

IN THE SUPREME COURT OF THE STATE OF
NEVADA

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|-------------------------|-------------------------|
| BOBBY FRANKLIN, D/B/A) | No. 81432 |
| DAYDREAM LAND &) | |
| SYSTEMS DEVELOPMENT) | FILED |
| Appellant,) | SEP 03 2020 |
| Vs.) | Elizabeth A. Brown |
| D.J. LAUGHLIN;) | Clerk of Supreme Court |
| ATTORNEY WILLIAM R.) | By /s/ <u>illegible</u> |
| URGA,) | Deputy Clerk |
| Respondents.) | |
| |) |

ORDER REGARDING MOTIONS

Appellant has filed an untimely motion requesting an extension of time to file a petition for rehearing. The motion is granted. NRAP 26(b)(1)(A); NRAP 40(a)(1). The clerk shall file the petition for rehearing received on August 31, 2020.

Appellant's motion asking this court to dissolve injunctions on the 80 acres of land allegedly in dispute until the appeal is resolved is denied.

It is so ORDERED.

/s/Pickering, C.J.

/s/Hardesty, J.

/s/Silver, J.

cc: Bobby Franklin
D.J. Laughlin
Jolley Urga Woodbury Holthus & Rose

IN THE SUPREME COURT OF THE STATE OF
NEVADA

BOBBY FRANKLIN, D/B/A) No. 81432
DAYDREAM LAND &)
SYSTEMS DEVELOPMENT,) FILED
Appellant,) JUL 30 2020
Vs.) Elizabeth A. Brown
D.J. LAUGHLIN; ATTORNEY) Clerk of
WILLIAM R. URGA,) Supreme Court
Respondents.) By: S. Young
) Deputy Clerk

ORDER DISMISSING APPEAL

This is a pro se appeal from an order denying appellant leave to file documents pursuant to his designation as a vexatious litigant. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Specifically, the order designated in the notice of appeal is not substantively appealable. See NRAP 3A(b). This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984). No statute or court rule provides for an appeal from an order denying a vexatious litigant leave to file documents. Cf. *Peck v. Crouser*, 129 Nev. 120, 295 P.3d 586 (2013). This court lacks jurisdiction and ORDERS this appeal DISMISSED.

/s/ Hardesty, J. /s/ Parraquirre, J. /s/ Cadish, J.

cc: Linda Marie Bell, Chief Judge
Bobby Franklin
D.J. Laughlin
Jolley Urga Woodbury Holthus & Rose
Eighth District Court Clerk

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**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

BOBBY FRANKLIN,) Case #A-20-815083-D
Plaintiff,)
Vs.) Dept # 22
D.J. LAUGHLIN,)
ET AL.,)
Defendants.)
_____)

DECISION AND ORDER

Bobby Franklin filed a petition requesting approval to file a complaint in the Eighth Judicial District Court. In 2016, Mr. Franklin was declared a vexatious litigant. Under the vexatious litigant order, Mr. Franklin must obtain leave of the Chief Judge of the Eighth Judicial District Court before filing any new litigation. After review of Mr. Franklin's petition and complaint, the Court denies Mr. Franklin's petition.

The Clerk of the Court is directed to close case A-20-815083-D and strike both of the documents filed by Mr. Franklin into the case on May 15, 2020.

I. Factual and Procedural Background

Mr. Franklin has filed numerous actions in both state and federal court related to an 80 acre parcel of land located in Southern Nevada. The federal courts have held that Mr. Franklin has no right to the property at issue. Following the federal court rulings, Mr. Franklin filed an action in the Eighth Judicial District Court in which Mr. Franklin

asserted an ownership interest in the subject property. Mr. Franklin was ordered to show cause why he should not be declared a vexatious litigant. The show cause hearing was held on March 1, 2016, and Mr. Franklin was present at the hearing.

On March 29, 2016, an order was issued declaring Mr. Franklin a vexatious litigant. Under the vexatious litigant order, Mr. Franklin may not file any new litigation without first obtaining leave from the Chief Judge of the Eighth Judicial District Court. To obtain leave, Mr. Franklin's new litigation must be 1) meritorious; 2) not addressed in another pleading; and 3) not related to the subject property.

On May 15, 2020, Mr. Franklin filed a "Petition to Chief Judge Linda Marie Bell to Approve Franklin's Right to File the Attached Complaint in this Court." Mr. Franklin also included a copy of his proposed complaint.

II. Discussion

Mr. Franklin's petition argues that his complaint is meritorious because Mr. Franklin's first title legal right on the subject property "has never been examined nor legally determined in any court." The record does not support Mr. Franklin's argument. Federal courts have found that Mr. Franklin has no right to the property at issue. E.g., Franklin v. United States, 46 F.3d 1140 (9th Cir.1995); Franklin v. Laughlin, No. 10-CV-1027, 2011 WL 672328 (W.D.Tex. Feb. 15, 2011); Franklin v. Chatterton, Order and Injunction, No. 2:07-CV-01400 (D. Nev. April 21, 2008), aff'd, 358 F. App'x 970 (9th Cir.2009); BWD Props. 2, LLC v. Franklin, Order, No. 2:06-CV-01499 (D.Nev. Sept. 29, 2008). Additionally, the federal courts have enjoined Mr. Franklin from bringing litigation regarding his claims to the property and declared Mr. Franklin a vexatious litigant. Franklin, Order

and Injunction, No. 2:07-CV-01400 (D. Nev. April 21, 2008); BWD Props. 2, Order, No. 2:06-CV-01499 (D.Nev. Sept. 29, 2008). Mr. Franklin's petition is therefore denied on these grounds.

Turning to Mr. Franklin's complaint itself, the complaint claims that Mr. Franklin was denied the opportunity to examine his first title rights to the property due to fraud by opposing counsel. Mr. Franklin alleges that opposing counsel's fraud mislead the court in 2016. Mr. Franklin's claim is meritless because Mr. Franklin's arguments fail to support the claim. The Court addresses each argument below:

1) Mr. Franklin argues that opposing counsel lied when counsel stated “[Mr. Franklin’s title rights] had been laid out in several federal courts.” This argument is contradicted by the record. As stated above, several federal courts have determined that Mr. Franklin has no rights to the property.

2) Mr. Franklin argues that opposing counsel falsely stated that “the BLM rejected plaintiff’s action because the land was mineral in character.” This argument is also contradicted by the record. The BLM initially rejected Mr. Franklin’s action in 1988, but the BLM’s decision was reversed in 1990 because there had not been a mineral report to determine if the land was “mineral in character.” Following the reversal, the BLM obtained the required mineral report. The report determined that the land was “mineral in character” and, in 1993, the BLM rejected Mr. Franklin’s action on the basis of the mineral report.

3) Mr. Franklin argues that opposing counsel falsely stated that he was deemed vexatious. This argument is baseless as Mr. Franklin had indeed been deemed vexatious by the federal courts in 2008.

4) Mr. Franklin argues that opposing counsel fraudulently argued that “the plaintiff’s application to purchase the property from the BLM was denied due to their report, which indicated the land was mineral in nature and not suitable for agricultural purposes.” This argument is baseless because opposing counsel’s statement was accurate as explained in point 2 above.

5) Mr. Franklin argues that the BLM auction of the property was criminal. This argument is baseless because it is a bare allegation that is unsupported by the record or any factual allegations.

The Court finds that Mr. Franklin’s complaint is meritless, raises claims and arguments that have already been addressed in other pleadings, and is related to the subject property. Therefore, Mr. Franklin’s petition is denied.

III. Conclusion

The Court denies Mr. Franklin’s “Petition to Chief Judge Linda Marie Bell to Approve Franklin’s Right to File the Attached Complaint in this Court” because Mr. Franklin’s proposed complaint is meritless, raises claims and arguments that have already been addressed in other pleadings, and is related to the subject property.

The Clerk of the Court is directed to close case A-20-815083-D and strike both of the May 15, 2020, filings.

Dated this 4th day of June, 2020

/s/LB

LINDA MARIE BELL
DISTRICT COURT JUDGE
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