

87299

IN THE SUPREME COURT OF THE STATE OF NEVADA

Frank M. Peck,

Sup CT Case No.

Petitioner,

DC Case No. A-16-743859-C

vs.

The State of Nevada, ex rel,

WDOC, et al,

AND THE HONORABLE,

Nadine Krall, District Judge,

8th Jud Dist Court,

Respondents.

AND

The State of Nevada,

Real Party in Interest.

FILED

SEP 19 2023

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

PETITION FOR A WRIT

OF MANDAMUS AND

MOTION FOR FEE WAIVER

Comes Now the Petitioner Frank M. Peck prose hereinafter
Mr. Peck with his PETITION FOR A WRIT OF MANDAMUS
AND MOTION FOR FEE WAIVER.

This Petition is made and based upon all papers and
pleadings on file in the lower court, as well as the
ORDER OF REVERSAL AND REMAND filed in the Court of
Appeals on DEC 12, 2022, No. 84748, Attached points and
authorities, Declaration of Mr. Peck.

RECEIVED
Date: 09/13/2023
SEP 18 2023
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

[Signature]
Frank M. Peck 57106

HDSP Box 650

23-30591

Indian Springs, NV. 89070

1 of 4

POINTS AND AUTHORITIES

1. Introduction

This Honorable Court has REVERSED AND REMANDED this case TWICE NO. 75179-COA and NO. 84748-COA. Most recently on DEC 12, 2022.

2. Discussion

Despite Mr. Peck's filings:

1. Notice of Telephonic Appearance filed 03/16/2023 Set For March 28, 2023.
2. Affidavit of Prejudice NRS 1.230 et seq express and implied Bias filed 05/01/2023.
3. REQUEST FOR SUBMISSION OF AFFIDAVIT OF PREJUDICE (NRS 1.230) filed 05/01/2023, filed 07/12/2023.

On 03-28-2023 the lower Court, without Mr. Peck's presence, (violating Mr. Peck's Due process rights USCA-14) heard substantive argument from someone NAME Mr. Davis who has NOT FILED AN APPEARANCE in the lower court case.

TO DATE, THE CASE HAS LANBUSHED IN THE LOWER COURT.

3. Argument

It has been SIX MONTHS since the lower court said "IT NEEDS TO LOOK AT THE CASE," See docket 03/28/2023.

Mandamus is proper remedy to compel performance of a judicial Act when there is no plain speedy and adequate remedy at law in order to compel the performance of an act which the law requires as a duty resulting from office Smith v. Eighth Jud Dist Ct Exec County of Clark, 107 Nev 674, 818 P2d 849 (Nev 1991)

id

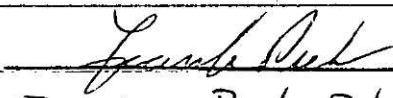
The writ of mandamus lies to compel an inferior tribunal or board to exercise its judgement and render a decision where a failure of justice would otherwise result from delay or REFUSAL to act. State ex rel Heteel v. Board of Comm's 8 Nev 309, 1873 Nev LEXIS 25 (1873).

Mr. Peck's actions to move this case forward have been diligent. The same cannot be said of the lower court. It has been more than 9 MONTHS since this court issues its ORDER OF REVERSAL AND REMAND. Mr. Peck must do what he can to prevent DISMISSAL for want of Prosecution in this case.

4. Conclusion

Therefore, this Honorable Court should GRANT the instant Petition and ORDER the lower Court to Rule on Mr. Peck's pending MOTIONS and move this case forward.

Dated 09/13/2023.


Frank M. Peck Pet prose

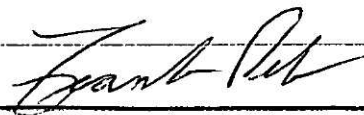
Affidavit, Certificate of Service and Affirmation

I Frank M. Peck do hereby Affirm Declare Certify to the following.

1. I am the Petitioner in the attached Petition for a writ of Mandamus.
2. All assertions are true based upon personal knowledge I am over 18 and competent to testify to all matters herein/therein NRS 208.165, 28 USC § 1746.
3. I bring this Petition in good faith and for no improper or dilatory reason.
4. A true, correct copy was mailed this date to the clerk of the Nevada Supreme Court at 200 So Carson Street Carson City, NV. 89701

Signed under the penalty of perjury NRS 208.165,
28 USC § 1746.

Dated 09/13/2023.



Frank M. Peck 57106

HDSP Box 650

Indian Springs, NV. 89070

Petitioner, pro se.