

Supreme Court, U.S.
FILED
SEP 16 2024
OFFICE OF THE CLERK

No. 24-346

In The

Supreme Court of the United States

MR ROBERT BEADLES, an individual,

Petitioner,

v.

JAMIE RODRIGUEZ, in her official capacity as Registrar of Voters and in her personal capacity; the WASHOE COUNTY REGISTRAR OF VOTERS, a government agency; ERIC BROWN in his official capacity as WASHOE COUNTY MANAGER and in his personal capacity, ALEXIS HILL in her official capacity as CHAIRWOMAN OF WASHOE COUNTY BOARD OF COMMISSIONERS and in her personal capacity; WASHOE COUNTY, Nevada a political subdivision of the State of Nevada, and DOES I-X; and ROE CORPORATIONS I-X.

Respondents.

On Petition For Writ Of Certiorari

To The Nevada Supreme Court

PETITION FOR WRIT OF CERTIORARI

ROBERT BEADLES, Petitioner

Questions Presented

1. **First Amendment Right to Petition:** Does the failure of state and local officials to address and respond to legitimate election grievances constitute a violation of Beadles' First Amendment right to petition the government for redress of grievances, thus undermining a fundamental constitutional protection essential to democratic governance?
2. **Pleading Standards and Rule 12(b)(5) Dismissal:** Did the district court err in dismissing Beadles' complaint under NRCP Rule 12(b)(5) when the complaint contained specific and detailed allegations that complied with the pleading standards set forth in NRCP Rule 8(a)(2), thus precluding a premature dismissal?

SCOTUS RULE 29.6 DISCLOSURE

The undersigned, in proper person (Petitioner), certifies that the following are persons and entities as described in Rule 29.6 of the Rules of the Supreme Court of the United States, and must be disclosed. These representations are made in order that the Justices of this Court may evaluate possible disqualification or recusal. There are no parent corporations or publicly held companies that own 10% or more of the Petitioner. The Petitioner is not using a pseudonym.

DATED: 8/30/24



Robert Beadles, Petitioner

Court Proceedings

ROBERT BEADLES VS JAMIE RODRIGUEZ, ET AL-Washoe County- Second Judicial District-CV23-01341 Change Of Venue Granted on 9/22/23

BEADLES VS. RODRIGUEZ-Carson City - First Judicial District - 23 OC 00105
1B-10/20/23 Dismissed under NRCP Rule 12(b)(5)

BEADLES VS. RODRIGUEZ-Nevada Supreme Court-87683- 5/20/24 Affirmed
Lower Court Decision-6/21/24 En Banc Reconsideration Denied

Table of Contents

1. Questions Presented	i
○ First Amendment Right to Petition	
○ Pleading Standards and Rule 12(b)(5) Dismissal	
2. Parties to the Proceeding	ii
○ Petitioner: Robert Beadles	
○ Respondents: Jamie Rodriguez, Washoe County Registrar of Voters, Eric Brown, Alexis Hill, Washoe County, Nevada, and Does I-X; and Roe Corporations I-X.	
3. Jurisdiction	1
4. Statement of the Case	1
○ A. Statutory Background	
■ NAC 293.025	1
■ NRS 293.2546.....	1
■ NRS 281A.020	1
○ B. Factual Background	1
■ August 4, 2023 Complaint.....	1
■ Failures in Proper Vote Counting Mechanisms	2
■ Inadequate Signature Verification	
■ General Non-Compliance with Statutory Election Procedures	2
○ C. Procedural Background	3

■	Initial Filing and Transfer	3
■	Dismissal with Prejudice	3
■	Appeal to the Nevada Supreme Court	3
■	Order of Affirmance and Subsequent Petitions	4
5.	Summary of Decision.....	5
6.	Reasons for Granting the Petition	7
○	I. Violation of First Amendment Rights	7
■	A. Constitutional Question	7
■	B. Precedential Conflict	7
■	Supporting Evidence	8
■	Legal Framework	8
■	Case Law	8
■	Nevada Voter Bill of Rights and NRS 293.2546	11
■	Exhibits and Evidence of Non-Response	12
■	Additional Evidence and Information	14
■	Procedural Fairness	16
■	Question 1 Summary	16
○	II. Erroneous Dismissal and Need for Procedural Fairness.....	18
■	A. Compliance with Pleading Standards	18
■	B. Erroneous Dismissal Under NRCP Rule 12(b)(5)	19
■	C. Breaking of Court Orders	19
■	D. Legal Standards and Case Law.....	20

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007).....19
 - Ashcroft v. Iqbal, 556 U.S. 662 (2009)19
 - Johnson v. City of Shelby, 574 U.S. 10 (2014)20
- E. Right to Amend21
 - Legal Framework21
 - Key Precedents21
 - Application to Beadles' Case22
 - Relevant Case Law and Examples23
- Specific Deficiencies Addressed Through Amendment.....24
- Procedural Fairness and Broader Implications.....24
- Procedural Fairness25
- Broader Implications for the Justice System25
- Unjust Attorney Fees Award26
 - Legal Framework26
 - Fox v. Vice, 563 U.S. 826 (2011)26
 - Perdue v. Kenny A. ex rel. Winn, 559 U.S. 542 (2010)....27
 - Lefemine v. Wideman, 568 U.S. 1 (2012)27
 - Impact and Chilling Effect28
 - Specific Rates Charged28
- Seven Reasons This Case Cannot Be Dismissed.....29
 - Compliance with Rule 12(b)(5) and Rule 11.....29
 - Violation of Court Orders29

- Counting Votes in Secret29
 - Malfeasance and Malpractice29
 - Duty to Clean Voter Rolls30
 - Failure in Signature Verification30
 - County Documents Supporting Relief30
- Question 2 Summary30
- 7. Conclusion32**

Table of Authorities

- **Case Law:8**
 - Borough of Duryea v. Guarnieri, 564 U.S. 379 (2011).....8
 - McDonald v. Smith, 472 U.S. 479 (1985).....9
 - Citizens United v. Federal Election Commission, 558 U.S. 310 (2010)
.....10
 - Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007).....23
 - Ashcroft v. Iqbal, 556 U.S. 662 (2009)23
 - Johnson v. City of Shelby, 574 U.S. 10 (2014)24
 - Foman v. Davis, 371 U.S. 178 (1962)21
 - DeSoto v. Yellow Freight Sys., Inc., 957 F.2d 655, 658 (9th Cir. 1992)
.....22

- Nutton v. Sunset Station, Inc., 131 Nev. 279, 357 P.3d 966 (2015)22
- Fox v. Vice, 563 U.S. 826 (2011)26
- Perdue v. Kenny A. ex rel. Winn, 559 U.S. 542 (2010)27
- Lefemine v. Wideman, 568 U.S. 1 (2012)27
- Oregon v. Mitchell, 400 U.S. 112 (1970)
- Jason A. Crowe v. McCarthy & Holthus, LLP et al.
- Darby v. Cisneros, 509 U.S. 137 (1993)
- Law v. Whitmer, 136 Nev. 840 (2020)
- Anthony v. Miller, 137 Nev. 276 (2021)
- **Statutes and Regulations:**
 - NRCP Rule 6122
 - NRS 293.254611
 - NRS 281A.02011
 - NAC 293.0251
 - NRS 244.164
 - NRS 244.035
 - NRS 244.070

Parties to the Proceeding

- **Petitioner:** Robert Beadles
- **Respondents:** JAMIE RODRIGUEZ, in her official capacity as Registrar of Voters and in her personal capacity; the WASHOE COUNTY REGISTRAR OF VOTERS, a government agency; ERIC BROWN in his official capacity as WASHOE COUNTY MANAGER and in his personal capacity, ALEXIS HILL in her official capacity as CHAIRWOMAN OF WASHOE COUNTY BOARD OF COMMISSIONERS and in her personal capacity; WASHOE COUNTY, Nevada a political subdivision of the State of Nevada, and DOES I-X; and ROE CORPORATIONS I-X.

Jurisdiction

This Court has jurisdiction under 28 U.S.C. § 1257(a) as the petition seeks review of final judgments or decrees rendered by the highest court of a State in which a decision could be had, where the validity of a treaty or statute of the United States is drawn in question.

Statement of the Case

A. Statutory Background

This case involves several key statutory and regulatory provisions:

- **NAC 293.025:** Establishes procedures for filing grievances with the Secretary of State regarding election practices.
- **NRS 293.2546:** Outlines the Nevada Voter Bill of Rights, guaranteeing voters the right to have complaints about elections resolved fairly, accurately, and efficiently.
- **NRS 281A.020:** States that a public office is a public trust and should be held for the sole benefit of the people, emphasizing the duty of public officials to uphold the integrity of their office.

B. Factual Background

On August 4, 2023, Robert Beadles filed a comprehensive complaint in the Second Judicial District Court in Washoe County, Nevada. The complaint alleged numerous

violations of Nevada election laws and constitutional provisions by the respondents, including Jamie Rodriguez, Registrar of Voters; Eric Brown, Washoe County Manager; Alexis Hill, Chairwoman of Washoe County Board of Commissioners; and other associated officials.

Beadles' grievances included:

1. **Failures in Proper Vote Counting Mechanisms:** Allegations that votes were counted in secret, violating transparency laws and court orders.
2. **Inadequate Signature Verification:** Claims that the respondents failed to perform lawful signature verification, leading to potential election fraud.
3. **General Non-Compliance with Statutory Election Procedures:** Various procedural violations, including the maintenance of inaccurate voter rolls and failure to address grievances properly.

Beadles adhered to all required administrative procedures, including filing a comprehensive grievance with the Secretary of State under NAC 293.025. Despite these efforts, the respondents took no remedial action. The original complaint was accompanied by substantial evidence, including affidavits from election workers and observers, video evidence of procedural violations, and documented court orders that were disregarded by the respondents. This evidence was filed concurrently with the

original complaint and was not considered "rogue" or extraneous but integral to the case.

C. Procedural Background

The complaint was initially filed in the Second Judicial District Court in Washoe County. Due to procedural considerations, including a motion for change of venue, the case was transferred to the First Judicial District Court under Judge James Todd Russell. On October 20, 2023, Judge Russell dismissed the complaint with prejudice under NRCP Rule 12(b)(5), asserting that Beadles failed to state a claim upon which relief could be granted. The court did not grant leave to amend, despite the complaint's compliance with NRCP Rule 8(a)(2).

Beadles appealed the dismissal to the Nevada Supreme Court, highlighting several procedural and substantive errors:

1. **Misapplication of Legal Standards:** The lower court did not correctly apply the legal standards for a Rule 12(b)(5) dismissal, ignoring the detailed factual allegations and substantial evidence presented by Beadles.
2. **Dismissal of Critical Evidence:** The court failed to consider affidavits from election workers, video evidence of procedural violations, and documented instances of court orders being disregarded by the respondents. This evidence

was integral to the complaint and was not "rogue" but submitted as part of the original filing.

On May 15, 2024, the Nevada Supreme Court issued an Order of Affirmance, upholding the district court's decision. The court concluded that:

1. The district court did not abuse its discretion in denying Beadles' motion to change venue.
2. The respondents were not obligated to respond to Beadles' allegations under the Nevada Constitution or statutory provisions cited.
3. Beadles could not establish any set of facts that would entitle him to relief as pleaded, thus justifying the dismissal under NRCP Rule 12(b)(5).

The court also noted that while Beadles referenced other reasons outside of his complaint for removing respondents from office, these were not included in the formal complaint, and the district court explicitly stated it could not consider such "rogue exhibits." However, the evidence in question was filed at the same time as the original complaint and was essential to understanding Beadles' claims. This evidence was dismissed without proper consideration, leading to a flawed judicial process.

Following this affirmation, Beadles filed a Rule 40 Petition for Rehearing and subsequently sought a Petition for En Banc Reconsideration under NRAP Rule 40A.

Both petitions were denied by the Nevada Supreme Court on June 7 and June 21, 2024, respectively, again without substantive explanation.

Summary of Decision

The Nevada Supreme Court's decision to uphold the district court's dismissal of Beadles' complaint represents a significant judicial error. The court's reasoning was flawed in several key aspects:

1. **Failure to Apply Correct Legal Standards:** The lower court did not correctly apply the legal standards for a Rule 12(b)(5) dismissal. The complaint contained specific, detailed allegations and substantial evidence, fully complying with NRCP Rule 8(a)(2). The dismissal was therefore premature and improper, as the complaint clearly stated valid claims that merited further judicial review.
2. **Ignoring Substantial Evidence:** The court dismissed critical evidence that supported Beadles' claims. Affidavits from election workers, video documentation of procedural violations, and instances of court orders being disregarded by the respondents were all ignored. This evidence was integral to the complaint and was not "rogue" but submitted as part of the original filing. The court's refusal to consider this evidence represents a severe misjudgment and undermines the factual basis of Beadles' claims.

3. **Refusal to Allow Amendment:** The court erred in refusing to grant leave to amend the complaint to address any potential deficiencies. Established legal principles encourage amendments to ensure justice. The court's refusal deprived Beadles of the opportunity to refine his allegations and rectify any perceived shortcomings in the initial filing.
4. **Lack of Procedural Fairness:** The principle of procedural fairness requires that all parties have the opportunity to present their case and have it heard by an impartial tribunal. The court's failure to enforce this principle in Beadles' case not only violated his First Amendment rights but also undermined the broader integrity of the judicial system. If officials who run elections are not held accountable and the courts refuse to address legitimate grievances, it fundamentally undermines the rule of law and the democratic process.
5. **Erroneous Award of Attorney Fees:** The decision to award attorneys' fees to the respondents represents a significant abuse of discretion. The excessive and punitive nature of the fee award, particularly given the public interest nature of the case and the substantial evidence supporting Beadles' claims, creates a chilling effect on future legitimate grievances.
6. **Misinterpretation of Statutory Obligations:** The court's interpretation of the statutory obligations of the respondents under the Nevada Constitution and relevant statutory provisions was flawed. The respondents had a duty to address the legitimate election grievances presented by Beadles, yet this duty was dismissed by the court.

This case presents significant constitutional questions and highlights procedural fairness issues essential to democratic governance. The failure of state and local officials to address legitimate election grievances undermines public trust in the electoral process and raises critical concerns about the integrity of election administration in Nevada. The Supreme Court's intervention is essential to uphold fundamental First Amendment rights, ensure public officials are held accountable for addressing citizens' grievances, and preserve the integrity of democratic governance.

Reasons for Granting the Petition

I. Violation of First Amendment Rights

A. Constitutional Question

The case presents a significant constitutional question regarding the violation of Beadles' First Amendment right to petition the government for redress of grievances. The failure of state and local officials to address and respond to legitimate election grievances threatens the foundational principles of democratic governance and erodes public trust in electoral processes and institutions.

B. Precedential Conflict

The decision below conflicts with established First Amendment jurisprudence, particularly in the context of the right to petition the government. This conflict

warrants this Court's intervention to resolve the inconsistency and reaffirm the protection of fundamental constitutional rights.

Supporting Evidence

Legal Framework: The First Amendment states, "Congress shall make no law... abridging the freedom of speech... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." This clause protects the right to petition, ensuring that citizens can seek remedies for wrongs and hold their government accountable.

Case Law:

Borough of Duryea v. Guarnieri, 564 U.S. 379 (2011)

Application to Beadles' Case: In *Borough of Duryea v. Guarnieri*, the Supreme Court held that the Petition Clause of the First Amendment provides protection for public employees against retaliation only if the petition relates to matters of public concern. However, the Beadles case broadens the scope by emphasizing that the right to petition for redress is a fundamental aspect of democratic governance applicable not merely to public employment but to all citizens. Here, Beadles' grievances pertain to the integrity of the electoral process, undeniably a matter of public concern. By

refusing to respond to Beadles' legitimate election grievances, state and local officials have violated the principles articulated in *Guarnieri*. This refusal strikes at the core of the Petition Clause, denying Beadles the constitutional right to seek accountability from those entrusted with the democratic process. The right to petition is not a superficial formality but a substantive right essential to the preservation of public trust in government. The failure to respond transforms the right into a dead letter, contrary to the fundamental principles of free speech and the right to petition recognized by the Court in *Guarnieri*.

McDonald v. Smith, 472 U.S. 479 (1985)

Application to Beadles' Case: The Supreme Court in *McDonald v. Smith* clearly stated that while the right to petition is enshrined in the First Amendment, it is not immune from limitations such as those against defamation. However, this acknowledgment of limits does not diminish the expectation that the government must meaningfully protect the right to petition. Beadles' case highlights a complete disregard for this protection by the respondents. The utter failure to address or respond to his well-documented grievances reflects a disregard for the right itself, not merely an incidental limitation. By ignoring the petition altogether, the government fails to provide even the minimal procedural acknowledgment required under *McDonald*. This non-response erodes the very fabric of citizen engagement and accountability, turning a constitutional right into an exercise in futility. The principle

in *McDonald* supports the notion that while petitions can be regulated, they cannot be dismissed outright without due consideration, which is precisely what happened in Beadles' situation.

Citizens United v. Federal Election Commission, 558 U.S. 310 (2010)

Application to Beadles' Case: *Citizens United v. Federal Election Commission* underscored the broad protections afforded to political speech under the First Amendment, reinforcing that political expression is integral to democracy. Beadles' efforts to seek redress for alleged election law violations constitute political speech of the highest order. It is the kind of speech that *Citizens United* aimed to protect—speech concerning the integrity and conduct of elections. When state officials ignore such grievances, they not only undermine the individual right to petition but also the collective right of the public to engage in robust political discourse. Ignoring grievances related to election integrity, as seen in Beadles' case, is tantamount to silencing speech that challenges the status quo of political power, which *Citizens United* found to be contrary to the First Amendment. The failure to respond to Beadles' grievances is not a mere administrative oversight; it is a violation of the constitutional commitment to free and open political dialogue essential to a functioning democracy.

Summary:

The cases of *Borough of Duryea v. Guarnieri*, *McDonald v. Smith*, and *Citizens United v. FEC* collectively underscore the constitutional imperative that the right to petition, especially in matters of public concern, must be respected and meaningfully protected. In *Beadles*' case, the respondents' refusal to address documented election grievances constitutes a failure to uphold this fundamental right, demanding redress by this Court. The right to petition, while subject to reasonable limitations, cannot be ignored without undermining the foundational principles of democratic accountability and constitutional governance.

C. Nevada Voter Bill of Rights and NRS 293.2546

The Nevada Voter Bill of Rights, as outlined in NRS 293.2546, guarantees each voter the right to have complaints about elections resolved fairly, accurately, and efficiently. The respondents' failure to address *Beadles*' grievances directly violates this provision. Despite this statutory guarantee, the respondents failed to address *Beadles*' legitimate complaints, thereby undermining the statutory protections provided to voters.

NRS 293.2546 (11): The Nevada Legislature recognizes and codifies a series of rights for voters. Among these is the right "to have complaints about elections and election contests resolved fairly, accurately, and efficiently."

NRS 281A.020: A public office is a public trust and shall be held for the sole benefit of the people.

The Nevada Constitution, Section 2, mandates all officers, including members of the legislature, to swear an oath to "support, protect, and defend" both the U.S. Constitution and the Nevada State Constitution, and to "bear true faith, allegiance, and loyalty to the same." Implicit in this oath is a commitment to uphold the principles of democracy, which include addressing the concerns and grievances of the citizenry.

NRS 281A.020(2)(b): The aim of Nevada's public integrity provisions is to "enhance the people's faith in the integrity and impartiality of public officers and employees." An unaddressed grievance or petition erodes public faith, addressing such matters is in line with the spirit of the law.

The Nevada Constitution underscores the right of each voter to equal access to the elections system without discrimination, further emphasizing the importance of transparency and responsiveness in the election process.

D. Exhibits and Evidence of Non-Response

The petitioner's complaints and the respondents' non-response are well-documented in the exhibits provided:

- Exhibit A: Original Complaint
- Exhibit 1: ROV 11-17-22 Petition
- Exhibit 2: 11-23-22 Contest
- Exhibit 3: Unanswered Petition served upon respondents 12/1/22
- Exhibits 4-15: Voter Roll Reports and Findings
- Exhibit 16: Supplemental statements on election system issues
- Exhibit 17: Supplemental statements on counting the votes in secret
- Exhibit 18: Supplemental statements on the deficiency of Signature Verification
- Exhibit 19: Supplemental statements on Lack of Transparency and Accountability
- Exhibit 20: Supplemental statement glossary
- Exhibit 21: Supplemental statements on unclean voter rolls
- Exhibit 22: Supplemental statements on not prepared for 2024
- Exhibit 23: ROV blatantly breaking laws and court orders (video)
- Exhibit 24: ROV blatantly breaking laws and court orders (transcript)
- Exhibit 72: Washoe Observation Court Orders
- Exhibit 109: Highlights of Supplemental Statements
- Exhibit 127: Small Sample Of Violation Complaints sent to the SOS

These exhibits highlight instances where respondents failed to maintain accurate voter rolls, follow election laws, ensure transparent election processes, or respond to

Beadles. The evidence provided in these exhibits offers clear proof of the respondents' failure to comply with election laws and court orders, yet no corrective action was taken.

E. Additional Evidence and Information

The respondents, as shown in Exhibit 9, specifically state they will respond to one of Beadles' many grievances filed with them. On April 14th, 2023, they told Beadles they would respond within 90 days, but they have never responded. The ROV respondent, Rodriguez, states, "We will provide the findings for all of the reports at one time as this is one single request. That is correct that we are stating we need 90 days. You have asked us to investigate 11,482 records. We will be reviewing each voter record to confirm the address and status of the record while also confirming the eligibility of the residence at which they are registered. To properly review the data, it will take time. We also have other responsibilities as a department, and so this is one of many projects that myself and staff are and will be working on." They demonstrate they have a duty to respond, yet they never have. This is one more reason why this honorable court must intervene.

Despite the substantial evidence and detailed grievances presented by Beadles, the respondents' failure to respond has not only eroded public trust but has also subjected Beadles to undue media scrutiny and damage to reputation. This is not because the

claims are false but because the courts have consistently failed to hold any of the respondents accountable or even hear the evidence. This systematic dismissal of legitimate grievances makes Beadles appear unreasonable when, in fact, the evidence is compelling and well-documented.

Exhibit 132 details just some of the reputational damage suffered by Beadles due to the failure to hold respondents accountable. The hundreds of hours and significant financial resources expended by Beadles to uphold his First Amendment rights further underscore the personal and public cost of this inaction. This situation illustrates a fundamental breakdown in the justice system, where the right to petition is effectively nullified by the refusal of officials to respond and courts to enforce accountability.

F. Procedural Fairness

Despite presenting legitimate grievances supported by incontrovertible evidence, including video footage of the respondents explicitly admitting to illegal activities, I have been consistently denied justice by the courts. The judiciary's refusal to grant the necessary remedies, compounded by defamatory coverage in the media, has further victimized me. When the courts ruled against me, they allowed the respondents to charge exorbitant fees, equivalent to those charged by the most prestigious law firm in the county. The fees I was charged were five times higher than

what the county actually pays its attorneys. This financial burden far exceeds what is typically expected for such cases.

This situation is not just a personal injustice but a profound deterrent to any citizen considering the pursuit of a legitimate grievance. The chilling effect is clear: the fear of facing financial ruin, media slander, and judicial indifference prevents many from seeking justice, even when their claims are supported by undeniable proof. The implications are vast and troubling; when irrefutable evidence is not enough to ensure fair treatment and accountability, it undermines public trust in the legal system and discourages citizens from exercising their rights. The ramifications of this case extend far beyond individual grievances, posing a significant threat to the principles of justice and the rule of law.

The principle of procedural fairness requires that all parties have the opportunity to present their case and have it heard by an impartial tribunal. The court's failure to enforce this principle in my case not only violates my First Amendment rights but also undermines the broader integrity of the judicial system. If officials who run elections are not held accountable and the courts refuse to address legitimate grievances, it fundamentally undermines the rule of law and the democratic process.

Question 1 Summary

Beadles adhered to NAC 293.025 by filing complaints with the Secretary of State and the respondents, yet the respondents' failure to address these legitimate election grievances constitutes a violation of the First Amendment right to petition the government for redress of grievances and NRS 293.2546(11). The respondents have had no duty to respond thus far. If they don't respond and they control our elections, who will? If they are not accountable to the people or the courts, it undermines justice and equity. If they have no obligation to follow the law or face consequences for breaking it, this is not America. The respondents have a duty to respond to election complaints, and their failure to do so necessitates judicial oversight to protect constitutional rights and maintain democratic integrity.

The failure of state and local officials to address and respond to legitimate election grievances constitutes a violation of Beadles' First Amendment right to petition the government for redress of grievances. This inaction undermines a fundamental constitutional protection essential to democratic governance. This Court must intervene to uphold fundamental First Amendment rights and ensure public officials are held accountable for addressing citizens' grievances, thereby preserving a crucial constitutional protection essential to democratic governance.

The respondents in charge of Washoe County elections play critical roles that directly impact the integrity of the election process. Respondent Hill, as the chair of the County Commission, sets the board agenda, votes to appoint the county manager and

the Registrar of Voters (ROV), and has the authority to investigate election issues and call for votes on election remedies. Respondent Brown, as the county manager, oversees the entire election department. Respondent Rodriguez, as the ROV, was responsible for running the election. Washoe County, as the state subdivision, is the municipality responsible for ensuring the proper conduct of elections. Beadles fully complied with NAC 293.025 and also made the Secretary of State aware of all these issues, yet the Secretary of State likewise did nothing.

If these respondents have no duty to follow the law or face consequences for breaking the law, it raises a critical question: who does? This Court's intervention is essential to ensure that the rule of law is upheld and that those in charge of the electoral process are held accountable.

II. Erroneous Dismissal and Need for Procedural Fairness

A. Compliance with Pleading Standards

Beadles submitted a complaint that met the requirements of NRCP Rule 8(a)(2), which mandates a “short and plain statement of the claim showing that the pleader is entitled to relief.” The complaint contained specific and detailed allegations, supported by numerous exhibits, including affidavits from election workers, video evidence of procedural violations, and documented instances of court orders being

disregarded by the respondents (Exhibits 1-3, 23-24, 72 and 109). For example, affidavits from Washoe County election workers detailed failures in signature verification, and videos documented the secret counting of votes in violation of court orders. These specific allegations provided a clear factual basis for the claims and demonstrated the plausibility required under NRCP Rule 8(a)(2).

B. Erroneous Dismissal Under NRCP Rule 12(b)(5)

Despite the detailed allegations and substantial evidence, the district court dismissed the complaint under NRCP Rule 12(b)(5), which allows for dismissal when a complaint fails to state a claim upon which relief can be granted. However, the court's dismissal was premature and improper, as the complaint clearly stated valid claims that merited further judicial review. The court failed to adequately consider the detailed factual content provided in the complaint, which, according to the standards set forth in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), should have been sufficient to state a plausible claim for relief.

C. Breaking of Court Orders

One of the critical claims in the complaint involved the respondents' violation of election laws and valid court orders that required all vote counting to be public (Exhibit 72). The respondents were documented on video conducting vote counts

behind closed doors, directly contravening these court orders (Exhibit 23-24). This clear violation of judicial directives further substantiates Beadles' claims and underscores the need for judicial intervention to ensure compliance with the law.

D. Legal Standards and Case Law

The Supreme Court has consistently held that complaints should not be dismissed if they contain sufficient factual matter to state a claim that is plausible on its face. In *Iqbal*, the Court emphasized that while detailed factual allegations are not required, the complaint must offer more than mere conclusory statements. Beadles' complaint included detailed allegations and supporting evidence, meeting this standard. Additionally, *Johnson v. City of Shelby*, 574 U.S. 10 (2014), reaffirms that federal pleading rules call for a "short and plain statement of the claim showing that the pleader is entitled to relief," without necessitating an overly detailed legal theory. Beadles' complaint satisfied these criteria, and its dismissal under NRCP Rule 12(b)(5) was therefore improper.

E. Right to Amend

Moreover, the district court erred in refusing to grant leave to amend the complaint to address any potential deficiencies. *Foman v. Davis*, 371 U.S. 178 (1962), established that leave to amend should be freely given when justice requires. The

court's refusal to allow an amendment deprived Beadles of the opportunity to refine his allegations and rectify any perceived shortcomings in the initial filing, contrary to established legal principles encouraging the amendment of pleadings to ensure substantive justice.

Legal Framework

The guiding principle for granting leave to amend is rooted in NRCP Rule 15, which states that "leave shall be freely given when justice so requires." This aligns with the federal counterpart, FRCP Rule 15, and has been reinforced by several key rulings. In *Foman v. Davis*, the Supreme Court articulated that in the absence of undue delay, bad faith, dilatory motive, repeated failure to cure deficiencies, undue prejudice to the opposing party, or futility, leave to amend should be freely given.

Key Precedents

- *Foman v. Davis*, 371 U.S. 178 (1962): The Supreme Court established that amendments should be allowed absent specific reasons to the contrary, emphasizing the importance of ensuring justice through proper adjudication of claims.

- *DeSoto v. Yellow Freight Sys., Inc.*, 957 F.2d 655, 658 (9th Cir. 1992): This case reinforces that amendments should be granted unless there is a substantial reason to deny them, such as bad faith or undue prejudice.
- *Nutton v. Sunset Station, Inc.*, 131 Nev. 279, 357 P.3d 966 (2015): The Nevada Supreme Court echoed the principles set forth in *Foman*, highlighting that amendments should be allowed to facilitate the just resolution of claims.
- NRCP Rule 61: This rule mandates that "at every stage of the proceeding, the court must disregard all errors and defects that do not affect any party's substantial rights," further supporting the idea that procedural errors should not preclude substantive justice.

Application to Beadles' Case

Beadles' complaint contained specific and detailed allegations, supported by substantial evidence, including affidavits, video documentation, and court orders. Despite this, the district court dismissed the complaint under NRCP Rule 12(b)(5) without granting an opportunity to amend, which would have addressed any perceived deficiencies. This action is contrary to the principles established in the aforementioned cases.

For example, the refusal to grant leave to amend ignored substantial evidence of electoral misconduct and statutory violations presented by Beadles. Exhibits

included affidavits from Washoe County Election Workers and observers, documenting procedural violations such as the failure to perform lawful signature verification. These affidavits, corroborated by video evidence and disregarded court orders, demonstrate that the claims were not frivolous but substantive and necessary for ensuring electoral integrity.

Moreover, the district court's decision did not align with the procedural fairness mandated by cases like *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), which require that complaints contain sufficient factual matter to state a plausible claim. Beadles' complaint met this standard, yet the district court dismissed it without granting leave to amend, a move inconsistent with the procedural fairness these precedents advocate.

Relevant Case Law and Examples

- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007): The Supreme Court established that a complaint must state enough facts to raise a reasonable expectation that discovery will reveal evidence of the alleged misconduct. Beadles' detailed allegations met this standard, yet the district court's dismissal without leave to amend ignored this precedent.

- *Ashcroft v. Iqbal*, 556 U.S. 662 (2009): Reinforcing *Twombly*, this case held that complaints must contain more than unadorned accusations. Beadles provided substantial factual content, aligning with this requirement.
- *Johnson v. City of Shelby*, 574 U.S. 10 (2014): The Supreme Court reversed a dismissal where the complaint was dismissed for not explicitly invoking 42 U.S.C. 1983, highlighting that procedural technicalities should not preclude substantive justice.

Specific Deficiencies Addressed Through Amendment: The district court's refusal to grant leave to amend precluded Beadles from addressing specific deficiencies that could have been rectified with an amendment. For instance, clarifications on the exact procedural violations, additional corroborating affidavits, and further documentary evidence could have been added to provide an even stronger factual basis for the claims. By denying the opportunity to amend, the court essentially closed the door on a fair and thorough examination of the allegations, contrary to the principles of justice.

Procedural Fairness and Broader Implications: The district court's actions have broader implications for the justice system. By dismissing a complaint that contains detailed and specific allegations without adequate consideration, the court sets a dangerous precedent that could discourage individuals from pursuing legitimate claims. This not only affects Beadles' case but also has a chilling effect on future

litigants who might fear that their well-founded grievances will be dismissed without proper evaluation. Procedural fairness is a cornerstone of the justice system, ensuring that all parties have a fair opportunity to present their case. The refusal to allow amendments undermines this principle, particularly in cases involving public interest and electoral integrity. It is imperative that the courts maintain a commitment to procedural fairness to uphold public confidence in the judicial process.

F. Procedural Fairness

The district court's failure to consider the specific evidence provided in the complaint underscores the premature nature of the dismissal. Procedural fairness mandates that claims, especially those related to election integrity, be given thorough judicial review to maintain public confidence in the judicial process. Dismissing well-supported claims on procedural grounds, particularly in the context of election-related grievances, undermines the public's trust in the electoral process and the judiciary's role in safeguarding democratic principles.

G. Broader Implications for the Justice System

The district court's actions have broader implications for the justice system. By dismissing a complaint that contains detailed and specific allegations without adequate consideration, the court sets a dangerous precedent that could discourage

individuals from pursuing legitimate claims. This not only affects Beadles' case but also has a chilling effect on future litigants who might fear that their well-founded grievances will be dismissed without proper evaluation.

H. Unjust Attorney Fees Award

The district court's decision to award attorneys' fees to the respondents represents a significant abuse of discretion and is contrary to the principles of fairness and equity. This case, centered on legitimate concerns about electoral integrity, serves the public interest and should not be penalized in a manner that discourages future grievances.

Legal Framework

- *Fox v. Vice*, 563 U.S. 826 (2011): The Supreme Court held that when a plaintiff's lawsuit involves both frivolous and non-frivolous claims, a defendant may recover attorney fees incurred because of the frivolous claims but not fees that would have been incurred in the absence of the frivolous claims. Fee awards should be proportional and directly related to the costs caused by the frivolous aspects of the litigation. Beadles' claims were grounded in substantial evidence, including affidavits, video evidence, and documented court orders, demonstrating electoral misconduct. These claims are not frivolous. The

blanket award of attorney fees without distinguishing between frivolous and non-frivolous claims contravenes the principles established in *Fox*.

- *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542 (2010): Enhancements to attorney fee awards under federal fee-shifting statutes are permissible only in rare and exceptional circumstances. The lodestar method, which calculates fees based on the reasonable number of hours worked multiplied by a reasonable hourly rate, is presumed sufficient. The district court's fee award should have adhered to the lodestar method. Given that respondents are public servants funded by tax dollars, charging rates equivalent to prominent private legal firms is unreasonable and unjustifiable. This excessive fee imposition creates a chilling effect on individuals seeking to address legitimate electoral grievances.
- *Lefemine v. Wideman*, 568 U.S. 1 (2012): The Civil Rights Attorney's Fees Awards Act of 1976 allows the "prevailing party" in certain civil rights actions to recover a "reasonable attorney's fee." A plaintiff "prevails" when actual relief on the merits of his claim materially alters the legal relations between the parties by modifying the defendant's behavior in a way that directly benefits the plaintiff. Beadles' lawsuit, though dismissed, was aimed at addressing serious electoral concerns. The imposition of attorney fees, especially without a clear distinction between frivolous and legitimate claims, undermines the very purpose of enabling individuals to seek redress for civil rights violations.

Impact and Chilling Effect

The imposition of attorney fees at the rates of prominent legal firms is particularly egregious given that the respondents are public officials whose salaries are funded by taxpayer dollars. This not only represents an inefficient use of public funds but also imposes an undue financial burden on individuals who bring forth legitimate concerns about public administration. Such financial penalties deter citizens from pursuing rightful legal challenges, thereby stifling democratic processes and accountability. The chilling effect on future litigants undermines the fundamental right to petition the government for redress of grievances, as enshrined in the First Amendment.

Specific Rates Charged

The county attorneys' actual pay rates, as evidenced in Exhibit 166, are significantly lower than the \$375 per hour charged to Beadles. For instance, DDA Hickman makes \$69.29 per hour, and DDA Liddell makes \$80.86 per hour. Charging nearly five times their actual rates is not only unreasonable but also constitutes price gouging. This discrepancy highlights the absurdity of the fee award and underscores the punitive nature of the charges. The defense's attempt to charge such inflated rates,

particularly when compared to top attorneys in the state, is unjustifiable and reflects an exploitation of the legal system to impose financial penalties on Beadles.

Seven Reasons This Case Cannot Be Dismissed

1. **Compliance with Rule 12(b)(5) and Rule 11:** Beadles overcame the 12(b)(5) motion for dismissal, the motion for sanctions, and the Rule 11 motion with numerous examples and exhibits. Over 160 exhibits and dozens of pleadings support the claims in the Original Complaint and Exhibit 109, filed simultaneously.
2. **Violation of Court Orders:** Beadles was granted court orders (Exhibit 72), which the respondents broke (Exhibits 23-24, and 109). If the court cannot enforce its own orders, it creates an illusion of justice and undermines the judiciary's authority. This alone defeats the defense's motions if the court enforces its orders.
3. **Counting Votes in Secret:** The respondents counted votes in secret, violating court orders and laws that grant public observation rights (Exhibit 23, 24, 72 and 109). If the court cannot enjoin the respondents to follow the laws, there is no justice.
4. **Malfeasance and Malpractice:** Respondents used their positions for personal gain, such as Brown getting his wife out of a DUI and Hill stealing county property. Hill also sits on undisclosed boards, voting to send them

hundreds of millions of dollars (Exhibit A and Exhibit B). These acts of malfeasance and malpractice are documented in the pleadings and exhibits, justifying removal under NRS 283.440, which easily defeats the defense's motions.

5. **Duty to Clean Voter Rolls:** The respondents have a duty to clean voter rolls. Beadles provided over 11,400 violations based on certified voter rolls and tax records. Rodriguez promised to address the issues but failed to do so (Exhibits 4-15, and 109). The court has the power to enjoin the respondents to follow the law and clean the rolls.
6. **Failure in Signature Verification:** Respondents are deliberately breaking laws and not performing adequate signature verification, as proven by witnesses and evidence (Exhibit A, 1-3, 18 and 109). The court can enjoin them to follow the law.
7. **County Documents Supporting Relief:** Exhibit 111 from the DA's office shows several allegations for which the respondents or court can grant relief. This document states they can grant relief, yet the defense fails to acknowledge it.

Question 2 Summary

The previous court's dismissal of Beadles' complaint under NRCP Rule 12(b)(5) was erroneous given that the complaint contained specific, detailed allegations and

substantial evidence, fully complying with NRCP Rule 8(a)(2). The courts failed to adequately consider the factual basis of the claims, including the documented violations of court orders, and did not permit an opportunity to amend the complaint. These errors necessitate a reversal of the dismissal to uphold the principles of procedural fairness and ensure that valid claims are properly adjudicated.

Beadles has standing through his petitions (exhibit 1-3), his granted court orders (Exhibit 72), which was shown with his original complaint on August 4, 2023. This original complaint and its exhibits, filed at the same time, laid out specific claims on which remedies could be granted. It additionally included Exhibits 1-3, which also detailed specific claims where remedies could be granted. Beadles submitted Exhibit 109, which did the same. Beadles has standing, and the court had the authority to enforce his court orders and grant remedies. His original complaint complied with Rule 8(a)(2), and the courts erroneously dismissed his case.

Moreover, County Documents Supporting Relief (Exhibit 111 from the DA's office) show several allegations for which the respondents or the court can grant relief. This document explicitly states they can grant relief, yet the defense fails to acknowledge it. This further substantiates the claims that Beadles presented and underscores the judicial error in dismissing his complaint without proper consideration.

The court's failure to consider the specific evidence provided in the complaint, the implications of dismissing well-supported claims on procedural grounds, and the need for procedural fairness all point to a significant judicial error. This Court must intervene to correct this error, ensuring that the justice system remains fair, impartial, and accessible to all individuals seeking redress for legitimate grievances. By granting the Writ of Certiorari, the Court will uphold the rule of law, protect constitutional rights, and maintain public trust in the integrity of judicial processes and democratic governance.

Beadles has exhausted all other avenues for relief and now requires the intervention of the Supreme Court to ensure that his constitutional rights are upheld. This Court's intervention is essential to correct the errors of the lower courts and to provide a remedy where all else has failed.

Conclusion

I humbly request the Honorable Justices to grant me Writ of Certiorari for the following reasons. This case presents significant constitutional questions that go to the heart of our democratic process and the protection of individual rights. The failure of state and local officials to address and respond to legitimate election grievances threatens the foundational principles of democratic governance. It erodes public trust in electoral processes and institutions, directly violating my First

Amendment right to petition the government for redress of grievances. This Court's intervention is essential to uphold these fundamental rights and ensure that public officials are held accountable for addressing citizens' grievances.

The district court's dismissal of my complaint under NRCP Rule 12(b)(5) was a clear judicial error. The complaint met the requirements of NRCP Rule 8(a)(2) by providing specific, detailed allegations and substantial evidence, including affidavits, video documentation, and documented violations of court orders. The court's refusal to grant leave to amend deprived me of the opportunity to address any perceived deficiencies, contrary to established legal principles that encourage amendments to ensure justice. Furthermore, the awarding of attorney fees to the respondents without distinguishing between frivolous and non-frivolous claims was an abuse of discretion, creating a chilling effect on future legitimate grievances.

The respondents in charge of Washoe County elections play critical roles in the electoral process. Respondent Hill, as the chair of the County Commission, sets the board agenda, votes to appoint the county manager and the Registrar of Voters (ROV), and has the authority to investigate election issues and call for votes on election remedies. Respondent Brown, as the county manager, oversees the entire election department. Respondent Rodriguez, as the ROV, was responsible for running the election. Washoe County, as the state subdivision, is the municipality responsible for ensuring the proper conduct of elections. I fully complied with NAC 293.025 and

made the Secretary of State aware of all these issues, yet the Secretary of State likewise did nothing.

If these respondents have no duty to follow the law or face consequences for breaking the law, it raises a critical question: who does? The integrity of our judicial system and the democratic process hinges on accountability and the rule of law. The respondents' failure to respond to election grievances and the courts' failure to enforce accountability undermine justice and equity, making it imperative for this Court to intervene.

I have standing through my petitions (exhibit 1-3), my granted court orders (Exhibit 72), filed with my original complaint on August 4, 2023. This original complaint and its exhibits, filed at the same time, laid out specific claims on which remedies could be granted. It additionally included Exhibits 1-3, which also detailed specific claims where remedies could be granted. I submitted Exhibit 109, which did the same. I have standing, and the court had the authority to enforce my court orders and grant remedies. My original complaint complied with Rule 8(a)(2), and the courts erroneously dismissed my case.

The failure of the lower courts to consider the specific evidence provided in the complaint, the implications of dismissing well-supported claims on procedural grounds, and the necessity for procedural fairness all point to significant judicial

errors. This Court must intervene to correct these errors, ensuring that the justice system remains fair, impartial, and accessible to all individuals seeking redress for legitimate grievances.

Despite providing undeniable evidence of illegal activities, I have been denied justice by the courts, which has been exacerbated by defamatory media coverage. The courts allowed exorbitant legal fees to be charged against me, far exceeding standard costs, creating a financial burden. This injustice deters others from pursuing legitimate grievances due to fear of financial ruin, media slander, and judicial indifference, undermining public trust and the rule of law. The previous court's failures to ensure procedural fairness and accountability violates my First Amendment rights and threatens the integrity of the democratic process.

By granting the Writ of Certiorari, the Court will uphold the rule of law, protect constitutional rights, and maintain public trust in the integrity of judicial processes and democratic governance. I have exhausted all other avenues for relief and now require the intervention of the Supreme Court to ensure that my constitutional rights are upheld. This Court's intervention is essential to correct the errors of the lower courts and to provide a remedy where all else has failed.

Index of Appendices – Volume 1

Appendix A:

- Decision of the Nevada Supreme Court on May 15, 2024 (affirming the district court's dismissal).
- Order Denying En Banc Reconsideration by the Nevada Supreme Court on June 21, 2024.

Appendix B:

- Order of the First Judicial District Court in Carson City, NV dismissing the complaint under NRCP Rule 12(b)(5) on October 20, 2023.
- Order of the Second Judicial District Court in Washoe County, NV transferring the case to the First Judicial District Court on September 14, 2023.

Appendix C:

- Relevant Statutes and Regulations:
 - NRCP Rule 8(a)(2)
 - NRCP Rule 12(b)(5)
 - NRCP Rule 15
 - NRCP Rule 61
 - NAC 293.025
 - NRS 293.2546
 - NRS 281A.020
 - Nevada Voter Bill of Rights