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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOHN FLOWERS,

Petitioner,

vs.

WARDEN, *et al.*,

Respondents.

Case No. 3:10-cv-00367-RCJ-VPC

**ORDER**

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner. After an evidentiary hearing, on May 16, 2012, the court dismissed this petition with prejudice as untimely (#50), and judgment was entered (#51).<sup>1</sup> Petitioner, through counsel, filed a notice of appeal (#52), and his appeal is pending before the Ninth Circuit Court of Appeals. Now before the court is petitioner's *pro se* motion, dated September 23, 2014, that he styled as an emergency motion to have the District Court review exculpatory evidence (#61). Respondents opposed (#63), and petitioner replied, again in *pro se* (#s 66 and 67).<sup>2</sup>

The Local Rules provide that 1) a party who has appeared through counsel cannot while so represented appear or act in the case, and 2) counsel who has appeared for a party shall be recognized by the court and all the parties as having control of the client's case. L.R. IA 106-(a). On July 26, 2010,

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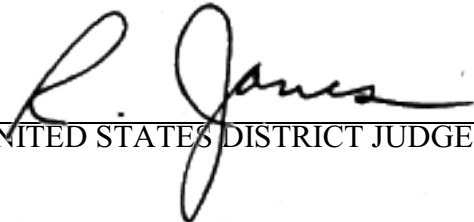
<sup>1</sup> Refers to the court's docket number.

<sup>2</sup>Docket #67 is a duplicate of #66.

1 the Federal Public Defender filed a notice of representation (#14). Neither petitioner nor his counsel  
2 has filed a motion to terminate representation or to withdraw as counsel. Accordingly, petitioner's *pro*  
3 *se* emergency motion is a fugitive document and shall be stricken. Petitioner is advised that he shall  
4 communicate with the court through his counsel. Finally, the court observes that many of the  
5 allegations that petitioner urges the court to consider--"by way of ultrasound"--such as that correctional  
6 officers used the Patriot Act against him by drugging him with "ruffies" in order that he would inform  
7 on others concerning organized crime and that he has been subjected to Long Range Acoustic Devices  
8 that mimic auditory hallucinations, are delusional and factually frivolous (#61, pp. 1, 5, 15).

9 **IT IS THEREFORE ORDERED** that petitioner's *pro se* emergency motion to have District  
10 Court review exculpatory evidence (#61) is **STRICKEN**.

11 Dated this 21st day of October, 2014.

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14 UNITED STATES DISTRICT JUDGE  
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