On July 14, 2021, MATTHEW TRAVIS HOUSTON (hereinafter "Petitioner-Appellant")
3 was abducted from his hotel room at the Best Western located at [REDACTED] 3041
4 St. Rose Parkway in Henderson, Nevada, as he was not served with any sort of
5 summons or WARRANT, nor was told or read that he had any kind of rights. This
6 false arrest prevented Petitioner-Appellant from attending his appointment the very
7 next day at Nevada Retina Specialists, with Dr. Tyson Ward on July 15, 2021, while
8 this continued imprisonment of his person also prevented him from attending his medical
9 disability rating in Reno, Nevada, on August 15, 2021, with Dr. Dwagleri. Both appointments
10 of which had been scheduled by the abductors, SEDGWICK's Dianne Ferrante, and her
11 alleged supervisor, Rosemarie McMorris-Alexander, as was the booking of his room.
12 The Petitioner-Appellant's attempt at release from CECU was intended so that he could
13 search for, and hopefully, retrieve his service animals. However, the now-dismissed counsel, J. Wood
14 and Bernard Little, provided misinformation regarding the lack of a directly-related "City Jail
15 Detainer Hold". Counsel had told Petitioner-Appellant, all the while coercing his client into a
16 potential release from custody, that he "did not see a detainer hold" - when, in fact, there was.
17 This coercion of the client by his previous representation created a second double-jeopardy -
18 in LAS VEGAS MUNICIPAL COURT #1248384A + #C1237802A; with the first being by J. We
19 in the EIGHTH JUDICIAL DISTRICT COURT 21-CR-D19840 + 21-CR-D33713. A. Goldstein NEVER visited
20 Mr. Houston. These traumatic events are a cruel and unusual punishment being inflicted upon an abused
21 and innocent man, who was forced into an involuntary relocation, with unnecessary hardships
22 causing the eviction of his law office located at 435 South Linn Street #927, in Iowa
23 City, Iowa (52240), \$36.5 million of property damage and the destruction of his K-9(s).
24 Due to crimes both civil and criminal, not to mention the willful omissions of Rosemarie
25 McMorris-Alexander and Dianne Ferrante, SEDGWICK and the prosecutions most unlawful use
26 of overreaching tactics and their exploitation of the innocent man has put the Petitioner-Appellant
27 into an unmanageable state of duress, homelessness, and extensive incarceration. Not at any
28 time did Mr. Houston extort, harass, threaten, or "aggravated stalk" any of the
29 parties involved with his cases or any other individual, business, or entity.
30 In fact it is Mr. Houston who is the victim of crime.
31 Alexis M. Daecker's legal malpractice and intentional and malicious negligence
32 has only further blocked, hindered and thwarted Mr. Houston's innocence. (1-A)

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
MATTHEW TRAVIS HOUSTON, Plaintiff,
vs.
JEREMY SEAN, RT AL, Defendant,
Case No. 2:23-cv-00031-RFB-DJA

GROUND NUMBER TEN

How to File a Complaint Against an Attorney

~~Ineffective and of counsel of ALEXIS M. DUECKER~~
If you wish to file a complaint it may be sent by letter, via U.S. Mail or fax to the closest State Bar address listed at the bottom of this section.

An online complaint will be accepted. However, all correspondence from the State Bar will be in writing via US Mail. If you send attachments, you should confirm that they were received. You may be required to send attachments in hard copy.

The Office of Bar Counsel usually completes the initial review of all complaints within ten business days of receipt.

Your correspondence should contain at least the following information:

1. Name of the attorney.
2. A brief description of the nature of the case the attorney was engaged to handle.
3. A chronological review of events, actions, or conversations between you and the named attorney which led you to conclude that the attorney's actions are improper.
4. Copies of letters or documents which serve as material evidence of the allegations you have raised against the attorney.
5. The names, addresses and phone numbers of those persons who have direct knowledge of the allegations you have raised.
6. An acknowledgment of whether you have attempted to first resolve this matter by contacting the attorney directly.

Once we have received your complaint we will review it to determine if there is an issue under the Rules of Professional Conduct. If more information is needed you will be notified. If you have raised an issue under the Rules of Professional Conduct, we will forward a letter to the attorney and direct him or her to respond to our office in writing within ten (10) business days with an explanation. Based on the attorney's response, we will then determine what further investigation might be necessary.

If it is determined that your complaint is basically a fee dispute, we will forward the forms which are utilized for the filing of a complaint with the Fee Dispute Arbitration Committee.

The investigation and review process can take as little as one month or as long as six months or more. You will be kept informed of the status of the matter as it progresses. You should recognize, however, that the Disciplinary Board cannot and does not give legal advice, does not have jurisdiction over damage or malpractice claims against attorneys and cannot alter or affect in any way the outcome of private legal matters in court. If you need additional advice on your case, you must obtain the assistance of your own private attorney.

In Southern Nevada please contact:

State Bar of Nevada Office of Bar Counsel
3100 W. Charleston Blvd., Las Vegas, NV 89102
5th floor
TEL (702) 382-2200 or (800) 254-2797 FAX (702) 382-8747

In Northern Nevada please contact:

State Bar of Nevada Office of Bar Counsel
9456 Double R Blvd. Suite B, Reno, NV 89521
TEL (775) 329-4100 FAX (775) 329-0522
complaint@nvbar.org

PLEASE SEE ATTACHED COMPLAINT
PURSUANT TO NRCP RULE 12 IN
ACCORDANCE WITH EDCR 2.20:

①

YOUR INFORMATION

First, Middle and Last Name: Matthew Travis Houston

Your Address: NDOC No 1210652 - HPSP - PO Box 650

City: Indian Springs State: NV Zip: 89070

ATTORNEY INFORMATION

Attorney Name: Alexis M. Duecker

Law Firm Name: AMD LAW, PLLC aka SMS CHARTERED

Attorney Address: 340 E. Warm Springs Road, Suite No 110

Attorney City: Las Vegas State: NV Zip: 89119

PREVIOUS CONTACT WITH THE STATE BAR OF NEVADA

Have you previously contacted the State Bar of Nevada regarding this matter?

☒ Yes ☐ No

If "Yes", when and where did you contact us?: Retrospectively from SEPT. 30, 2016

If known, what was the file number for the case or claim: directly related to EDC No A-17-756861-C

HIRING THE ATTORNEY

Did you hire/retain the attorney about whom you are complaining?: *

☐ Yes ☒ No

If you answered yes:

When did the representation begin: July 13, 2022

What was the fee arrangement: court appointed by Elham Roohani

How much have you paid the lawyer to date: \$0 (not including postage)

Brief description of the nature of the case the attorney was engaged to handle (i.e. personal injury, criminal, malpractice: Petition for a writ of habeas corpus - post conviction relief i.e. direct appeal/ plea withdraw

If you answered no:

What is your connection to the lawyer: EDC C-21-357927-1 / A-22-853203-W

WITNESSES #7: Darian M. Geenan (702) 762-1347

Names and contact information for other persons who can provide additional information concerning your complaint:

#1: JOSHUA GRAINER (714) 916-7431

#2: GARY WASSUM (610) 762-4143

#3: Patrick Lawrence Phillips (763) 267-9914

#4: Chris Carletto (646) 825-0707 #5: Scott Lee, Jr. (563) 777-0141

#6: Scott Lee, Sr. (563) 221-1157 #7: Darian M. Geenan

LITIGATION If your case is related to a court case or other proceeding, please provide the following information: (For example: Smith v. Jones, Case Number 1234, Eighth Judicial District Court)

Case Name: Houston v. Johnson, et al

Case Number: A-22-853203-W, Eighth Judicial District Court

Name of court or agency: EIGHTH JUDICIAL DISTRICT COURT (eJdc)

EXPLANATION OF GRIEVANCE

Complaint details: Nothing occurred during my petition(s) for postconviction relief because the EJDc misappointed ALEXIS M DUECKER in an act of retaliation to further block, hinder and thwart my pleadings for justice and truth, retroactively from September 20, 2016. AMP LAW, P.C. neglected to visit me since their misappointment on July 13, 2021. In addition to ineffective aid of counsel, the SUPPLEMENTAL PETITION filed in January, 2022, was fraudulent.

In order for us to better understand and investigate your claim, please provide specific information regarding your grievance. In the space above, please provide in narrative form a comprehensive and detailed description of the persons and events involved in the conduct which you believe constitutes a breach of professional ethics. In essence, please provide us a story about what occurred in the legal matter underlying your complaint. It is not necessary for you to cite specific Rules of Professional Conduct. However, it is very important that a complete and thorough explanation of events and dates be provided. There is no limit to the amount of spaces that can, and should, be utilized. Explain what measures you have taken to resolve this matter directly with the attorney

Written Materials

Please provide, if applicable, the following materials to the State Bar of Nevada:

- A copy of any written fee agreement with the attorney. If there was no written agreement, please explain your understanding regarding payment to your attorney in your explanation of grievance.
- Copies of the front and back sides of all canceled checks and/or copies of receipts showing payments made by you to the attorney.
- Copies of any pertinent court documents, particularly pleadings and judicial orders, in your possession.
- Copies of all correspondence between you and the attorney.

PLEASE SEE ATTACHED:

AMD LAW



340 E. Warm Springs Rd. Ste. 110
Las Vegas, Nevada 89119
Tel: 775.526.3529
Cell: 702.743.0107
Fax: 775.562.2694
admin@amdlawlv.com

July 20, 2022

Matthew Houston #1210652
High Desert State Prison
PO Box 650
Indian Springs, Nevada 89070

Re: Pleasure Speaking With You

Hi Matthew!

Thank you for taking the time to talk with me today regarding your matters. Please feel free to jot down a few ideas and mail them to me at: 340 East Warm Springs Rd. Ste. 110, Las Vegas, Nevada 89119. My office number is 775-526-3529. My cell phone is 702-743-0107, but it may be a bit more difficult to reach via phone. I prefer letters, so that I can keep track of our conversations better. I will prepare the Stipulation to Set the Briefing Schedule in this matter like you and I discussed and as soon as it is filed, I will mail you a file-stamped copy. Also, I will mail you the transcripts I get as I receive them, along with everything else I can get.

I look forward to your letter!

Best Regards,

Alexis Duecker, Esq.

NEVADA DEPARTMENT OF CORRECTIONS

LEGAL MAIL OBTAIN INTEL ON
MR BAR # ANDREW FLANIVE

NAME: Houston DOC#: 1210652 UNIT: 3A2

REPORT TO CONTROL AT ADMIN FOR THE FOLLOWING:

LEGAL MAIL: SDS CHARTERED

RECEIPT FROM

CERTIFIED MAIL: 340 E. Warm Springs Rd MS. ALEXIS

REGISTERED MAIL: Ste 110 — SDS CHARTERED —

DATE: LV, NV - 8/9/19 —

OFFICER: SCOTT

INMATE SIGNATURE: [Signature] DOC#: 1210652 DATE: 7.25.22

DOC - 3020 (REV. 7/01)

NEVADA DEPARTMENT OF CORRECTIONS

LEGAL MAIL

NAME: Houston DOC#: 1210652 UNIT: 3A34

REPORT TO CONTROL AT ADMIN FOR THE FOLLOWING:

LEGAL MAIL: PTWARD Tunco / GRP Ben / Supr. 4 of NV

CERTIFIED MAIL: _____

REGISTERED MAIL: _____

DATE: _____

OFFICER: SCOTT

INMATE SIGNATURE: [Signature] DOC#: 1210652 DATE: 11-8-2022

DOC - 3020 (REV. 7/01)

(5)

MAILED PINK COPY TO AMD LAW PLLC
340 E. Warm Springs Rd #110 Las Vegas, NV
NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

89119

NAME: Matthew Travis Houston I.D. NUMBER: 1210652
INSTITUTION: HDSP UNIT #: 4-D-39
GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: EXHAUSTED
GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 1

To: Alexis M. Duecker, Esq

DATED: May 31, 2023 RE: A-22-853203-W

FROM: An INNOCENT man, both actually AND factually

- 1) Why did you publish lies about me in the "SUPPLEMENT PETITION"? I've NEVER threatened anybody in my life, most especially any of the individuals who committed, and are STILL TO THIS DAY committing legal malpractice against me, among a variety of other crimes.
- 2) Why have you failed to investigate the FALSE police reports made by ROSEMARIE MCMORRIS-ALEXANDER, JONATHAN SHOCKLEY, JASON LEWIS, and REDENTA BLACIC?
- 3) Attached is the "STATEMENT OF FACTS" explaining the kidnapping of my person and destruction of my estate. Your presence is requested at the attached NOTICE OF HEARING to help grant my PAROLE. I

Original:
Pink:

Attached to Grievance
Inmate's Copy

have attached a stamped envelope for you to mail a letter of reference to the Nevada Board of Parole Commissioners to assist in my re-entry to Society.
X M. T. H. ABA # 04662784

DOC-3097 (01/02)

(6)

AMD LAW



340 E. Warm Springs Rd. Ste. 110
Las Vegas, Nevada 89119
Tel: 775.526.3529
Cell: 702.743.0107
Fax: 775.562.2694
admin@amdlawlv.com

June 14, 2023

Matthew Houston #1210652
High Desert State Prison
PO Box 650
Indian Springs, Nevada 89070

Re: Letter Received June 14, 2023 dated June 9, 20203

Hi Matthew!

Thank you for writing me. In court the other day, I was coming to talk to you to let you know that I thought we had a good chance of "winning" our petition and I wanted to talk to you about what that looked like. I only stated that you "threatened counsel" because that is what you pled guilty to. You entered into a guilty plea for threatening counsel. I would have never included something in the petition that you had not been found guilty of. If you would like, I will gladly tell the court that you do not agree with that sentence, and I can ask the court to strike it or take judicial notice that you do not agree with that. That would not change the substance of the writ in anyway, so I am more than happy to do that.

I did find it troubling that you think I am not on your side. You have written me a lot of letters, like a lot of other clients in your situation have, so I am unable to respond to every letter. I apologize if you think I should have communicated more. I will do that going forward, but obviously I have been working on your matter. You spoke with my doctor who came and evaluated you, and I have sent you copies of every filing.

With regards to why I did not inquire into the false police reports, those claims are waived when you enter a guilty plea agreement unfortunately. When you and I spoke on the phone in the beginning, I explained that certain claims are waived. When someone enters a guilty plea, most claims for anything related prior to the entry of the guilty plea are likely waived.

Procedurally, if we do not win on this writ, then we can appeal that decision. If we do not win on appeal, then you can contact the federal public defender's office, and they might be interested in taking on your matter. So, I don't want your hopes to go down if we don't win this petition.



Page 2 of 2

Again, I think we have a good chance of winning on one of the claims—the direct appeal deprivation claim.

Your next court date is June 28, 2023. There, you will get to decide what you would like to do. The court is looking into competency proceedings, and if you would like me to withdraw, I certainly can, and I will help whoever your next counsel is.

Let me know your thoughts, and I will work with you.

Best Regards,

Alexis Duecker, Esq.



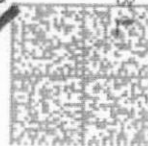
Alexis Dwyer, Esq.

ATTORNEY-CLIENT
PRIVILEGE

Matthew Houston #12106529
High Desert State Prison
PO Box 650
Indian Springs, NV 89070

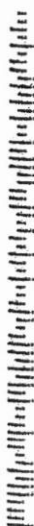
LAS VEGAS NV 890

14 JUN 2023 PM 3:11



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6

1 REV. MATTHEW TRAVIS HOUSTON, LTD
2 Petitioner/In Propria Persona
3 Post Office Box ~~200, SD00~~ 650
4 Indian Springs, Nevada 89070 - 0650
5 NOCC No. 1210652
6 ADA No. 04662784

FILED
JUN 06 2023
Clerk of Court
CLERK OF COURT

IN THE EIGHTH JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF CLARK

8 THE STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 MATTHEW TRAVIS HOUSTON,
12 Defendant,

Case No. C-21-357927-1

Dept. No. 17

14 MOTION TO WITHDRAW COUNSEL

15 "HEARING REQUESTED"

Date of Hearing: _____

June 27, 2023
9:00 AM

16 Time of Hearing: _____

17 'ORAL ARGUMENT REQUESTED, Yes ☒ No ☐

18 COMES NOW, Defendant, Matthew Travis Houston, proceeding in proper
19 person, moves this Honorable Court for an ORDER Granting him permission to withdraw his
20 present counsel of record in the proceeding action, namely, Alexis M. Duecker dba
21 AMD LAW, PLLC -SDS CHARTERED

22 This Motion is made and based on all papers and pleadings on file with the Clerk of the Court
23 which are hereby incorporated by this reference, the Points and Authorities herein, and attached

24 ~~Affidavit of Defendant~~ Declaration of Defendant as a STATEMENT OF FACTS:

25 DATED: this 24 day of May, 2023.

26 BY: Matthew Travis Houston
27 REV. MATTHEW TRAVIS HOUSTON, LTD #1210652
28 Defendant/In Propria Personam

RECEIVED
MAY 30 2023
CLERK OF THE COURT

WHY TO DISMISS COUNSEL

AMD LAW - Alexis M. Duecker

- #1. I still have not been provided any transcripts to any of my cases. EJDc appointed her just to stall the process of my obtainment of freedom and justice. Never provided a PSI.
- #2. Who is SMS CHARTERED? SDS CHARTERED
(warm springs address)
- #3. Why Sahara address?
- #4. Why was my mail returned from her Sahara Ave. address?
- #5. Why surprised un-announced visit Nov. 10, 2022, causing rioting and my trip to the infirmary?
- #6. Why 2nd surprise visit w/ DR BAILEY?
- #7. I have not been provided any further records of A-22-853203-W, which is error because I'd requested STANDBY COUNSEL, not attorney of record. So where's Emily Strand? where's my retired social security judge in Des Moines? Why have I still not been informed of who the mystery visitor was from November 10, 2022?

SEE ALSO Case No. 2:22-cv-01740-JAD-EJY Doc. 21, 04/24/2023 P. 117/276
(HAND-DRAWN COPY - SEE PREVIOUS MOTION AND
Case 2:22-cv-00031-RFB-DJA Document 10 filed 2/21/23 P. 4 of 19
NAME: Matthew Travis Houston, # 1210652

HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NEVADA 89018

DATE: January 20th, 2023

TO: ALEXIS M. DUECKER
SDS CHARTERED
AMD LAW, PLLC
340 East Warm Springs Road, Ste No. 110
Las Vegas, NV 89119

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: A-22-853203-W

DEPT. NO.: 10 → 11 → 17

CASE NAME: Houston v. Johnson et al

Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

Matthew Travis Houston

REV. MATTHEW TRAVIS HOUSTON, CHTD
NDOL No. 1210652 @ HDS/P
ABA No. 04662784
22010 Cold Creek Road
PO Box 650
Indian Springs, NV
89070-0650

(4)

(12)

POINTS AND AUTHORITIES

The Nevada Revised Statute 7.055(1), which deals with the duty of a discharged attorney, states:

"An attorney who has been discharged by his client shall, upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible property which belong to or were prepared for that client."

As can be seen in this case, the defendant does not owe any fees, in fact, they, meaning counsel(s) of record, were appointed by the Court to represent the defendant, who was an indigent, in Case Number, A-22-853203-W, in Department No. 11, now Department 17.

N.R.S. 7.055(2) gives this Court the power to Order the Attorney(s) of record to produce and deliver to the defendant in his/her possession, which states:

"A client who, after demand therefore and payment of the fee due from him, does not receive from his discharged attorney all papers, documents, pleadings and items of tangible personal property may, by a motion filed after at least 5 days' notice to the attorney, obtain an order for the production of his papers, Documents, pleadings and other property."

In numerous cases throughout this great land, the courts have held attorneys to a high degree of professional responsibility and integrity. This carried from the time of hiring to and through the attorney's termination of employment.

Supreme Court Rule 173 states quite clear that a withdrawn attorney owes his former client a . . . prompt accounting of all his client's . . . property in his possession." This is echoed in Canon 2 of the Code of Professional Responsibility of the American Bar Association, which states in pertinent part EC 2-32: "A lawyer should protect the welfare of his client by . . . delivering to the client all papers and property to which the client is entitled." Again in Disciplinary Rule 2-110(A)(2) of the ABA, this is brought out that a withdrawn attorney must deliver to the client all papers and comply with applicable laws on the subject.

In the cases of In Re Yount, 93 Ariz. 322, 380 P.2d 780 (1963) and State v. Alvey, 215 Kan. 460, 524 P.2d 747 (1974), both of which dealt with a factual situation involving a withdrawn attorney refusing to deliver to a former client his documents after being requested to do so by the client. The court in Yount, supra, ordered the attorney disbarred while in Alvey, supra, the court had the attorney censured.

1 While not the intention of the Defendant in this case to have the attorney disbarred, these cases do
2 show a pattern in the court in considering the refusal to deliver to a former client all his documents
3 and property after being requested to do so, a serious infraction of the law and of professional ethics.
4 See, In Re Sullivan, 212 Kan. 233, 510 P.2d 1199 (1973).

5 In summary, this court has jurisdiction through NRS 7.055 to Order the attorney(s) to produce and
6 deliver to the Defendant all documents and personal property in his/their possession belonging to him
7 or prepared for him. The Defendant has fulfilled his obligations in trying to obtain the papers. The
8 attorney(s) is in discord with Cannon 2 of the Code of Professional responsibility and the Nevada
9 Supreme Court Rules 173, 176 and 203.

10
11 DATED: this 24 day of May, 2023.

12
13 BY: Matthew Travis Houston
14 REV. MATTHEW TRAVIS HOUSTON #1210052
15 Defendant/In Propria Personam
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POINTS AND AUTHORITIES

NRS 7.055 states in pertinent part:

1. An attorney who has been discharged by his client shall upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible personal property which belong to or were prepared for that client.
2. . . If the court finds that an attorney has, without just cause, refused or neglected to obey its order given under this section, the court may, after notice and fine or imprison him until the contempt purged. If the court finds that the attorney has, without just cause, withheld the client's papers, documents, pleadings, or other property, the attorney is liable for costs and attorney's fees.

Counsel in the above-entitled case was court-appointed due to Defendant's indigence. Defendant does not owe counsel any fees.

WHEREFORE, Defendant prays this Honorable Court, Grant his Motion to Withdraw Counsel and that counsel deliver to Defendant all papers, documents, pleadings, discovery and any other tangible property which belong to or were prepared for the Defendant to allow Defendant the proper assistance that is needed to insure that justice is served.

DATED: this 24 day of May, 2023.

Respectfully submitted,

BY: Matthew Travis Houston
REV. MATTHEW TRAVIS HOUSTON #1240652
Defendant /In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

REV. MATTHEW TRAVIS HOUSTON, CHTD

NDOC No. 1210652

HDSF

PO BOX 650

Indian Springs, NV 89070-0650

LAS VEGAS, NV 890

26 MAY 2023 PM 3 L



4/17

EIGHTH JUDICIAL DISTRICT COURT
CHAMBERS OF THE HON. JENNIFER SCHWARTZ
FWD: Department 17 Law Clerk
200 Lewis Avenue
Las Vegas, NV

C-21-357927-1

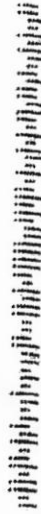
Case No. ~~C-21-357927-1~~

#ME+00

ABA No. 04662704

89155

89101-530000



DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
2/10/2023 2:57 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

Matthew Houston, Plaintiff(s)
vs.
Calvin Johnson, Defendant(s)

Case No.: A-22-853203-W
Department 17

NOTICE OF HEARING

Please be advised that the Plaintiff / Inmate's - Emergency Motion to Dismiss Counsel and Recuse Elham Roohani in the above-entitled matter is set for hearing as follows:

Date: March 13, 2023
Time: 9:00 AM
Location: RJC Courtroom 03E
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

FROM: 1210652

TO: STATE BAR OF NEVADA ET AL

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: REVEREND MATTHEW TRAVIS HOUSTON, ^{CHTD} I.D. NUMBER: 1210652
INSTITUTION: HDSP UNIT #: 4-D-39
CASE /
GRIEVANCE #: A-17-758861-C GRIEVANCE LEVEL: EXHAUSTED

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 1

As the STATE BAR OF NEVADA has failed to respond to the complaint I'd previously mailed regarding CRAIG MUELLER AND ASSOCIATES, ET AL (SEE LVJC No. 22A001793) that negligence is in addition to the association's negligence during Plaintiff's complaints not limited to EJDC No. A-17-758861-C, which is retroactive from the events of both September 20, 2016, and September 30, 2016. Retroactivity is meritorious and validly tolled from well before December 31, 2011. SEE EJDC No.(s) A-19-800219-W and A-22-853203-W.

Attached is the initial phase of
MATTHEW TRAVIS HOUSTON v. AMD LAW, PLLC

I would appreciate a response and explanation.

Original:
Pink:

Attached to Grievance
Inmate's Copy

X. Matthew Travis Houston
REV. MATTHEW TRAVIS HOUSTON, CHTD
ABA No. 04662784

1 RENEWED CERTIFICATE OF SERVICE BY MAILING IN EX PARTE

2 I, Matthew Travis Houston, hereby certify, pursuant to NRCP 5(b), that on this 24
3 day of May, 2023, I mailed a true and correct copy of the foregoing, "MOTION
4 TO WITHDRAW COUNSEL"

5 by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
6 addressed as follows:

7 CHAMBERS OF THE HON.
8 JENNIFER L.S. SCHWARTZ,
9 EJDC - Dept. 17
10 200 Lewis Ave.
11 Las Vegas, NV
12 89155

Alexis M. Duecker
SDS Chartered
340 East Warm Springs
Ste 110
Las Vegas, NV 89119

13 EJDC
14 Steven D. Grierson
15 - Clerk of the Court -
16 200 Lewis Ave.
17 Las Vegas, NV
18 89155-1160

19 CC:FILE

20 DATED: this 24 day of May, 2023.

21 Matthew Travis Houston
22 REV. MATTHEW TRAVIS HOUSTON, LTD #1210652
23 Defendant /In Propria Personam
24 Post Office box 650 [HDSP]
25 Indian Springs, Nevada 89018
26 IN FORMA PAUPERIS:
27 ABA No. 04662784

REV. MATTHEW TRAVIS HOUSTON, CNTD

NDOC No. 1210652

HDSP

PO Box 650
Indian Springs, NV

89070-0650

BS# 2643822



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RECEIVED

JUL 31 2023

CLERK OF THE COURT

PO Box 591160
EJDC

Clerk of the Court

CRO Steven D. Brisson

200 Lewis Avenue

Las Vegas, NV

89155-1160

3762

American Bar Association Member
ABA ID No. 04662784

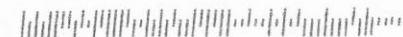


EXHIBIT 2

Declaration of Alexis M. Duecker, Esq.

Alexis M. Duecker, Esq. makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada.
2. I am the Court Appointed attorney assigned to represent Appellant, Matthew Houston, in this case.
3. That a conflict has arisen in this case involving my continued representation of Mr. Houston.
4. That pursuant to NRPC 2.26, specifically, NRPC 1.16(b)(1), 1.16(b)(4), 1.16(b)(6), and 1.16(b)(7) I am required to withdraw in this matter.
5. I was served a civil complaint by Appellant, alleging my ineffective representation in this matter, specifically, the underlying post-conviction matter.
6. That, in order to not divulge any client confidences, I accept this Court to accept my representations of a conflict as being made in good faith, and upon this acceptance this Court should find that the conflict is sufficient to allow withdrawal. See Manfredi & Levine v. Superior Court, 78 Cal.Rptr.2d 494, 66

Cal.App.4th 1128 (cal. App. 1998) citing: Aceves v. Superior Court, 51 Cal.App.4th 584 (1996).

7. That if any additional inquiry is required regarding the conflict, counsel asks that this inquiry be via an in camera review to be addressed in front of another judge, so as to avoid any potential tainting of any of this Court's decisions regarding my client.

8. After the denial of the Motions to Withdraw, I contacted the State Bar of Nevada Ethics Hotline telephonically wherein the State Bar representative noted that continued representation in this instance would not be appropriate.

9. That counsel's ethical duties require that she seek alternate counsel for Mr. Houston at this time.

10. That my continued representation of Mr. Houston would result in a violation of his constitutional rights.

11. That I will mail a copy of this Motion to Mr. Houston upon its filing.

12. Therefore, I request that this Court appoint independent counsel to represent Mr. Houston from this point forward.

On this 28th day of November, 2023, I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045)

/s/Alexis M. Duecker
Alexis M. Duecker, Esq.
Attorney for Appellant