

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERCY LAVAE BACON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
DONALD M. MOSLEY, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 54874

FILED

DEC 04 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus, or alternatively, a writ of prohibition. Petitioner argues that the district court erred in denying his writ of coram nobis without holding an evidentiary hearing because his constitutional rights were violated when he appeared before the grand jury in shackles. We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims, we decline to exercise original jurisdiction in this matter. NRS 34.160; NRS 34.170; NRS 34.320; NRS 34.330.

NRS 209.451(1) provides that if an offender:

(d) In a civil action, in state or federal court, is found by the court to have presented a pleading, written motion or other document in writing to the court which:

(1) Contains a claim or defense that is included for an improper purpose, including, without limitation, for the purpose of harassing his opponent, causing unnecessary delay in the litigation or increasing the cost of the litigation;

(2) Contains a claim, defense or other argument which is not warranted by existing law or by a reasonable argument for a change in existing law or a change in the interpretation of existing law; or

(3) Contains allegations or information presented as fact for which evidentiary support is not available or is not likely to be discovered after further investigation,

he forfeits all deductions of time earned by him before the commission of that offense or act, or forfeits such part of those deductions as the Director considers just.

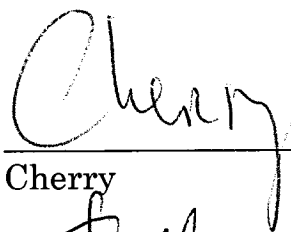
Petitioner has filed numerous documents in the district court and this court raising substantially similar claims and challenging his district court conviction.¹ In denying petitioner's petition for a writ of mandamus

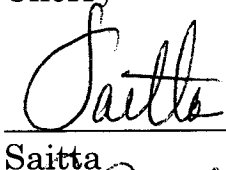
¹See Bacon v. District Court, Docket No. 50202 (Order Denying Petition, October 16, 2007); Bacon v. District Court, Docket No. 50403 (Order Denying Petition, December 3, 2007); Bacon v. State, Docket No. 50491 (Order Denying Petition, December 10, 2007); Bacon v. Board of Parole Commissioners, Docket No. 50600 (Order Denying Petition, January 22, 2008); Bacon v. District Court, Docket No. 53420 (Order Denying Petition, March 26, 2009); Bacon v. State, Docket No. 53492 (Order Denying Petition, April 14, 2009); Bacon v. District Court, Docket No. 53768 (Order Denying Petition, June 4, 2009); Bacon v. State, Docket No. 53767 (Order Denying Petition, June 5, 2009); Bacon v. State, Docket No. 53886 (Order Denying Petition, June 18, 2009); Bacon v. State, Docket No. 53927 (Order Denying Petition, June 26, 2009); Bacon v. State, Docket No. 54102 (Order Denying Petition, August 7, 2009); Bacon v. State, Docket No. 54281 (Order Denying Petition, August 24, 2009); Bacon v. State, Docket No. 54225 (Order Denying Petition, August 24, 2009); Bacon v. State, Docket No. 54378 (Order Denying Petition, September 11, 2009); Bacon v. State, Docket No. 54390 (Order Denying Petition, September 11, 2009); Bacon v. State, Docket No. 54479 (Order Denying Petition, September 25, 2009); Bacon v. State, Docket No. 54450 (Order Denying Petition, September 25, 2009); Bacon v. State, Docket Nos. 53804 and 53915 (Order of Affirmance, October 21, 2009).

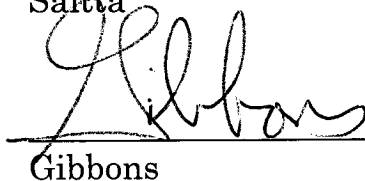
or prohibition in Docket No. 54378, this court cautioned petitioner that a prisoner could forfeit all deductions of time earned by the prisoner if the court finds that the prisoner has filed a document in a civil action for an "improper purpose." A petition for a writ of mandamus or prohibition is a civil action. Petitioner's continuous stream of filings is an abuse of judicial resources, thus the inclusion of these claims in this petition for a writ of mandamus or prohibition constitutes an improper purpose. The petition that petitioner filed in this court also contains claims and arguments not warranted by existing law or by a change in existing law. Pursuant to NRS 209.451(3), the Director of the Department of Corrections shall determine what forfeiture, if any, is warranted.

Accordingly, we

ORDER the petition DENIED and REFER this matter to the Director of the Department of Corrections.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Donald M. Mosley, District Judge
Percy Lavae Bacon
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Director Howard Skolnik, Nevada Department of Corrections
Eighth District Court Clerk