

IN THE SUPREME COURT OF THE STATE OF NEVADA

FELTON L. MATTHEWS, JR.,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41149

FILED

APR 10 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION AND REFERRING PETITIONER TO
THE DIRECTOR OF DEPARTMENT OF CORRECTIONS

This is a proper person petition for extraordinary relief. Petitioner seeks to have the district attorney's office held in criminal contempt. Based upon our review of the documents before this court, we conclude that petitioner has failed to demonstrate that he is entitled to extraordinary relief.

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 this court raising claims challenging the validity of his judgment of conviction and the proceedings in the district court.¹ In denying petitioner's petitions for extraordinary relief in Docket Nos. 40468, 40709 and 40902, this court

¹Matthews v. District Court, Docket Nos. 40709, 40902 (Order Denying Petitions, March 3, 2003); Matthews v. District Court, Docket No. 40605 (Order Denying Petition, December 19, 2002); Matthews v. District Court, Docket No. 40568 (Order Denying Petition, December 12, 2002); Matthews v. District Court, Docket No. 40468 (Order Denying Petition, November 22, 2002); Matthews v. State, Docket No. 40299 (Order Denying Petition, October 15, 2002); Matthews v. State, Docket No. 40033 (Order Denying Petition, August 22, 2002); Matthews v. State, Docket No. 39885 (Order Denying Petition, July 30, 2002); Matthews v. State, Docket No. 39837 (Order Denying Petition, July 22, 2002); Matthews v. State, Docket No. 39014 (Order Denying Petition, January 22, 2002). Additionally, this court has dismissed four appeals filed by petitioner for lack of jurisdiction. Matthews v. State, Docket Nos. 38307, 38379, 38380 (Order Dismissing Appeals, October 1, 2001); Matthews v. State, Docket No. 38225 (Order Dismissing Appeal, August 30, 2001).

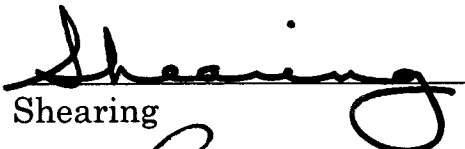
cautioned petitioner that a prisoner could forfeit all deductions of time earned by the prisoner if the court finds that the prisoner has filed a document in a civil action for an "improper purpose." Further, this court cautioned petitioner that his actions may constitute a major violation of the Code of Penal Discipline.² Petitioner's continuous stream of filings is an abuse of this court's appellate and original jurisdiction. Petitioner's claims challenge district court proceedings that are the subject of an appeal currently pending in this court in Docket No. 39717. Petitioner is represented by counsel in that appeal. We conclude that under these circumstances, this court's consideration of proper person extraordinary writ petitions challenging the validity of petitioner's judgment of conviction is unwarranted. The inclusion of the claims in this petition constitutes an improper purpose. The petition contains allegations or


²Nevada Code of Penal Discipline §III (D) (Major Violation #48) provides that the following is a major violation of the Code:


Any violation of the Rules of Court, contempt of court, submission of forged or otherwise false documents, submissions of false statements, violations of Rules of Civil Procedure, Criminal Procedure or Appellate Procedure and/or receiving sanctions and/or warnings for any such actions from any court. Although not necessary for disciplinary purposes, any Order from any court detailing such action shall be sufficient evidence for disciplinary purposes.

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 Corrections shall determine what forfeiture of credits, if any, is warranted. The Director of the Department of Corrections shall conduct whatever prison disciplinary proceedings deemed necessary. Accordingly, we

ORDER the petition DENIED.³


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

³We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.

cc: Hon. Donald M. Mosley, District Judge
Felton L. Matthews Jr.
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Director, Department of Corrections
Robert Langford & Associates
Clark County Clerk