

Russell Greer
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Appellant, Pro Se

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Mar 26 2026 12:50 PM
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL SCHAEFER,

Landlord

v.

RUSSELL GREER,

Tenant

Supreme Court No. 92350

District Court No. A-24-941323-A

**EMERGENCY MOTION FOR WRIT OF
RESTITUTION AND STAY OF
EXECUTION (NRAP 27(e))**

**ACTION NECESSARY IMMEDIATELY:
MARCH 26, 2026**

NRAP 27(e) CERTIFICATE

I, **Russell Greer**, Appellant appearing *pro se*, hereby certify the following:

1. **Contact Information:**

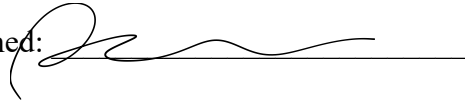
- o **Appellant:** 801-895-3501, 3930 University Center Dr, Apt 103, Las Vegas, NV 89119
- o **Respondent, Michael Schaefer:** 702-443-5311, 3930 University Center Dr, Apt 103, Las Vegas, NV 89119

2. **Nature of Emergency:** This is an extreme emergency. At **9:00 AM on March 26, 2026**,

while Appellant was in the process of initiating this appeal, Constables forcibly removed him from his residence. Appellant was **not** served with the mandatory 24-hour notice prior to this lockout. He is currently homeless, residing in his vehicle, and his property is unsecured. **He is requesting immediate action by March 26th, 2026.**

3. **Notification:** I have made every practicable effort to notify the Respondent of this filing by email on March 26, 2026. I have also telephoned the Clerk of the Supreme Court on March 26, 2026, to advise of this emergency filing.

4. **Earliest Possible Time:** This motion is filed at the earliest possible time following the District Court's order on March 23, 2026. Appellant did not receive that Order until the day of the hearing on March 24, 2024. Appellant immediately filed a Notice of Appeal on March 24th and requested a Stay of Execution, which the District Court declined. Appellant spent the following 48 hours researching appellate procedure to properly draft this emergency filing. While Appellant was in the middle of initiating this appeal on the morning of March 26, 2026, the lockout was executed at 9:00 AM. This motion is being submitted within two hours of that forced removal to seek immediate restoration of the premises.

5. Signed: 

Date: March 26, 2026

EMERGENCY MOTION FOR WRIT OF RESTITUTION MOTION FOR STAY

I. INTRODUCTION

Appellant respectfully moves this Court for an **Emergency Writ of Restitution** to restore him to possession of his residence and a **Stay of Execution** pending the resolution of this appeal. The District Court committed a reversible error by denying a stay despite Appellant's compliance with **NRS 40.385** and the clear application of *Rodriguez v. Dist. Ct.*, 120 Nev. 798 (2004).

II. STATEMENT OF FACTS

On March 24, 2026, the District Court affirmed an eviction and denied Appellant's request for a stay. Crucially, the District Court **returned** Appellant's \$250 statutory bond to him, effectively making a stay impossible despite Appellant's good-faith attempt to comply with the law.

At 9:00 AM on March 26, 2026, Constables arrived at Appellant's home and executed a lockout. **No 24-hour notice was ever posted or received.**

Furthermore, the Landlord, Michael Schaefer, has made false representations regarding Appellant's employment status; Appellant is employed in the gig-share economy, while he is litigating an unemployment case against his former employer in the 8th Judicial District Court (*Greer v. Viatron*) and was prepared to pay weekly rent into the court.

III. LEGAL ARGUMENT

A. The District Court Violated the Holding in *Rodriguez*.

Under *Rodriguez v. Second Judicial District Court*, No. 81219-COA (Nev. App. 2020), once a tenant raises a "viable defense," the court has a duty to act by dismissing the summary eviction affidavit. Here, Appellant raised defenses regarding the landlord's breach of the implied covenant of quiet enjoyment, illegal entries (NRS 118A.330), unconscionability, demanding an offset and many other defenses that did not require escrow. By affirming the summary eviction,

rather than dismissing the summary proceeding to allow for a formal trial, the District Court exceeded its jurisdiction and violated the *Rodriguez* mandate.

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A. The District Court Violated the Holding in *Rodriguez*.

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B. Appellant was Functionally Denied His Statutory Right to a Stay Under NRS 40.385.

NRS 40.385(2) provides that a stay of execution *shall* be obtained upon the filing of a \$250 bond. Appellant attempted to comply with this statute in good faith. However, the District Court's refusal to honor this bond—and its affirmative order to return the funds to Appellant—stripped him of his statutory right to a stay. This procedural error created the very "emergency" the Court now faces: an eviction executed while an appellant was actively attempting to secure the mandatory statutory stay.

C. The March 26th Lockout Violated Due Process and Nevada Procedural Requirements.

At 9:00 AM on March 26, 2026, Appellant was forcibly removed from the premises by Constables. Crucially, Appellant was **never served** with the mandatory 24-hour notice required by Nevada law prior to the execution of a lockout. This failure to provide notice, combined with the fact that the lockout was executed while Appellant was in the process of initiating this emergency appeal, constitutes a gross violation of due process.

D. Immediate Restitution is Necessary to Prevent Irreparable Harm.

Appellant has already suffered the irreparable harm he sought to avoid: he is now homeless, residing in his vehicle, and separated from his personal property. The Landlord, Michael Schaefer, further prejudiced the lower court by making false representations regarding Appellant's employment. Appellant is currently employed in the gig-share economy and can continue paying rent as it becomes due under NRS 40.385(3). Only an Emergency Writ of Restitution restoring Appellant to the premises can correct the manifest injustice caused by the lower court's errors and the Constable's lack of notice.

IV. TIMELINESS AND EARLIEST POSSIBLE FILING

This motion is filed at the earliest possible time following the District Court's order on March 23, 2026. Appellant did not receive that Order until the day of the hearing on March 24, 2024. Appellant immediately filed a Notice of Appeal on March 24th and requested a Stay of Execution, which the District Court declined.

Appellant spent the following 48 hours researching appellate procedure to properly draft this emergency filing. While Appellant was in the middle of initiating this appeal on the morning of March 26, 2026, the lockout was executed at 9:00 AM.

The Las Vegas Constables never put a 24 hour lock out notice on his door. Greer has a VALID LEASE to the room at Apt 103.

Greer did not pay rent because Mr. Schaefer violated the law and that was Greer's "viable defense" to not paying rent.

This motion is being submitted within two hours of that forced removal to seek immediate restoration of the premises.

V RESPONDENT'S ONGOING MISREPRESENTATIONS AND BAD FAITH

Following the 9:00 AM lockout, Respondent Michael Schaefer has engaged in a pattern of harassment and misrepresentation designed to deprive Appellant of his right to appeal.

Specifically:

1. **Misrepresentation of Court Orders:** Respondent has sent written communications to Appellant falsely claiming that the Supreme Court has "denied the appeal" and that the "case is over." In reality, this Court issued an Order striking a previous motion on technical procedural grounds with leave to re-file within seven days. Respondent is intentionally misconstruing a procedural order as a final judgment on the merits to intimidate a pro se litigant. **EXHIBIT A.**
2. **Threats to Property:** Respondent has threatened to dispose of Appellant's personal property and has set an arbitrary "deadline" of 4:00 PM today, March 26, 2026, after which he claims Appellant will be "trespassing."

These bad-faith actions underscore the need for an immediate **Writ of Restitution**. Without it, Respondent will continue to use the 9:00 AM procedural error to permanently deprive Appellant of his home and property before this Court can even hear the merits of the *Rodriguez* violation.

VI. CONSENT TO SERVICE BY ELECTRONIC MEANS (NRAP 25)

Respondent Michael Schaefer has explicitly consented to service via electronic mail through his own affirmative actions in this case. Specifically:

1. **Eviction Notices:** Respondent listed his email address, **Mikeinthegreenchair@yahoo.com**, on the formal eviction notices served upon Appellant, identifying it as a valid point of contact for legal correspondence. **EXHIBIT B.**

2. **Sworn Affidavits:** In affidavits and filings submitted to the Justice Court and District Court, Respondent provided this same email address as his contact information of record.

Under **NRAP 25(c)(2)(B)**, these actions constitute written consent to receive service by electronic means. Appellant has utilized this address to ensure Respondent received the immediate notice required for an emergency filing.

VII. CONCLUSION

For the reasons stated above, Appellant respectfully requests that this Court immediately intervene to address the due process violations and procedural defects that led to the 9:00 AM lockout on March 26, 2026. Because the lockout was executed without the mandatory 24-hour notice and while Appellant was actively pursuing appellate remedies, Appellant requests that this Court:

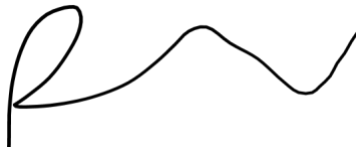
1. Issue an **Emergency Writ of Restitution** restoring Appellant to possession of the premises at 3930 University Center Dr, Apt 103, Las Vegas, NV 89119;
2. Grant an **Emergency Stay of Execution** to prevent any further removal or disposal of Appellant's personal property by Respondent or the Constable's Office; and
3. Set a reasonable deadline for Appellant to deposit the \$250 bond with the Clerk of the Supreme Court to perfect the stay during the pendency of this appeal.

Truthfully submitted.

Russell Greer

/rgreer/

3-26-26

A handwritten signature in black ink, appearing to be 'R Greer', written over a horizontal line.

CERTIFICATE OF SERVICE

I hereby certify that on **March 26, 2026**, I served a true and correct copy of the foregoing **Emergency Motion for Writ of Restitution and Stay of Execution** upon the following party via electronic mail (email) and USPS:

Email: Mikeinthegreenchair@yahoo.com

USPS: Michael Schaefer

3930 University Center Dr, Apt 103 Las Vegas, NV 89119

Consent to Electronic Service: Pursuant to **NRAP 25(c)(2)(B)**, the parties have previously consented in writing to service by electronic means through their ongoing course of conduct and written communication in District Court Case No. **A-24-941323-A** and Las Vegas Justice Court.

EXHIBIT A

have to call or text me to get
y
12:17 things since I
changed the locks

5G 73




Back Tap
Double Tap Detected

Hey I actually filed a
motion with the Supreme Court
for a writ of **Mike** constitution . So
please give me your email so I
can serve you the document

Read 10:34 AM

Today 11:45 AM

You have been evicted
sir. You need to come by and
get your belongings before
4pm. After 4pm you cannot
enter and would be
trespassing. If you come by
to grab your belongings and
don't leave the Constable
instructed me to call 911. I
suggest you make an
appointment with me right now
to grab your belongings so I
can rent the room. See
attached file.

 **MST50E0.pdf**
PDF Document · 414
KB



Subject
Text Message · RCS



suggest you make an appointment with me right now to grab your belongings.

12:17

5G 73



Back Tap
Double Tap Detected

Mike >



MST50E0.pdf
PDF Document · 414 KB



The Supreme Court denied the appeal. I was at court for the appeal and the District Court gave me the Supreme Court's number and they confirmed that my eviction is upheld. I called the Constable and they confirmed this. You need to grab your belongings. It's game over for you.

You need to remove your belongings in 24 to 72 hours. I have a new tenant wanting to move in and I need to clean it. The room is filthy dirty.

Subject
Text Message · RCS
after an evic
en
te
to the landlord. It is the final step in the
eviction process, often giving tenants a short



EXHIBIT B



2697

If your landlord (not the constable or sheriff) tries to lock you out of the property or block your entry or cut off an essential service or item required by your lease or Nevada law, you can submit a request to the court and ask the court for help.

The Las Vegas Justice Court has information about rental assistance, mediation, and electronic filing for the Tenant Answer, among other things, on its website at <http://lasvegasjusticecourt.us/>

ISSUED BY: Michael R. Schaefer
Landlord Name
3930 University Center Dr. #103 Las Vegas, NV 89119
Landlord Address: City, State, Zip Code
(702) 443-5311 Mikeinthegreenchair@yahoo.com
Landlord Telephone Number Landlord E-mail Address

DECLARATION OF SERVICE

On (date of service) JAN 21 2026, I served a 7-Day Eviction Notice for Failure to Pay Rent to the following address in the following manner:

(Street address where you served) 3930 University Center Dr. #103
 (City, state, zip where you served) Las Vegas, NV 89119

- (check only one)
- By delivering a copy to Tenant personally.
 - Because Tenant was absent from Tenant's residence, by leaving a copy with (name or physical description of person served) _____ a person of suitable age and discretion, AND by mailing a copy to Tenant at Tenant's residence.
 - Because neither Tenant nor a person of suitable age or discretion could be found there, by posting a copy in a conspicuous place on the property, AND mailing a copy to the Tenant at the place where the property is situated.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

JAN 21 2026 _____
(Date) (Server's Name) (Server's Badge/License #)¹ (Server's Signature)

¹ A server who does not have a badge or license number may be an agent of an attorney licensed in Nevada. Notices served by agents must also include an attorney declaration as proof of service.

For the Tenant Answer form and more information about evictions and your rights, visit www.civilawselfhelpcenter.org.

