IN THE SUPREME COURT OF THE STATE OF NEVADA

LAMARR ROWELL,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE LEE A. GATES, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

No. 37766

FILED

MAY 16 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

LAMARR ROWELL,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE LEE A. GATES, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

No. 37767

01-08121

LAMARR ROWELL,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE LEE A. GATES, DISTRICT JUDGE,

Respondents,

and

THE STATE OF NEVADA,

Real Party in Interest.

No. 37768

ORDER DENYING PETITIONS

Docket 37766 is a proper person petition for a writ of mandamus requesting this court order the district court to set aside his sentence, conviction and guilty plea and to dismiss the charges with prejudice in district court case number C158223. Docket No. 37767 is a proper person petition for a writ of mandamus requesting this court order the district court to answer petitioner's motion for answer to question of law regarding the constitutionality of the burglary statute. Docket No. 37768 is a proper person petition for a writ of mandamus requesting this court order the district court to set aside his sentence, conviction and guilty plea and to dismiss the charges with prejudice in district court case number C152233. We have reviewed the documents on file with this court, and we conclude that our intervention by extraordinary writ is not warranted.[1]

NRS 209.451(1) provides that if an offender:

[1]NRS 34.160; NRS 34.170.

(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 three district court convictions.[2] In denying

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[2]This court has already ruled on the following: Rowell v. State, Docket Now. 35959 (Order Dismissing Appeal, May 8, 2000); Rowell v. State, Docket No. 35960 (Order Dismissing Appeal, May 2, 2000); Rowell v. State, Docket Nos. 36601, 36658, 37023 (Order of Affirmance and Dismissing Appeal, April 10, 2001); Rowell v. State, Docket Nos. 36693, 37210, 37242 (Order of Affirmance and Dismissing Appeal and Limited Remand for Correction of Judgment of Conviction, April 10, 2001); Rowell v. State, Docket No. 36997 (Order Dismissing Appeal, January 19, 2001); Rowell v. District Court, Docket No. 36998 (Order Denying Petition, January 12, 2001); Rowell v. District Court, Docket No. 37153 (Order Denying Petition, February 2, 2001); Rowell v. District Court, Docket No. 37267 (Order Denying Petition, March 8, 2001); Rowell v. State, Docket No. 37462 (Order Denying Petition, March 16, 2001); Rowell v. State, Docket No. 37635 (Order Dismissing Appeal, May 8, 2001).

The following proper person appeals remain pending in this court: Rowell v. State, Docket No. 37283; Rowell v. State, Docket No. 37637; Rowell v. State, Docket No. 37749; Rowell v. State, Docket No. 37834; Rowell v. State, Docket No. 37835; Rowell v. State, Docket No. 37836; Rowell v. State, Docket No. 37837; Rowell v. State, Docket No. 37838; and Rowell v. State, Docket No. 37839.

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petitioner's petition for a writ of mandamus in Docket No. 37267, 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." Petitioner's continuous stream of filings is an abuse of the process, thus the inclusion of these claims in these petitions for writs of mandamus constitutes an improper purpose. The petitions that petitioner filed in this court contain claims and arguments not warranted by existing law or by a change in existing law. Further, the petitions contain allegations or information presented as fact for which evidentiary support is not available and is not likely to be discovered after investigation. Pursuant to NRS 209.451(3), the Director of the Department of Prisons shall determine what forfeiture, if any, is warranted.

Accordingly, we

ORDER the petitions DENIED and REFER this matter to Director of the Department of Prisons.

_____, J.
Shearing

_____, J.
Agosti

_____, J.
Rose

cc: Hon. Lee A. Gates, District Judge
Attorney General
Clark County District Attorney
Director, Nevada Department of Prisons
Warden, Southern Desert Correctional Center
Lamarr Rowell
Clark County Clerk