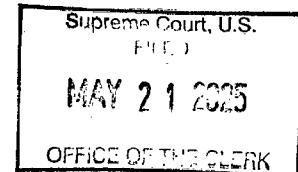


24-7309
No. _____

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

BRANDI ABTS PETITIONER

vs.

CYNTHIA ARNOLD ABTS RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

THE NEVADA SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

BRANDI ABTS PETITIONER

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Victorville, CA, 92392

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I. QUESTIONS PRESENTED

1. Whether the District Court Judge Joseph Hardy, Jr., erred when considering the Findings of Fact, Conclusion of law order and Final Judgment.
2. Whether structural error occurs when a Judge abandons judicial neutrality and engages in Judicial Misconduct that effectively sabotaged the petitioner's ability to present their case, in violation of fundamental fairness guaranteed by the Constitution.
3. Whether a Petitioner is denied due process under the Fourteenth Amendment when a District Court Judge engages in Judicial Misconduct during an evidentiary hearing, such as soon after the Evidentiary Hearing started July 27, 2023. The Judge said to Petitioner are you making faces to him, and answered no, he made the entire Evidentiary Hearing to difficult. He made accusations of interruptions, was not doing this or meant to. Petitioner's evidence was not properly considered. His mean attitude and inappropriate conduct affected the Petitioner's substantial right to a fair hearing.
4. Issues Presented of Order and Final Judgment Appendix B. Whether the Judge acted Prejudice against Petitioner during the day long Evidentiary Hearing. Had difficulty to present evidence at the hearing, the Judge's court room behavior, vocal tone, and Statement's such as when he asked rudely are you making faces at him, and was not appropriate to say. The Judge was not assisting Petitioner at the hearing, and could not ask him questions without a issue of Respondent's Attorney making a Statement. This Courts treatment is wrongful to a in Pro per, from out of State. The Court of Appeals, and the District Courts findings are incorrect, and clearly erroneous.
5. Issues Presented of Order of Affirmance Appendix A. The Order of Affirmance issued by the Appellate court contains multiple erroneous findings that materially misstate facts presented by Petitioner. These Errors include it states Petitioner filed a Motion for Service by Publication. It is being incorrectly used against Petitioner by the Respondent's Attorney, and how it does not Accurately state Judge Herndon had "Sua Sponte" decided to have Petitioner do Service of the Complaint by Publication. The Respondent's Attorney had purposely confused Petitioner's evidence, and she did not serve prior to the hearing her evidence she used, and confused Petitioner and the evidence doing this. The Court of Appeals Order of Affirmance has incorrect, erroneous findings. Petitioner has not done what accusations have been made by Respondent's Attorney has wrongfully made up incorrect reasons and are falsely implied that Petitioner had not done.

Such as Extrinsic Fraud, false statements in the Motion attacking the Petitioner's Default Judgment. That should not be set aside, Petitioner's Personal Belongings should not be kept by Respondent. The Belongings were granted for return by Judge Herndon, taking it away is Judicial Misconduct. Petitioner has no adequate remedy at law other than review by this Court. Accordingly, the writ of certiorari should be granted to correct the record and ensure that justice is not denied by flawed judicial findings.

6. Issues Presented of Order Reversing in Part, Vacating in Part and Remanding Appendix E. Even though there was a Court of Appeals Remand and that the Court had found something wrong with Judge Ronald J Israel's reasons being insufficient or not enough information to grant the Motion to set aside Default Judgment, or Per the Rule 60(B) reasons, and Rule 60(C) Timing rule. Petitioner alleges Judicial Misconduct to a Pro per litigant. Alleging the Case was compromised, Unfairness has happened, Upon this Remand Decision the Petitioner in Pro per tried to prepare for the Evidentiary hearing. The Respondent's attorney served a long set of Special Interrogatories to have to respond to instead of preparing for the hearing. Petitioner was not served prior to the evidentiary hearing date the Respondent's evidentiary hearing Booklet, disclosures she used during the hearing from video appearance, and was in Nevada. Service of disclosures and evidence Per NRCP. In the Order Reversing in Part of the Court of Appeals states that Petitioner had obtained leave to serve the Respondent by Publication, or sought leave to serve by Publication. This is not accurate, and is being considered or stated as Petitioner had requested to do Service by Publication, did not file a Motion or requested it at the court. Judge Herndon on September 21, 2016 had "Sua Sponte" decided on his own accord to grant Petitioner to do Service of the Complaint by Publication, and a 120 day extension to do the Publication. He said after that he would consider the Complaint served. These facts he had said are being confused or not considered. A wrongful injustice of the Court, and Supreme Court.

7. Whether the District Court Judge's and Respondent's Attorney has been able to do a Grave Injustice to Petitioner in this case. The Attorney Patricia Marr esq. wrote Statement's In the Motion that falsely Accuse Petitioner of Extrinsic fraud on page 7 of the Respondent's Motion to Set aside Default Judgment. The Attorney incorrectly called a pleading that Petitioner had filed a Amended Complaint, and Petitioner had not filed one or asked to Amend Complaint. The Attorney had confused Petitioner's Addendum that was filed with Photos. Judge Herndon stated to Petitioner he did not require the Addendum to be served by the publication that he had granted "Sua Sponte". On his own accord. In the Respondent's Motion to Set aside Default Judgment the Petitioner's Addendum is being called throughout the document on purpose a Amended Complaint when it was not that. The Time had Past to Set aside the Default Judgment Per Rule 60(B)(C) Timing Rule. It was filed past the 6 months of the notice of entry of Default Judgment filed and served. Respondent's Attorney was told to file a Answer, and did not instead filed a

Motion to Dismiss in the Document the Attorney overly repeats Petitioner's Addendum to Complaint, and not a Amended Complaint the way she confused it as in the first Motion. Why would the Judge Ronald J Israel also Confuse Petitioner's addendum document by entering in the Minutes of the hearing of the Motion to set aside Default Judgment. States what Respondent's Attorney had called Petitioner's document confusing it as a Amended Complaint that was never served. The Petitioner's Addendum was not a Amended Complaint, and it is Judicial Misconduct to confuse the Petitioner's Addendum. In a Prejudice way or confused the document of being a Amended Complaint. This should not of been done to Petitioner In Pro per, because of the Judge's abuse of discretion, and in a prejudice way harmed Petitioner by assisting the opposing party. The Time to grant it had past, and Rule 60 (b)(1)(2)(3)(4)(5)(6) (C) Timing A Motion under Rule 60(b) must be made within a reasonable time, and for reasons (1), (2), and (3) no more than 6 months after the date of the proceeding or the date of service of written notice of entry of the Judgment or order, whichever date is later. The time for filing the motion cannot be extended under Rule 6(b).

8. Why the Judge In Dept 28 Ronald J Israel erred in ordering to Dismiss with prejudice Plaintiff's Personal Belongings. Plaintiff was not given a chance of the Return for Personal Belongings Claim. Judge Herndon had granted Plaintiff to have Certain Personal Belongings returned. The defendant a women Plaintiff barely got to know should not get to have all of Plaintiff's Belonging's, Collectibles, the Defendant has done mean treatment withholding Plaintiff's Photographs, and Family Albums with or of Plaintiff. The defendant has told false statements to Plaintiff and in this case. Plaintiff requests a reversal of Judge Israel's Wrongful decision to Dismiss Plaintiff's Personal Belongings.

9. Why does Respondent's Attorney be allowed to make up false and misleading Statements that she has not proved. Issue of confusing the case facts and The Judge's, Court assist's her at the hearings. Respondent's Attorney has done unethical conduct that deprived Petitioner in the matter of a fair opportunity. Petitioner has no adequate remedy at law aside from this Court's intervention.

II. TABLE OF CONTENTS

I. QUESTIONS PRESENTED.....	Pages 1-3
II. TABLE OF CONTENTS.....	Page 4
II. LIST OF PARTIES.....	Page 4
III. TABLE OF AUTHORITIES, STATUTES, RULES, OTHER.....	Page 5-6
IV. PETITION FOR WRIT OF CERTIORARI.....	Page 7
IV. JURISDICTION.....	Page 7
IV. OPINION BELOW.....	Page 7
V. STATEMENT OF THE CASE.....	Page 8-9
VI. REASONS FOR GRANTING THE PETITION.....	Page 10-11
VII. CONCLUSION.....	Page 11
VIII. APPENDIX.....	Page 12

II. LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

III. TABLE OF AUTHORITIES, STATUTES, RULES, OTHER

28 U.S.C. § 1257

Nev. R. Civ. P. 60 Rule 60 Relief from Judgment or Order

(b) Grounds for Relief From a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) Mistake, inadvertence, surprise, or excusable neglect;
- (2) Newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) Fraud (Whether previously called Intrinsic or Extrinsic), misrepresentation, or misconduct by a opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

(c) Timing and Effect of the Motion.

(1) Timing. A motion under Rule 60(b) must be made within a reasonable time-and for reasons (1), (2), and (3) no more than 6 months after the date of the proceeding or the date of service of written notice of entry of the judgment or order, whichever date is later. The time for filing the motion cannot be extended under Rule 6(b)

(2) Effect on Finality. The motion does not affect the Judgment's finality or suspend its operation.

CANON 2 A Judge shall perform the duties of judicial office impartially, competently, and diligently.

Rule 2.3. Bias, Prejudice, and Harassment.

(A) A Judge shall perform the duties of judicial office, including administrative duties, without bias, or prejudice.

(B) A Judge shall not, in the performance of judicial duties, by words or conduct manifest bias or

Prejudice, or engage in harassment, including but not limited to bias, prejudice or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

COMMENT

- (1) A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.
- (2) Examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. Even facial expressions and body language can convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased. (3) Harassment, as referred to in paragraphs (B) and (C), is verbal or physical conduct that denigrates or shows hostility.

NRS 47.404 Rulings on Evidence: Effect of Error.

- (2) This section does not preclude taking notice of plain errors affecting substantial rights although they were not brought to the attention of the judge.

Rule 40(c) Scope of Application; when Rehearing considered (2) When the Court has overlooked or misapprehended a material fact in the record or a material question of law in the case, or (B) When the Court has overlooked, misapplied or failed to consider a statute, procedural rule, regulation or decision directly controlling a dispositive issue in the case.

IV. PETITION FOR WRIT OF CERTIORARI

Petitioner BRANDI ABTS, respectfully petitions for a writ of certiorari to review the Court of Appeals of the State of Nevada Order of Affirmance Filed Nov 07, 2024, and to review the Order and Final Judgment entered on August 30, 2023.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a)

The decision of the Court of Appeals was entered on November 07, 2024. A timely petition for Rehearing was denied on January 23, 2025. The Supreme Court of the State of Nevada timely Petition for Review was denied on March 05, 2025. This petition is timely filed under Rule 13.1 of the Rules of the Supreme Court of the United States.

OPINIONS BELOW

For cases from **State Courts**: The opinion of the Court of Appeals of the State of Nevada court appears at Appendix A to the petition. Unable to get information of reported at, or if published.

CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Const. Amend. XIV, § 1

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” (This provision is invoked to challenge the State Court’s Dismissal with Prejudice of Petitioner’s Claim Return of Personal property as a denial of procedural due process. Petitioner contends the State Judicial process failed to provide a meaningful opportunity to be heard or seek redress for deprivation of property.

V. STATEMENT OF THE CASE

1. On June 13, 2016 Petitioner, BRANDI ABTS in Pro per filed a civil action against Respondent CYNTHIA ARNOLD ABTS in the Eighth Judicial District Court of Nevada. The Causes of actions for 1. Return of Personal Belongings, 2. Slander and Defamation, and 3. Alienation of a Relationship with father. Respondent had placed Petitioner's father in a facility. Respondent prevented him to be seen, unable to have a relationship or contact with him. She would not share any information, and had also concealed her whereabouts. Respondent's actions or involvement, statements have caused the Petitioner's family to act strange towards petitioner. The Cause of Action of Return of Personal Belongings that was granted to be returned in the Default Judgment should be reversed and reinstated to return Petitioner's keepsakes, Poster collection, Childhood, Baby, and family photos that Petitioner's father had been storing, the property personal belongings are very memorable, and wanted to enjoy the photos, and belongings without the torment that has been inflicted. It is too unfair and prejudice of a decision, and the facts surrounding what was done by the Respondent to Petitioner to do what the Judge Ronald J. Israel did in this case.

Fact's of Serving the Complaint, Summons, and Court documents. The Sheriff Process server went to serve the Court papers to Respondent where she owns the home in North Las Vegas Nevada. In the Sheriff's document filed in the case states "I spoke with a black female adult who stated she moved in on May 1, 2016 and had no knowledge of the defendant except seeing the name on mail delivered to the address". The tenant confirmed to the Sheriff process server that Respondent's mail was seen coming there. Petitioner also served the Complaint, and Court document's to where Respondent could be at. Her daughter is the home owner of the North Las Vegas Nevada address. The Respondent's Court document's were

signed for received by someone at the home. Petitioner's friend a resident of Las Vegas Nevada went to personally serve the Respondent her Court documents at the address her daughter owns the home. A signed Proof of service serving the Court documents was filed. Petitioner had filed a Motion for a hearing and court date hearing and in Pro per. At the hearing on September 21, 2016, Judge Herndon decided "Sua Sponte" requested Petitioner to do Service of the Complaint by Publication, and granted a 120 day extension to do Service by Publication. Respondent had thought the Respondent was served where at the home her daughter owns the Court document's we're signed receipt Certified Mail. Petitioner had not asked or filed a Motion to do Publication. On September 21, 2016 Judge Herndon "Sua Sponte" to on top of what was done to do Service of the Complaint by Publication, and also granted a 120 day extension to do service by publication. Petitioner is being falsely accused and incorrect findings by confusing facts wrongfully to take away the Default Judgment that should not be set aside or taken away. That Respondents Attorney has the false Statements of Petitioner's Due Diligence before being granted service by Publication. She is manipulating the Court with false statement's and of Due Diligence. Petitioner has no plain, speedy, or adequate remedy at law other than the issuance of a writ of certiorari by this Court. The Irregularities in the lower court proceedings, and decision of the Court of Appeals have resulted in substantial prejudice and raise issues of exceptional importance regarding the integrity of the judicial process.

VI. REASONS FOR GRANTING THE PETITION

1. Petitioner request's review of the lower Court's decision, because it contains a major Misstatement of fact, Contains an error of law, omits important facts or law, and fails to consider an important argument.
2. Judicial Misconduct Deprived Petitioner of a Fair and Impartial Hearing, In Violation of the Due Process Clause. The Constitution guarantees every litigant the right to a fair and unbiased tribunal. In this case, the presiding judge engaged in conduct that demonstrated clear bias, ignored controlling legal standards, and took actions outside the scope of judicial discretion that harmed the Petitioner. This conduct fundamentally undermined the fairness of the proceedings and directly violated the Petitioner's rights under the Fourteenth Amendment.
3. This case raises an important federal question regarding the right of self-represented litigants to fair and equal treatment in the judicial process. The lower court's decision conflicts with established precedent ensuring access to justice for all parties, regardless of representation.
4. The lower court proceedings denied the petitioner a fair opportunity, and did not properly consider key evidence, or arguments. Also the court overlooked or misapprehended a material fact in the record or a material question of law in the case.
5. Important Federal Question: This Case involves significant constitutional rights, such as the right to be heard when self-represented.
6. Abuse of Judicial Discretion or Bias: The Judge acted with clear bias or failed to remain impartial, particularly disadvantaging a self-represented litigant.

7. Judicial Irregularities and Bias: The lower court demonstrated Judicial Misconduct Or Bias against the Petitioner, especially as a self-represented litigant, leading to an unjust and prejudiced outcome.

8. Misapplication of Law: The Court applies legal standards incorrectly or ignored controlling Precedents, resulting in a decision that is not only legally unsound but manifestly unjust.

9. Significant Constitutional Question: The case raises an important federal question regarding the rights of self-represented individuals and the equal application of justice, requiring this Court's intervention.

VII. CONCLUSION

For the foregoing reasons, Petitioner BRANDI ABTS respectfully, requests that this Court issue a writ of certiorari to review The Order and Final Judgment entered on August 30, 2023 of the Eighth Judicial District Court, and review of the Order of Affirmance filed November 7, 2024 of the Court of Appeals of the State of Nevada.

DATED this 19th, day of May, 2025

Respectfully submitted,

Brandi Abts

VIII. APPENDIX

Appendix A Decision of State Court of Appeals - Order Of Affirmance Filed November 7, 2024

Appendix B Decision of State Trial Court - Notice Of Entry of Order and Final Judgment Filed August 30, 2023

Appendix C Decision of State Supreme Court Denying Petition For Review Filed March 5, 2025
Case No. 87222

Appendix D Decision of the State Court of Appeals - Order Denying Rehearing Filed January 23, 2025 Case No. 87222-COA

Appendix E Decision of the State Court of Appeals – Order Reversing in Part, Vacating in Part and Remanding Filed February 24, 2023 Case No. 83595-COA

Appendix F Petitioner's Default Judgment Filed on March 29, 2017 Eighth Judicial District Court Case No. A-16-738307-C