

FILED

OCT 23 2023

REAL ESTATE COMMISSION
BY 

From: [Shareece N. Bates](#)
To: [Ali S](#)
Cc: [Kelly Valadez](#)
Subject: RE: NRED Matter 2023-622 SHAHROKHI
Date: Monday, October 23, 2023 3:27:34 PM

Hello Mr. Shahrokhi,

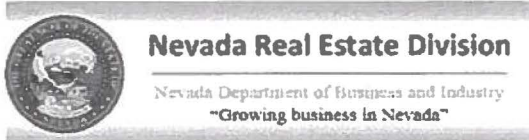
Anything that you would like the Commission to consider in support of your request, must be submitted no later than 5 days prior to the start of the hearings on November 7th. You can send the information/documents by email to me or to Kelly Valadez, the Commission Coordinator. I have cc'd her on this email so you have her contact information as well.

As of now, we will include the attachments from your initial email to Jan as part of your request.

Thank you
Shareece

Shareece Bates

Administration Section Manager
Nevada Real Estate Division
3300 W Sahara Avenue, suite 350
Las Vegas, NV 89102
702.486.4036 (phone)
702.486.4275 (fax)



From: Ali S <alibe76@gmail.com>
Sent: Monday, October 23, 2023 2:17 PM
To: Shareece N. Bates <sbates@red.nv.gov>
Subject: Re: NRED Matter 2023-622 SHAHROKHI

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Shareece,

Thank you, and I appreciate you doing that. Would you like me to submit a simple brief so the commissioners have a chance to read it before the hearing dates? This way, they will be informed about what I am requesting and why I am making this request. I can create a

short, 1-2 page brief for this purpose if that helps.

I had also reached out to the current Deputy Attorney General, who is supposed to be representing NRED. However, I never received a response from them. Before I had agreed to sign the stipulation earlier this year, I had previously discussed the issues with the previous Deputy Attorney General that if and so a situation comes up and my child custody order is vacated or law describes it as being void I would like to come back and ask for vacation of such stipulations which I had sent in an format of email to Mr. Holle this morning.

I can also provide a copy of the published case-law (Since July 27, 2023) as well even though it's not a decision in my case, but clearly states my child custody order as it was issued with its terms are in violation of Nevada public policy and in direct violation of my fundamental parental rights.

My position with the division since day one when the complaint was brought has been exactly that and I have been in courts for the past 3.5 years stating my final custody order is "void".

So, this is not a sudden request due to a change of heart; I had already discussed the matter before I signed that stipulation with the previous deputy AG.

And yes, I do reside in California, and my mailing address here is:

1425 N. Alta Vista Blvd.

#219

Los Angeles, CA, 90046.

My email address is alibe76@gmail.com, and my phone number is 702-849-2001.

Thank you

On Mon, Oct 23, 2023 at 12:35 PM Shareece N. Bates <sbates@red.nv.gov> wrote:

Good afternoon Mr. Shahrokhi,

Your email request to be placed on the November 7-9, 2023 meeting agenda for reconsideration of your disciplinary terms has been received.

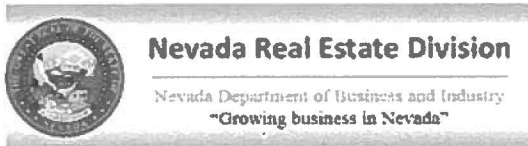
We will place you on the upcoming agenda.

In your email you indicate that you have moved from Nevada; please provide an updated address so we can mail you the meeting notice.

Thank you
Shareece

Shareece Bates

Administration Section Manager
Nevada Real Estate Division
3300 W Sahara Avenue, suite 350
Las Vegas, NV 89102
702.486.4036 (phone)
702.486.4275 (fax)



From: Ali S <alibe76@gmail.com>
Sent: Monday, October 23, 2023 6:58 AM
To: Jan Holle <jholle@red.nv.gov>
Subject: NRED Matter 2023-622 SHAHROKHI

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Jan,

How are you? I am reaching out to you because my license was suspended back in August 2023, due to a default on the payment plan that I had entered into with the division back in February, 2023. Certain circumstances had come up, but when I learned in August that my payment had not been received, I was informed that unless I now pay in full, I will not be able to get my license activated again.

The purpose of my email to you is that I have also reached out to the Attorney General in regards to my settlement (Please see attached email communications). One of the agreements/request I had with the Deputy Attorney General before I signed the stipulation with the Nevada Division of Real Estate was that, since I was and still am pursuing the vacation of my void final child custody decree, which was at the center of this complaint, I would like the opportunity to come back and ask for this stipulation to be rescinded or modified. The Nevada Attorney General mentioned we could discuss that once that happens.

In July 2023, a new case precedent in Nevada was published that supports my legal arguments for the past three years regarding the voidness of my final custody order and its non-compliance with Nevada laws. As such, it is not enforceable because void orders

have no legal enforcement, which is exactly what I have been saying since my response to the original complaint. I have always said my custody order was unconstitutional and void and in direct violation of my fundamental liberty rights.

I am in the process of requesting my Nevada custody order to be vacated. I had filed a writ of mandamus with the Nevada Supreme Court last month as soon as I became aware of the new case law published in Nevada by the court of appeals back in July of 2023, as I no longer reside in Nevada. However, the highest court, on October 16, 2023, in Case #87335, denied my request for a writ of mandamus, stating that a writ of mandamus was not the proper tool to request the vacation of a final Nevada order that is not consistent with Nevada laws. The highest court stated that even though I do not reside in Nevada any longer, I still have a speedy remedy going through the lower courts and asking for relief from lower courts in Nevada, asking them to vacate my so-called "void order" which I am now in the process of doing.

As such, I am reaching out to you to see if it would be possible for me to be put on the calendar with the commissioners for the upcoming meetings on November 7th. I would like to ask the commissioners, with your blessing, if they would agree for me to pay the division investigation fee of \$2,595.40 to activate my license immediately and allow the remaining \$2,500, as agreed in my stipulation, to stay until I hear back from the lower courts in Nevada regarding the vacation of my void order. Or something to that effect if you agree to discuss or entertain.

I am attaching copies of my emails with the Nevada Deputy Attorney General as well, but of course, I would need your approval first to see if you are open to such a discussion and would agree for me to appear before the commissioners on November 7 and request this.

In any event, if the Nevada lower courts in the next 90-120 days decide not to vacate my final custody order, I will be obligated to pay the division the remaining \$2,500 within 30 days of the final decision of Nevada lower courts or have my license suspended again until the remaining \$2500 is paid, which was in the amount of \$5,090, is paid off.

I had mentioned to the Nevada Attorney General's deputy before signing my stipulation/agreement with NRED back in March that there were still unresolved legal issues with my final custody order that I was pursuing in higher courts. However, I expressed that there was no need to drag out the matter with NRED, and I had no problem signing the stipulation. Nevertheless, I made it very clear that I was still in the process of pursuing my legal options to vacate such an unconstitutional order. Unfortunately, the legal process with higher courts can be lengthy and sometimes takes years. If you have any other suggestions, I am open to them as well.

I would like to request a second chance or an alternative option instead of having to make a one-time full payment of \$5,095.40 due to my default in order to activate my license. It would be greatly appreciated if the partial payment could be reestablished, or if other possibilities could be explored, allowing me to be in good standing with the division. Thank you for taking the time to review this matter and possibly considering some sort of resolution.

Any suggestions or possible resolutions that you may see fit or be able to offer for me to get back on the payment plan to activate my license are very much appreciated as well.

P.S. I have also attached a copy of my recent denial for a writ of mandamus by the Nevada Supreme Court, which states that a writ of mandamus is not the correct tool or remedy for my issue. They emphasized that I have a plain, speedy, and adequate legal remedy by filing a motion to set aside pursuant to NRCP Rule 60(b) with the lower courts.

Respectfully,

Ali Shahrokhi

October 23, 2023

702-849-2001

Attachments
Submitted

with

Reconsideration

Request

on

10.23.23



Ali S <alibe76@gmail.com>

NRED Matter 2021-622

Ali S <alibe76@gmail.com>

Wed, Jan 18, 2023 at 10:31 AM

To: "Matthew P. Feeley" <MFeeley@ag.nv.gov>

Good Morning,

Thank you I appreciate that and 18 months payments will work...couple of questions for you

1-Will there be a penalty if I pay off earlier or some time make two payments instead of one??? I plan on paying it off sooner

2-What would happen in the course of the next 18 months (or before I fully pay this penalty) if Nevada Supreme Court affirmance is VACATED by US Supreme Court or the custody order is stricken by federal courts as "VOID"?

Respectfully,

Thank you

Ali S-

702-835-3558

[Quoted text hidden]



Ali S <alibe76@gmail.com>

NRED Matter 2021-622

Matthew P. Feeley <MFeeley@ag.nv.gov>
To: Ali S <alibe76@gmail.com>

Mon, Jan 30, 2023 at 10:55 AM

Good morning sir!

Sorry about the delay in getting back to you here. As for your questions:

There is absolutely no penalty for paying it off early. If you want to pay it off all at once that would be fine, or you just want a shorter time frame, I can make that work too. But you may as well take the longer timeframe just in case. Don't worry about paying it off early, there would be no penalty for that.

If something like you suggested happens, then you can bring it up at that time. It might change it then. But we would be signing this agreement before that happens, and obviously if it hasn't happened yet, then we need to work as though it hasn't. For the most part though, we would be signing this agreement as is. That seems like the simplest way, even for you, because it just gets it out of the way.

So does that all still sound OK? I can get you the document to sign very shortly if you agree.

Matthew P. Feeley
Deputy Attorney General
555 E. Washington Ave., Suite 3900
Las Vegas, NV 89101
Tel: 702-486-3120

From: Ali S <alibe76@gmail.com>
Date: Wednesday, January 18, 2023 at 10:31 AM
To: Matthew P. Feeley <MFeeley@ag.nv.gov>
Subject: Re: NRED Matter 2021-622

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning,

Thank you I appreciate that and 18 months payments will work...couple of questions for you

1-Will there be a penalty if I pay off earlier or some time make two payments instead of one??? I plan on paying it off sooner

2-What would happen in the course of the next 18 months (or before I fully pay this penalty) if Nevada Supreme Court affirmance is VACATED by US Supreme Court or the custody order is stricken by federal courts as "VOID"?

Respectfully,

Thank you

Ali S-

702-835-3558

On Tue, Jan 17, 2023 at 11:00 AM Matthew P. Feeley <MFeeley@ag.nv.gov> wrote:

Mr. Shahroki,

Good morning sir! Well.. I'm a little surprised, but it looks like the NRED is actually willing to work with you here. They will agree to a middle ground between the two numbers.

So, the NRED will settle for:

1. a \$2,500 fine plus the costs of \$2,595.40 for a total payment of \$5,095.40. This amount can be paid off with monthly payments over the course of up to 18 months.

This seems like a pretty good deal, especially considering the other issues we discussed over the phone.

If this sounds good to you, please let me know and I will prepare an actual settlement agreement.

If you don't hear back from me, I applogize, but I will be pretty busy for the next few days.

Thanks!



Ali S <alibe76@gmail.com>

NRED Matter 2021-622

Ali S <alibe76@gmail.com>

Mon, Sep 11, 2023 at 7:57 AM

To: "Matthew P. Feeley" <MFeeley@ag.nv.gov>

Good Morning Matthew,

How are you? I am reaching back out to you on this settlement. If you recall, I had filed a petition to U.S. Supreme court and at that time I had mentioned to you if my final child custody judgment is vacated how do we resolve this issue and vacate this settlement?

Everything around this settlement revolved around whether the final Nevada child custody order and child support was existing or not if you recall!

Nevada court of appeals just came out with new published opinion in Roe v Roe, July 27 2023, defining sole physical custody and orders issued by district courts that have child custody orders written in them without declaring one parent fit is unconstitutional and in conflict with Nevada's own state policy and as such they violate parents fundamental liberty rights.

I have been stating the same thing for 3.5 years and now I am in a process to file a writ of mandamus asking Nevada Supreme Court to either vacate my custody order or declare it as void as it is inconsistent with case precedent in Nevada and it is a void order.

My question to you is as I had brought up this issue before, once I secure that order from Nevada Supreme court vacating my order, how do we re-visit this settlement and possibly have this vacated.

Everything was focused on whether that custody order was valid at the time or not or if it existed if you recall.

Please advise.

P.S. My writ of mandamus to Nevada Supreme court will be filed by the end of the week. I have also attached the Roe v Roe new case precedent here which the Nevada Supreme Court completely got wrong in my case. I have always raised that my custody case was invalid and void and cared no legal recognition because it was unconstitutional.

I appreciate your response on this issue.

Ali Shahrokhi
702-849-2001
[Quoted text hidden]

 **Roe v Roe Decision.pdf**
9781K



Ali S <alibe76@gmail.com>

NRED Matter 2021-622

Matthew P. Feeley <MFeeley@ag.nv.gov>
To: Ali S <alibe76@gmail.com>

Tue, Sep 12, 2023 at 12:20 PM

Mr. Shahrokhi,

Good morning sir. Yes, I do recall your matter. First of all, congrats on this Order. It looks like the Appeals Court has made a good decision here, which aligns with your argument. It also seemed to be strongly disagree with the lower court.

A few things...

Most importantly, I suggest you hire an attorney. Do not rely on my advice here. I am not your attorney, and more specifically I was the attorney for the NRED at the time of the settlement.

I am no longer working with the Nevada Real Estate Division. I am still with the Attorney General's office, just in a different department. I can look into who is there now and perhaps send this on to them.

Also, although the case you sent me is going in your favor, it is not actually your case. It seems that you still have a little bit more fighting to do on that front before everything is fully cleared up. I suppose it is good to plan ahead, but it might be best to take it one step at a time.

As to the settlement agreement, even if you do get the court order that you are looking for, there is no guarantee that the Real Estate Settlement would be vacated. I don't really want to make any significant predictions there though, because as I mentioned, I am no longer counsel for the NRED.

Again, I fully recommend that you just hire your own attorney.

I will also work to at least get you in contact with whomever would handle this on the NRED end of things.

Thank you,

[Quoted text hidden]



Ali S <alibe76@gmail.com>

NRED Matter 2021-622

Matthew P. Feeley <MFeeley@ag.nv.gov>
To: Ali S <alibe76@gmail.com>
Cc: "Phil W. Su" <psu@ag.nv.gov>

Tue, Sep 12, 2023 at 2:54 PM

Mr. Shahrokhi,

The person to whom you can direct further questions is Senior Deputy Attorney General Phil Su. I have copied him here and you can reach out to him at that email address. I have also given him a very brief overview of the matter.

Thank you,

Matthew P. Feeley
Deputy Attorney General
555 E. Washington Ave., Suite 3900
Las Vegas, NV 89101
Tel: 702-486-3120

From: Ali S <alibe76@gmail.com>
Sent: Tuesday, September 12, 2023 12:58 PM

[Quoted text hidden]

[Quoted text hidden]



Ali S <alibe76@gmail.com>

NRED Matter 2021-622

Ali S <alibe76@gmail.com>
To: "Matthew P. Feeley" <MFeeley@ag.nv.gov>
Cc: "Phil W. Su" <psu@ag.nv.gov>

Tue, Oct 3, 2023 at 8:42 AM

Good Morning Mr. Su,

Attached, please find the filed writ of mandamus in the Nevada Supreme Court. I would like to request a 10-15 minute conversation with you to discuss the possibility of appearing before the commissioner or exploring potential collaboration for a proper resolution.

Throughout this process, I have consistently maintained that the district court order was void and unconstitutional, and I have discussed this with Mr. Feeley. It was brought up to Mr. Freeley attention before signing the settlement, Should it become known that my position is correct, I would like the option to have the order vacated, as it is not fair to me.

Please let me know if we can connect this week to discuss our options. I understand that there is a November meeting coming up in Southern Nevada for the commissioners, and that could be an opportunity to present this matter before them.

My Phone # is 702-849-2001

Ali Shahrokhi

[Quoted text hidden]

 **Petition for Writ of mandmaus-Shahrokhi.pdf**
6317K

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; THE HONORABLE MATHEW
HARTER, DISTRICT JUDGE; AND THE
HONORABLE BILL HENDERSON,
DISTRICT JUDGE,

Respondents,

and

KIZZY BURROW,
Real Party in Interest.

No. 87335

FILED

OCT 16 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This is a pro se original petition for a writ of mandamus or prohibition challenging a district court order regarding child custody. In particular, petitioner argues that the child custody order, which was entered in October 2020, awards real party in interest sole physical custody without making adequate findings justifying the custody determination.


Having considered the petition and supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. See NRS 34.160; NRS 34.320; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Petitioner has previously, and unsuccessfully, challenged on appeal the custody order, and has advanced the same argument he now raises in this appeal. Writ relief, however, is not a vehicle to bring an untimely and successive challenge to a prior appellate ruling. Cf. *Pan*, 120 Nev. at 224-

25, 88 P.3d at 841 (providing that “writ relief is not available to correct an untimely notice of appeal”). To the extent that petitioner asserts that recent caselaw warrants relief from the child custody order, petitioner fails to demonstrate that he lacks a plain, speedy, and adequate legal remedy to pursue such relief in the district court.¹ See *id.* at 224, 88 P.3d at 841; *cf.* NRCPC 60(b). Accordingly, we

ORDER the petition DENIED.²


_____, C.J.
Stiglich


_____, J.
Cadish


_____, J.
Herndon

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

¹Petitioner’s assertion that Nevada courts lack jurisdiction over the child custody matter due to the parties’ out-of-state relocation does not warrant writ relief, and regardless, petitioner has failed to include any support for this point in the appendix. NRAP 21(a)(4) (requiring petitioner to supply the court with any documents necessary to understand the matter in the petition).

²In light of this order, we deny as moot petitioner’s “motion to file appendix under seal as the district court case is sealed.” The clerk of this court shall return, unfiled, the appendix received on September 22, 2023.

1-11-23

Docket No. 87335
District Court Case No: D-18-581208-P

In the
Supreme Court of the Nevada

FILED
SEP 22 2023
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ALI SHAHROKHI

Petitioner

vs.

**EIGHT JUDICIAL DISTRICT COURT, JUDGE MATHEW HARTER,
JUDGE BILL HENDERSON, DISTRICT JUDGES**

Respondents,

KIZZY BURROW

Real Party in Interest.

**ON PETITION FOR A WRIT OF MANDAMUS OR IN THE ALTERNATIVE A WRIT OF
PROHIBITION TO THE SUPREME COURT OF NEVADA**

PETITION for a WRIT of MANDAMUS or PROHIBITION

RECEIVED
SEP 22 2023
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

23-31191

ALI SHAHROKHI, IN PROPER PERSON
1425 N. Alta Vista Blvd.
219
Los Angeles, California 90046
Tel.: (702) 849-2001
Alibe76@gmail.com

INTRODUCTION

COMES NOW petitioner, Ali Shahrokhi ('SHAHROKHI'), hereby petitions for a writ of mandamus or, in the alternative, a writ of prohibition pursuant to NRS 34.170 and/or NRS 34.330. This petition seeks to direct the district court or respondent court to vacate its final child custody judgment filed and entered on October 12, 2020, granting sole physical custody to the mother without declaring the petitioner “unfit” pursuant to NRS 128.018, as it is now inconsistent with the new case precedent of this state published by Court of Appeals in *Roe v Roe*, July 27, 2023¹. Alternatively, since the lower courts lack jurisdiction (personal and subject-matter, as none of the parties reside in Nevada anymore), petitioner requests that this Court issue a writ of prohibition, for the declaration of the final child custody judgment as void and/or unenforceable due to its inconsistency with the state’s public policy and the state's new case precedent on sole physical custody orders. This petition is supported by the attached memorandum of points and authorities, along with the accompanying appendix that this court may consider.

I. NEVADA SUPREME COURT RETAINS THIS PETITION

Pursuant to NRAP 17(a)(12), this petition is retained within the Nevada Supreme Court, as it involves matters that are at issue due to an inconsistency in the published decisions of the Court of Appeals or of the Supreme Court and a

¹ *Roe v Roe*, 139 Nev., Advanced Opinion 21 (2023)

conflict between published decisions of the two courts regarding the definition of physical primary custody versus physical sole custody in child custody proceedings in the state of Nevada.

An order that grants sole physical custody to one parent without declaring the non-custodial parent unfit pursuant to NRS 128.018 is inconsistent with the new case precedent recently published in *Roe v. Roe* by the Nevada Court of Appeals. Therefore, there is an inconsistency with the affirmation of Shahrokhi's Final Child Custody Judgment entered by this Court on May 12, 2022.

II. THE RELIEF SOUGHT

The Petitioner respectfully requests this court to issue a writ of mandamus directing the district court to vacate its final child custody judgment filed and entered on October 12, 2020, as it is inconsistent with the case precedent of this state. Specifically, it conflicts with the newly published decision in *Roe v. Roe*², by the Nevada Court of Appeals. Alternatively, the Petitioner requests the issuance of a writ of prohibition declaring the same final child custody judgment as void and unenforceable. This is due to the fact that it is inconsistent with the new case precedent of the state, has undermined Nevada's public policy, is inconsistent with Nevada jurisprudence, and has violated Shahrokhi's parental rights.

////

² *Roe v. Roe*, 139 Nev. Adv. Op. 21 (2023)

III. ISSUES PRESENTED

1. Whether Shahrokhi's final child custody order, affirming sole physical custody to the mother without declaring the Petitioner unfit pursuant to NRS 128.018, is consistent with Nevada's recently published case precedent defining sole physical custody; **(It is not consistent)**

2. Whether the final judgment child custody order issued on October 12, 2020, which grants the mother sole physical custody of the minor without declaring Shahrokhi unfit pursuant to NRS 128.018 or issuing a restrictive contact order (only 10 minutes FaceTime on Sundays) with no in-person parenting time, without explaining how that restriction is in the child's best interest, violates Shahrokhi's fundamental rights to parent. **(It violates Shahrokhi's Parental rights, because Shahrokhi has never been declared unfit)**

IV. STATEMENT OF RELEVANT FACTS

A. FINAL CHILD CUSTODY JUDGEMENT, OCTOBER 12, 2020

On October 12, 2020, the district court, Department N, presided over by Judge Harter (who is now deceased by suicide), issued and entered a final child custody judgment granting sole physical custody to the other parent (App. 004-0031). The judgment also imposed very restrictive parenting contact, including **no in-person parenting time or visitation**. Importantly, the court never declared Shahrokhi an unfit parent, as mandated by NRS 128.018, nor did it provide an explanation for

why only a 10-minute FaceTime call every Sunday was deemed sufficient and in the best interest of the child. Notably, there were never any allegations of neglect or abuse against the minor, and no state agency was involved or investigating any such issues related to Shahrokhi. It appears that this judgment may have been influenced by Judge Harter's personal bias, potentially due to previous challenges made by Shahrokhi or other factors, including any medication or health issues affecting his judicial decision-making abilities at the time.

The final custody order issued on October 12, 2020, is not consistent with Nevada's new case precedent, particularly as sole physical custody defined in *Roe v. Roe* (2023). Shahrokhi had presented valid arguments in his opening brief in appeal #81978 before this court the order granting sole physical custody was unconstitutional as it would affect his parental rights before without declaring him unfit. Shahrokhi's final custody order has undermined Nevada's public policy, is now an order inconsistent with Nevada jurisprudence, and violates Shahrokhi's parental rights.³

Shahrokhi's final custody order has also created an unfair disadvantage for him for modification purposes because it places the burden on Shahrokhi, requiring him to demonstrate a substantial change in circumstances affecting his minor son's

³ See *Roe v. Roc*, 139 Nev. Adv. Opinion 21, At Page 24

welfare before he can request to modify such an unconstitutional order issued by the district court back in 2020, without declaring Shahrokhi unfit.⁴

Due to the fact that the final custody order issued on October 12, 2020, is now inconsistent with new case precedent in the state of Nevada and affects Shahrokhi's fundamental liberty rights to parent, this court as a matter of law should vacate the October 12, 2020's final child custody judgment (App. 004-0031).

The district court states on its final child custody order under item III, (Defendant's visitation, APP. 0014), goes on to state that the defendants had stipulated to a 10-minute FaceTime on September 10, 2019, by parties' own stipulation. However, it fails to indicate that such stipulation was "**temporary**" until the court decides on actual visitations, and Shahrokhi's counsel did inform the court and other parties that it was **only intended to be temporary**⁵. The lower court refused to grant visitations even though Shahrokhi had asked multiple times. The court's final order also incorrectly states and references that directive in 79336-COA on November 6, 2019, Nevada court of appeals stated in its order they would not modify this arrangement and it should remain in place due to safety

⁴ See Romano v. Romano, 138 Nev. 1, 9, 501 P.3d 980, 986 (2022) (concluding that to modify custody a movant must show "there has been a substantial change in circumstances affecting the welfare of the child" and "the modification would serve the child's best interest")

⁵ Petition for writ of Mandamus, Docket # 80277-COA, At Page 9, Shahrokhi requesting to establish in person custody order also discussing District Court refusing to set adversarial hearing per Writ 79336-COA's directives regarding interim custody and relocation, at page 10.

concerns.⁶ Even if the parties had stipulated to such restricted contact, this court has long held, state public policy cannot be vitiated by stipulation or agreement of the parties.⁷ To the extent the stipulation of the parties and order were inconsistent with NRS 125C.001(1)⁸, they are of no effect and do not bind the parties.

The Finals custody order granting sole physical custody to Burrow, unreasonably has restricted Petitioner's fundamental rights concerning the custody of his child.⁹

Roe v. Roe makes it very clear that unless a non-custodial parent has been declared unfit pursuant to NRS 128.018¹⁰, sole physical custody violates parental fundamental rights. There is absolutely no finding whatsoever pursuant to NRS 128.018 in the petitioner's final custody order, and as such, granting a sole physical

⁶ There is nothing on record, as referenced by the district court, that the Nevada Court of Appeals states in its final order in 79336-COA that they will not modify any custody order because of safety concerns.

⁷ This Court has always held that "[p]arties are free to contract, and the courts will enforce their contracts if they are not unconscionable, illegal, or in violation of public policy." *Rivero v. Rivero*, 125 Nev. 410, 429, 216 P.3d 213, 226 (2009).

⁸ See NRS 125C.001(1), this state's policy of supporting "frequent associations and a continuing relationship" between parent and child after the parents' relationship with each other has ended.

⁹ NRS 128.005(1) ("The Legislature declares that the preservation and strengthening of family life is a part of the public policy of this State."); NRS 432B.330 and NRS 432B.390 (describing the circumstances under which a child is or may be in need of protection, none of which are present in Shahrokhi's final custody order. And this was all done without the district court considering any less restrictive feasible option.

¹⁰ Citing *Roe v. Roe*, at 22, NRS 128.018 defines, in the context of termination of parental rights proceedings, an "unfit parent" [as] any parent of a child who, by reason of the parent's fault or habit or conduct toward the child or other persons, **fails to provide such child with proper care, guidance and support.**" When a parent has been determined by a district court to be **unfit or neglectful**, see NRS 128.106, this can be a basis for terminating parental rights. However, when **deciding sole physical custody**, some of the factors of NRS 128.106 are instructive or persuasive to the district court's findings of whether a parent is unfit for a child to reside with. For example, if a parent is found to be "unable to care for the immediate and continuing physical or psychological needs of the child for extended periods of time," engaged in abuse of the child, or excessively using alcohol or drugs so that the "parent [is] consistently unable to care for the child," then that parent may be **unfit for the child to reside with**. See NRS 128.106(a), (b), (d). These examples are not intended to be either controlling or exhaustive, but instructive. See *Poole u. Nev. Anto Dealership Invs., LLC*, 135 Nev. 280, 287-88, 449 P.3d 479, 485-86 (Ct. App. 2019) (using a similar statute to provide the definition of "material fact" in a statute where it was otherwise undefined).

custody order with no in-person visitation violates Shahrokhi's fundamental rights and is not consistent with the new case precedent established in *Roe v. Roe* (2023)

B. SOLE PHYSICAL CUSTODY REQUIREMENT IN NEVADA

In *Roe v. Roe*, Chief Judge Gibbons clearly acknowledged that there is little direction as to what a district court must consider when entering an order for sole physical custody. Judge Gibbons went on to say that sole physical custody is a custodial arrangement where the **child resides with only one parent**, and the **noncustodial parent's parenting time is restricted to no significant in-person parenting time.**¹¹ Sole physical custody is different than primary or joint physical custody because sole physical custody juris See NRS 125C.001(1). Likewise, sole physical custody orders **substantially impede the fundamental parental rights** of the noncustodial parent. See *Gordon v. Geiger*, 133 Nev. 542, 545-46, 402 P.3d 671, 674 (2017); see also *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (concluding that parents have a fundamental interest “**in the care, custody, and control of their children**”)

C.F. Gibbons went on to say, “we direct district courts when entering an order for sole physical custody to first find either that the **noncustodial parent is unfit** for the child to reside with, or to **make specific findings and provide an adequate explanation as to the reason primary physical custody is not in the**

¹¹ 139 Nev. Adv. 21, at page 4

best interest of the child. Following either of these findings, the district court **must consider the least restrictive parenting time arrangement possible to avoid constraining the parent-child relationship any more than is necessary to prevent potential harm caused by an unfit parent and meet the best interest of the child.** If the court enters a more restrictive parenting time arrangement than is otherwise available, **it must explain how the greater restriction is in the child's best interest.**

Shahrokhi's final custody order did not find Shahrokhi to be 'unfit,' as mandated by the new case precedent, and it has no findings as to why a restricted 10-minute FaceTime on Sundays for 10 minutes meets the best interest of the child.

Shahrokhi's final child custody order entered on October 12, 2020, is therefore inconsistent with the new case precedent in *Roe v. Roe* and has granted sole physical custody to Burrow without declaring Shahrokhi unfit. The district court abused its discretion by granting **sole physical custody to the mother**, without first declaring the petitioner unfit pursuant to NRS 128.018, thereby overly restricting petitioners in person parenting time without adequate findings, failing to consider any less restrictive arrangement.

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C. PETITIONER HAS NEVER BEEN DECLARED “UNFIT”

The new case precedent mandates that before a district court can enter a sole physical custody order, it “**must**”¹² declare the non-custodial parent unfit.¹³ Shahrokhi has never been declared unfit, and there have never been any allegations of abuse or neglect. Additionally, there has never been any involvement of a third-party state agency in Shahrokhi’s custody case in the lower court. Neglect and abuse allegations mandate third-party investigations with substantiated reports, not simply what a judge may assume on their own. It is clearly evident, due to the fact that Shahrokhi has never been declared unfit, the sole physical custody order entered by the district court on October 12, 2020, violates Shahrokhi’s fundamental right to parent his minor son and is in direct violation of this state’s policy, as well as inconsistent with case precedents set out in Roe v. Roe. Therefore, that order must be vacated or declared void as a matter of law.

The petitioner and his minor son’s relationship has always been close and loving, as evidenced by the sealed child interview. However, the district court completely disregarded the child’s wishes regarding maintaining an equal relationship with both parents¹⁴. (App. 0047-0051)

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¹² Must is a mandatory term, not discretionary.

¹³ NRS 128.018 (Unfit definition)

¹⁴ Sealed Child Interview, The district Court completely ignored the child’s wishes.

D. THIS COURT ERRED IN AFFIRMING THE PETITIONER'S FINAL CUSTODY JUDGMENT GRANTING SOLE PHYSICAL CUSTODY TO THE MOTHER

On May 12, 2022 (App. 0033-0045), this court affirmed the lower court's final judgments and explained that they did not find the sole physical custody award given to the mother to be an abuse of discretion. However, that is not consistent with what the case precedent requires. The case precedent requires, unless the non-custodial parent has been declared unfit pursuant to NRS 128.108, it is a clear abuse of discretion to grant sole physical custody orders.

In *Roe v. Roe*, the Nevada Court of Appeals clearly stated on page 3 of its opinion: 'We direct district courts when entering an order for sole physical custody to **first find either that the noncustodial parent is unfit for the child to reside with**, or to make specific findings and provide an adequate explanation as to the reason primary physical custody is not in the best interest of the child. Following either of these findings, the district court **must consider the least restrictive parenting time arrangement** possible to avoid constraining the parent-child relationship any more than is necessary to prevent potential harm caused by an unfit parent and meet the best interest of the child.

E. "UNFIT" DEFINITION PURSUANT TO NRS 128.018

Before Nevada district courts can issue a **sole physical custody order**, the courts **must** declare the noncustodial parent unfit. Pursuant to NRS 128.018, an

'unfit parent' is any parent of a child who, by reason of the parent's fault, habit, or conduct toward the child or other persons, fails to provide such child with proper care, guidance, and support. The district court has abused its discretion in granting the mother a sole physical custody order without first declaring the petitioner unfit pursuant to NRS 128.018. During the child's interview, the child specifically stated that he loved both of his parents equally and wanted both parents to be equally involved in his life. The district court clearly abused its discretion. Nevada courts could never declare the petitioner an unfit parent because he has been involved in his son's life from birth, and to this day, he maintains a very loving and close relationship with his son. (APP. 0047-0051)

V. NEVADA'S NEW CASE PRECEDENT ON SOLE PHYSICAL CUSTODY ORDERS

On July 27, 2023, the Nevada Court of Appeals published its opinion¹⁵ interpreting sole physical custody in the state of Nevada as well as its requirements before a district court can issue a sole physical custody order in the state of Nevada.

C.J. Gibbons explains, "In this opinion, we ... **outline what a district court must consider when entering an order for sole physical custody,**" [Roe vs. Roe, *id.*, (at p. 1–2)]. "In this opinion, we provide a definition of sole physical custody

¹⁵ Roe v Roc, 139 Nev. Adv. Op. 21, 2023

to ensure custodial orders are properly characterized. We direct district courts when entering an order for sole physical custody to **first find either that the noncustodial parent is unfit** for the child to reside with, or to make specific findings and **provide an adequate explanation as to the reason primary physical custody is not in the best interest of the child,**” [Roe vs. Roe, 139 Nev., Adv. Op. 21; No. 84893–COA; (July 27, 2023), (at p. 3)]

C.J. Gibbons continues, “Following either of these findings, the district court must consider **the least restrictive parenting time arrangement possible** to avoid constraining the parent-child relationship any more than is necessary to prevent potential harm caused by **an unfit parent** and meet the best interest of the child. If the court enters a more restrictive parenting time arrangement than is otherwise available, **it must explain how the greater restriction is in the child’s best interest,**” [Roe vs. Roe, id., (p. 3)].

“**The parent-children relationship is a fundamental liberty interest,**” [Roe vs. Roe, id., (p. 15), citing, Meyer v. Nebraska, 262 U.S. 390, 399 (1923); (emphasis added)].

“**A permanent change to parenting time affects a parent’s fundamental rights concerning the custody of their child,**” [Roe vs. Roe, id., (pp. 15–16), (emphasis added), citing, Gordon v. Geiger, 133 Nev. at 546, 402 P.3d at 674, (2017)]. “**Even parents deemed highly emotionally dysregulated retain their**

fundamental rights,” [Roe vs. Roe, id., (p. 16)]. “Nevada district courts enter one of three parenting time arrangements in a custodial order—**joint, primary, or sole physical custody,**” [Roe vs. Roe, id., (p. 16)].

“[W]hen a district court enters an order that limits parenting time **to restrictive visits to restrictive supervised parenting time, virtual contact, phone calls, letters, texts, [etc.], it has entered an order for sole physical custody,**” [Roe vs. Roe, id., (pp. 18–19)]. Note: Petitioner’s custody order, (Oct. 12, 2020), **restricts his contact with his son to 10 minutes facetime calls on Sundays only.** This custody order impacts the Petitioner’s federally protected civil rights.

“**Because the noncustodial parent’s care, custody, and control of their child is so severely restricted, sole physical custody orders implicate a parent’s fundamental rights,**” [Roe vs. Roe, id., (p. 19); (emphasis added)].

“**[C]hild custody decisions implicate due process rights because parents have a fundamental liberty interest in the care, custody, and control of their children,**” [Roe vs. Roe, id. (p. 19); (emphasis added)].

“**[T]he severe restriction on the noncustodial parent’s care, custody, and control of their child requires additional findings and procedure,**” [Roe vs. Roe, id., (p. 19); (emphasis added)]. In Petitioner’s case, Judge Harter denied Petitioner these rights.

“[T]he public policy of Nevada is to preserve and strengthen family life,” [Roe vs. Roe, id., (p. 19)]. “To protect a noncustodial parent’s rights, judicial discretion is tempered by this state’s policy of supporting ‘frequent associations and a continuing relationship’ between parent and child after the parents’ relationship which each other has ended,” [Roe vs. Roe, id., (p. 19) citing, NRS § 125.001(1)]

C.J. Gibbons concludes, **“Therefore, a district court risks abusing its discretion when it orders sole physical custody without sufficient cause or otherwise unnecessarily restricts and threatens the parent-child relationship,”** [Roe vs. Roe, id., (pp. 19–20)]

“To avoid unnecessary restrictions on parental rights, **a district court must only enter an order for sole physical custody** if it **first finds either that the noncustodial parent is unfit** for the child to reside with, or if it makes specific findings and provides an **adequate explanation** as to the reasons **why primary physical custody is not in the best interests** of the child,” [Roe vs. Roe, id., (pp. 20–21)].

“After making either of these findings supporting sole physical custody, the district court must then order **the least restrictive parenting time arrangement possible** that is within the child’s best interests,” [Roe vs. Roe, id., (p. 21); (emphasis added)]. In Petitioner’s case, Judge Harter never considered the

“least restrictive alternative.” **Judge Harter thus violated Petitioner’s constitutional rights!**

“When entering its custodial order, if a less restrictive parenting time arrangement is available, or proposed but rejected, **the district court must provide an explanation as to how the best interest of the child is served by the greater restriction,**” [Roe vs. Roe p. 21)].

Ultimately, C.J. Gibbons found, “the district court erred by: (1) **failing to consider a less restrictive parenting time arrangement;** (2) **failing to adequately explain why the greater restriction was necessary;** (3) **failing to make findings how true primary physical custody was not in [the minor child’s] best interest;** and (4) **implementing an almost unachievable plan with no ending, review, or even status check date, and accordingly has undermined Nevada’s public policy, issued an order inconsistent with Nevada jurisprudence, and violated [the mother’s] parental rights,**” [Roe vs. Roe, id., (p. 24)]. In Shahrokhi’s case, the final custody order granting sole physical custody to the mother is in violation of all that Chief Judge Gibbon mentions above.

“**As a result, we conclude that the district court abused its discretion when it effectively awarded [] sole physical custody of the minor child,**” [Roe vs. Roe, 139 Nev., Adv. Op. 21; No. 84893–COA; (July 27, 2023), (p. 24)]. “**Thus, we reverse the parenting time allocation** and direct the district court, on remand,

to enter a parenting time order consistent with Nevada jurisprudence and this opinion,” [Roe vs. Roe, (p. 24)].

In conclusion, C.J. Gibbons writes, “Sole physical custody is custodial arrangement where the child resides with only one parent and the noncustodial parent’s parenting time **is restricted to no significant in-person parenting time. A district court entering an order for sole physical custody creates tension with a parent’s fundamental rights, Nevada public policy, and future modification rights.** Thus, a district court **must first find that either the noncustodial parent is unfit** for the child to reside with, or it must make specific findings and provide an adequate explanation as to the reasons why primary physical custody is not in the best interest of the child,” [Roe vs. Roe, (p. 36); (emphasis added)].

“**Afterwards, the district court must enter the least restrictive parenting time arrangement possible consistent with a child’s best interest,**” [Roe vs. Roe, (pp. 36–37); (emphasis added)].

“**Should it enter a more restrictive order, it must explain how the greater restriction is in the child’s best interest.** Moreover, it must retain its decision making authority over future custodial modifications and parent time allocations, as well as enter order with sufficient specificity to allow enforcement.

These steps are to ensure that when a district court enters an order for sole physical custody, **it does so equitably and in accordance with Nevada’s statutes and jurisprudence, thereby preserving the noncustodial parent’s fundamental rights to the greatest degree possible,**” [Roe vs. Roe, (p. 37); (emphasis added)].

Shahrokhi’s final custody, specifically the physical custody portion of it, attached herein as an appendix and exhibits, does not provide an adequate explanation for why sole physical custody is justified.

It is quite evident that Shahrokhi's final child custody judgment, specifically the physical custody portion, is not consistent with what Roe v. Roe requires regarding sole physical custody orders.

VI. WHY THE WRIT SHOULD ISSUE

The writ should be issued because there is no plain, speedy, and adequate remedy in law for the petitioner. The minor and the child left the state in August 2019 and have been residents of Oregon since then. On November 18, 2022, Nevada's final child custody order was registered in the state of Oregon, and Oregon accepted jurisdiction. Shahrokhi is no longer a resident of the state of Nevada. At this time, all parties have left the state of Nevada. However, Burrow, the real party in interest, continues to use the Nevada order to her advantage, even though the order is unconstitutional. It has violated Shahrokhi's fundamental liberty rights and has created a disadvantage for Shahrokhi in requesting a physical

custody modification in any court. As such, the only remedy is for this court to issue a writ of mandamus or a writ of prohibition, declaring that order void and not enforceable.

A writ of mandamus is available to ... control a manifest abuse of discretion or an arbitrary or capricious exercise of discretion.” *Sims v. Eighth Jud. Dist. Ct.*, 125 Nev. 126, 129, 206 P.3d 980, 982 (2009).

If the official duty is a continuing one until performed, a writ of mandamus will lie against the incumbent in office, regardless of the fact that his predecessor in office should primarily have performed the duty, and courts are justified in applying the rule with ever greater strictness where the neglect to perform a statutory duty occurred during a preceding term of the same incumbent in office. *State ex rel. Haviland v. Bonnifield*, 37 Nev. 44, 138 P. 906, 1914 Nev. LEXIS 7 (Nev. 1914).

A petition for writ of mandamus or prohibition is appropriate where there is no statutory right to seek judicial review and “no adequate and speedy legal remedy exists.” *Kay v. Nunez*, 122 Nev. 1100, 1104, 146 P.3d 801, 805 (2006).

The decision whether to consider a Petition for writ relief is discretionary. *Smith*, 107 Nev. at 674, 818 P.2d at 849. The primary standard controlling the exercise of discretion is 'Judicial economy.' *Smith v. Eighth Judicial District*

Court, 113 Nev. 1343, 1345, 950 P.2d 280, 281 (1997). Among the factors the Court considers are (1) whether the petitioner has no plain, speedy, and adequate legal remedy (*Horton v. Dist. Court*, 123 Nev. 468, 474, 168 P.3d 731, 736 (2007)); (2) whether disputed factual issues exist, *Smith*, 113 Nev. at 1345, 950 P.2d at 281; (3) whether the District Court's holding violated clear authority under a statute or rule; (4) whether there are important policy issues that require clarification, *Id.*; and (5) whether the issues involved are dispositive. *Moore v. Eighth Judicial District Court*, 96 Nev. 415, 417, 610 P.2d 188, 189 (1980). This Petition satisfies all requirements.

Prohibition is a proper remedy to restrain a district judge from exercising a judicial function without or in excess of its jurisdiction. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 818 P.2d 849, 107 Nev. Adv. Rep. 112, 1991 Nev. LEXIS 159 (Nev. 1991).

Petitions for writs are appropriate vehicles for challenging orders.

Because the petitioner cannot file an appeal from the contested order entered by the district court, petitions for writs of prohibition and mandamus are the appropriate vehicles for challenging such orders. *Angell v. Judicial Dist. Court*, 23019, 108 Nev. 923, 839 P.2d 1329, 108 Nev. Adv. Rep. 142, 1992 Nev. LEXIS 167 (Nev. 1992)

The writ of prohibition ought to issue freely whenever it is necessary for the protection of the rights of a litigant, and he has no other plain, speedy, and adequate remedy. *Silver Peak Mines v. Second Judicial Dist. Court*, 33 Nev. 97, 110 P. 503, 1910 Nev. LEXIS 7 (Nev. 1910).

Petitions for extraordinary writs are addressed to the sound discretion of the court and a writ of prohibition may issue only where there is no plain, speedy, and adequate remedy at law. *State v. Eighth Judicial Dist. Court*, 111 Nev. 1023, 899 P.2d 1121, 111 Nev. Adv. Rep. 110, 1995 Nev. LEXIS 111 (Nev. 1995).

It is a principle which lies at the very foundation of the law of prohibition that the jurisdiction is strictly confined to cases where no other remedy exists; and it has always been held to be a sufficient reason to refuse to issue the writ where it clearly appears that the petitioner therefor has another plain, speedy, and adequate remedy at law. *Bowler v. First Judicial Dist. Court*, 68 Nev. 445, 234 P.2d 593, 1951 Nev. LEXIS 101 (Nev. 1951).

The writ should issue because there is no plain, speedy, and adequate remedy in law for the petitioner in lower courts in Nevada. The minor and real party in interest, Burrow, left the state in August 2019 and has been residents of Oregon since then. On November 18, 2022, Nevada's final child custody order was registered in the state of Oregon, and Oregon accepted jurisdiction. Shahrokhi is no longer a resident of the state of Nevada.

At this time, all parties have left the state of Nevada. However, Burrow, the real party in interest, continues to use the Nevada final child custody order to her unfair advantage, and the order is unconstitutional. It has violated Shahrokhi's fundamental liberty rights and has created a disadvantage for Shahrokhi in requesting a physical custody modification in any court. As such, the only remedy is for this court to issue a writ of mandamus or a writ of prohibition, declaring that order void and not enforceable.

Pursuant to NRS 34.170, a Writ may be issued when there is no plain, speedy, and adequate remedy in law. NRS 34.330 states that a writ may be issued by an appellate or district court when there is no plain, speedy, and adequate remedy in law. The petitioner does not have a plain, speedy, and adequate remedy in law because the petitioner cannot file an appeal or file a motion under Rule 60 in Nevada lower courts to vacate the final child custody judgment, as the lower courts no longer have jurisdiction to modify the final child custody order.

VII. VOID ORDERS MAY BE COLLATERALLY ATTACKED

Void orders may be collaterally attacked at any time. See *State ex rel. Smith v. Sixth Judicial Dist. Court*, 63 Nev. 249, 256–57, 167 P.2d 648, 651 (1946), overruled on other grounds by *Poirier v. Bd. of Dental Exam'rs*, 81 Nev. 384, 387, 404 P.2d 1, 2 (1965), overruled on other grounds by *317 *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 648–49, 5 P.3d 569, 570–71 (2000).

While void orders may indeed be collaterally attacked at any time, a party may use an extraordinary writ petition as the vehicle to attack a void order only when extraordinary writ relief is otherwise available. Such relief is not available when the petitioner had the right to appeal the challenged order because an appeal is a plain, speedy, and adequate remedy. Petitioner cannot appeal this order and new case precedent in *Roe v Roe*, (2023) was just published on July 27, 2023.¹⁶

VIII. PUBLISHED OPINION CREATES MANDATORY PRECEDENT

In Nevada, when an appellate court publishes an opinion, it becomes a case precedent. *Roe v. Roe*, discussing sole physical custody and its requirements before a district court can enter a sole physical custody order, is a published opinion. See Nev. Const. art. 6, § 4; see also NRAP 36(c) (a published opinion creates mandatory precedent). Petitioner's sole physical custody order granted to Burrow without declaring the petitioner unfit first is not inconsistent with Nevada's case precedent on sole physical custody orders.

IX. ATTORNEY FEES AND CHILD SUPPORT PORTION OF THE FINAL CHILD CUSTODY ORDER

Petitioner also asks this court to vacate the attorney fees portion of the final child custody order which was affirmed in Docket No. 82245¹⁷, which was a consolidated appeal with Shahrokhi's appeal in Docket No. 81978 since this court

¹⁶ *Roe v Roe*, 139 Nev. Adv. Op No. 21, was just published on July 27, 2023

¹⁷ Docket No's 81978 and 82245 were consolidated appeals from the final child custody judgment.

will have to vacate the sole physical custody order. Also, the child support portion (App. 0015) of the order needs to be vacated as well because it was calculated based on the erroneous sole physical custody order. The petitioner has been disadvantaged due to the erroneous sole physical custody order that was issued without first declaring him unfit pursuant to NRS 128.018, as mandated by Nevada's new case precedent.

CONCLUSION

For the foregoing reasons mentioned above, Shahrokhi respectfully requests this court, at its discretion, to **GRANT** his petition as the petitioner does not have any plain, speedy, and adequate remedy in law to vacate this sole physical custody order.

The petitioner also seeks any other relief that this court deems appropriate to grant.

DATED September 21, 2023

Respectfully Submitted,

/S/ Ali Shahrokhi

In Proper Person

CERTIFICATE OF COMPLIANCE NRAP 32(a)(9)

Petitioner certifies that this petition for a writ of mandamus or, in the alternative, a writ of prohibition, complies with the typeface and type style requirements of Rule 32(a)(4)-(6) (Times New Roman, 14-point font), double spaced and it contains only 5,500 words, which is less than the 7,000-word limit.

VERIFICATION

I, Ali Shahrokhi, declare that I have read the foregoing Petition, and know the content thereof; that the same is true of my own knowledge except for those matters therein stated on information and belief, and as to those matters, I believe them to be true. Those factual allegations contained in the referenced filing are incorporated here as if set forth in full.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

EXECUTED this 21st Day of September 2023.

/S/ Ali Shahrokhi

Petitioner.

CERTIFICATE OF SERVICE

I, Ali Shahrokhi, do hereby declare that I am over the age of 18 and a party to this action, and that I emailed and have placed a true and correct copy of this Petition into a sealed envelope and mailed it, postage prepaid, via United States Postal Service, addressed as follows:

KIZZY BURROW

9614 NW Durrett St
Portland, OR 97229

FAMILY COURT/DEPARTMENT "N"

601 N. Pecos Rd.
Las Vegas, NV 89101

FAMILY COURT/DEPARTMENT "R"

601 N. Pecos Rd.
Las Vegas, NV 89101

SERVED THIS 21st day of September 2023.

/S/ Ali Shahrokhi