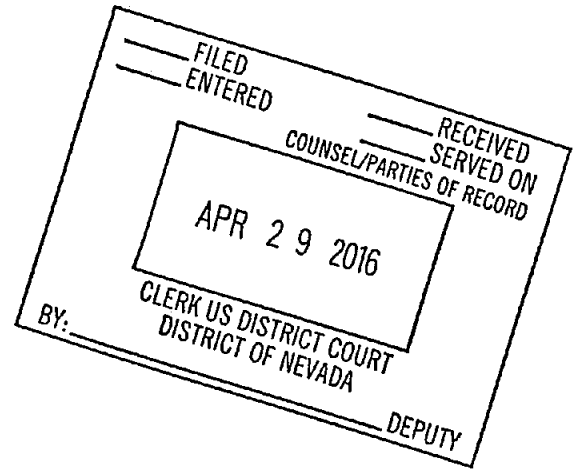


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Plaintiff Pro Se



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL SCHAEFER
Plaintiff

No. 2:16-cv-00004-JAD-VCF

V

**SURREPLY TO REPLY
OF DEFENDANT**

BARBARA CEGAVSKE, etc, et al.
Defendant

COMES NOW Plaintiff, submitting as follows:

1. The procedures here are convoluted with the Defendant NOT being the source of technical and real defenses that a defendant would in ordinary course raise, and once the court speaks via an Order to Show Cause, there is no procedure for the target of that federal government Order to evaluate the state government's posture. Of necessity, plaintiff rises to the occasion anyway.
2. Casualness with which this pleading is treated is clear from mis-mailing address, Defendant read plaintiff's address to be 9409 Sundial Dr. causing his neighbors to play 'mailman', he working from his home as a longtime retiree at 78.
3. The law clerk or deputy drafting the pleading only casually read the Schaefer showing of cause. Schaefer has never questioned the fact that Barbara Cegavske is the same person as Dean Heller, ex-officio, as Secretary of State; he knows that the

responsibilities follow the office, are not personal to either person elected. He has so written! Yet Defense tells the Court that "Schaefer also argues that the parties to the action are not the same.....because the Secretary of State has changed from Dean Heller to Barbara Cegavske". It is plaintiff yelling "nonsense" here.

4. This trial judge has a golden opportunity to find differences between the Northern Nevada district 2 of 20 years ago and the Southern and Central Nevada district 4 of today; it is not the bare flesh of Mr. Schaefer's DNA that is talking to the Court, it is the "office" and candidacy is an "office" itself, provided for by rules in our US Constitution(one of which is defined today for all of America, residence required of candidates, by plaintiff's landmark 9th Circuit case, Schaefer v. Townsend, 215 F3d 1031). There is ample grounds to find that the doctrine of res judicata deals with representative capacities, not flesh and blood, and this ugly prejudice arises each and every election. It is excessive government, wrong government, for this Court to in effect say that Mr. Schaefer just go to his grave as an "alphabet killer" in every state and Federal Court, as his physical body has forever been tattoo'd with defeat regardless of where the "official life" of the person goes exploring.

5. This trial judge has a golden opportunity to find seminal differences between money, property, legal exposure as to same, on one hand, and the US Constitutional unpriced values such as right to vote, rights if any to an abortion, rights to intergrated life as citizens; to say once you lose, you are a congenital loser, and of Mrs. Roe, Citizen Plessy, or Student Brown lose, they can raise the issue again in another politcal arena, another state health administration, another or the same School Board, and

instead of having a chance at righting-a-wrong in someone's opinion of a Constitutional Right, they walk right into Rule 11 sanctions for allegedly repudiating Res Judicata or Stari Decis defense feeling the issue is not really personal, it is SOCIETIES. If Mr. Schaefer won his case here, he might well lose, going from No. 7 to maybe no. 4 out of 8, the penultimate placement like the last placement being favored after first or second in opinion of some scholars. And if Mr. Schaefer win, he is not the primary winner, not the only winner (and he might end up with a less-favored placement), the real winners are you-and-me, all of society, and the real loses are the Morse Arberry, Jr. or "A" candidates everywhere who would LOSE, once and for all, the 'favortism' that the Nevada legislatures continues to provide in its silent denial of a level playing field. If not Mr. Schaefer, if not this Court, society will not tolerate a situation that several federal and state courts and several Legislatures, have condemned and discarded. Cf. Cal. Elections Code sec. 13112. Wouldn't it be shocking if this Court righted this wrong, cured this cancer. We know that once that happened, there'd be no-turning-back.

6. We are dealing here with human rights more than whether Mr. Schaefer has a favored or disfavored relationship to winning an election. It is clear that defendant, whose office as Chief Clerk for many purposes, banned gay marriage not long ago, and today, thanks to the Court, processes all such application with a smile. And society is still fighting the right of any business to refuse service to citizens whose sexual orientation upsets the butcher, baker, candlestick maker. The secretary is saying if such issue is reevaluated by the Courts now and then, **losers-cannot-apply**, society

must recruit some new DNA with the time, education and money to save us all.

It is obvious that sacred human rights cannot get caught within judicial doctrines, forever, that were designed for prompt repetitive rehashing, beating dead horses(which are always issues involving money, property, determining legal liabilities for same).

This Court has a golden opportunity to find we are dealing with apples v. oranges here.

7. It is a no-brainer for any litigant, any court, to observe that the American Voter is a protected class and the American candidate is too, the statutes of every Legislature and the reported cases in every jurisdiction go out of their way to "protect" voters and the candidates who are intertwined with them, as cases have proclaimed.

WHEREFORE, plaintiff prays that this Court act and save dozens of trips to Court by losers, winners, and optimists of our political system, without applying civil litigation rules to turn day into night as to these precious concepts that plaintiff has raised, he is to be praised, honored, commended, and not treated as a gadfly subject to sanctions.

Respectfully,

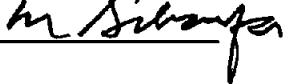


MICHAEL SCHAEFER, Plaintiff Pro Se

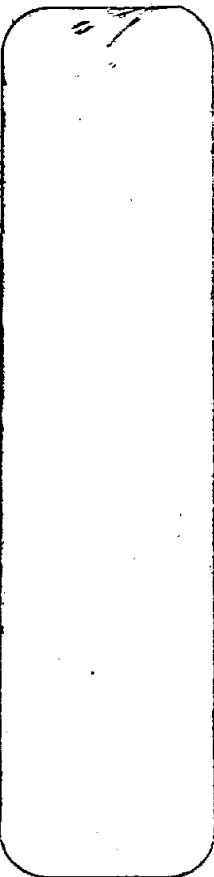
CERTIFICATE OF SERVICE

Undersigned certifies that on 4/28/16 served copy of pleading, first class mail, addressed:

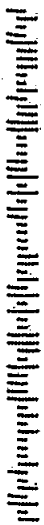
Lori M. Story, Senior DAG; 100 N. Carson St., Carson City, NV 89701



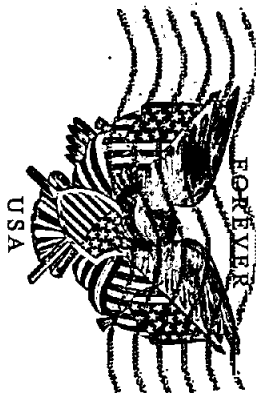
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