

1-25-2012

Telford v. Nye Clerk's Record Dckt. 39497

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V. 1 of 1

LAW CLERK IN THE
SUPREME COURT
OF THE
STATE OF IDAHO

IN THE MATTER OF THE ORDER RE: HOLLI LUNDAHL
TELFORD.

HOLLI LUNDAHL TELFORD,

Petitioner,

v.

HON. DAVID C. NYE,

Respondent.

*Appealed from the District Court of the Sixth Judicial District of the State of
Idaho, in and for the County of Oneida.*

Holli Lundahl Telford
10621 S Old Hwy 191
Malad City, Id 83252

Lawrence G. Wasden
Attorney General
PO Box 83720
Boise, ID 83720-0010

Pro Se Appellant

Attorney for Respondent

FILED - COPY
JAN 25 2012
Supreme Court _____ Court of Appeals _____
Entered on ATS by _____

39497

IN THE SUPREME COURT OF THE
STATE OF IDAHO

STATE OF IDAHO,)	
)	SUPREME COURT NO. 39497
Plaintiff-Respondent,)	
)	
v.)	
)	
HOLLI LUNDAHL TELFORD,)	
)	
Defendant-Appellant.)	
_____)	

Appeal from the Sixth Judicial District, Oneida County, Idaho

HONORABLE DAVID C. NYE, presiding,

Holli Lundahl Telford, Pro Se, 10621 S. Old Hwy 191, Malad, Idaho 83252

Honorable Lawrence G. Wasden, Attorney General, PO Box 83720, Boise, Idaho 83720-0010

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Declaration that Holli Lundahl Telford is a Vexatious Litigate	6 – 7
Notice of Appeal	1 – 2
Third Notice of Appeal	8 – 9

State of Idaho }
County of Oneida } SS

I hereby certify that the foregoing is a full, true and correct copy of the original in the above entitled matter.
Witness my hand and affix the seal of said court, this 27th day of October, 2011.

Clerk of the District Court

By [Signature]
Deputy

HOLLI TELFORD, LUNDHAL
BANNOCK COUNTY DETENTION CTR,
P.O. Box 4666
Pocatello, IDAHO 83252

RECEIVED

Date 11-29-2011

Oneida County Court

Oneida County District Court STATE OF IDAHO
County of Oneida

ADMINISTRATOR OF APPELLATE)
STATE OF IDAHO)
ADMINISTRATOR LINDA)
JUDICE NPE)
PETITIONER)
VS.)

CASE NO. 2011-3
39497
APPEAL OF VERMONT
LITIGANT SUELLA - 10/27/11
OCTOBER 27, 2011

HOLLI TELFORD, LUNDHAL)
RESPONDENT / PETITIONER)

EX PARTE MOTION TO
STAY APPEAL PENDING
UNTIL RECONSTRUCTION IS
COMPLETED
RESCIND FALSE NUMBER
CHARGE PROSECUTED
AGAINST RESPONDENT BY
THE COUNTY

THE BANNOCK COUNTY JAIL...
INDONESIA...
... (1) ...

1. THIS COURT OF APPEALS WAS OBTAINED FROM...
MISTAKE...
... (1) ...

FILED - ORIGINAL

LIBRARY WILL WORK 5 days per week 9 AM
1 hour.

FURTHERMORE, I HAVE BEEN PLACED IN SUPER
MAX LOCK DOWN CELL PROVIDING ME WITH
OBSTACLES ACCESS TO OTHER ROOMS WITHIN
ALL AREAS AND HALLWAYS. I HAVE BEEN
FURTHERMORE, I DO NOT HAVE ACCESS TO
LIBRARY OR OTHER AREAS OF THE
PRISON. I AM BEING TREATED AS
IF I AM A THREAT TO THE PRISON
AND MY RIGHTS ARE BEING VIOLATED.

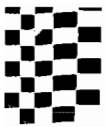
I HAVE BEEN PLACED IN MAX SECURITY
PROVIDING ME WITH ALL THE SAME
I AM NOT ALLOWED TO HAVE VISITS WITH
MY FRIENDS AND FAMILY, I BELIEVE MYSELF
AND THE OTHER INMATES ARE BEING VIOLATED IN OUR
RIGHTS NOT TO HAVE ACCESS TO THE LIBRARY AND
OTHER AREAS OF THE PRISON.

ACCORDINGLY I AM REQUESTING THAT
MY RIGHTS BE RESTORED AND I HAVE
NOT BEEN TREATED AS A THREAT TO THE PRISON.

FOR THE SAME REASONS I REQUEST THE
LIBRARY BE OPEN FOR ALL INMATES.

11/22/11

John Jackson,
Inmate



Filed
 OCT 11 2011
O. Adams
 AT 1:48 O'clock p.m.

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF ONEIDA

Supreme Court No 3949

ORDER RE: HOLLI LUNDAHL TELFORD) 2011- 3
)
) ADMINISTRATIVE ORDER
) DECLARING VEXATIOUS
) LITIGANT

Idaho Court Administrative Rules, Rule 59 states that an Administrative Judge may enter a prefiling order prohibiting a vexatious litigant from filing any new litigation in the courts of Idaho *pro se* without first obtaining leave of a judge of the court where the litigation is proposed to be filed. A prerequisite to such an order is that a district or magistrate judge must refer the consideration of whether to enter such an order to the administrative judge or the person being considered must be a party to an action before the administrative judge. Holli Lundahl Telford is not a party in any action before the undersigned administrative judge. However, this court has received references from other district judges and magistrate judges¹ regarding Ms. Lundahl Telford. Therefore, this administrative judge has addressed the consideration of whether to enter a Vexatious Litigant Order.

¹ These would include District Judges Naftz, Dunn, and Brown, and Magistrate Judges Laggis and Evans.

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 JAN - 4 2012
 Supreme Court _____ Court of Appeals _____
 Entered on ATS by _____

FINDINGS

IAR 59(d) states that an administrative judge may find a person to be a vexatious litigant based on any one of four findings. Ms. Lundahl Telford falls under all four of the stated findings. However, only two will be discussed here. First, IAR 59(d)(4) states that a person may be declared a vexatious litigant in Idaho if that person "has previously been declared to be a vexatious litigant by any state or federal court of record in any action or proceeding." Ms. Lundahl Telford has been declared a vexatious litigant in Utah, Texas, the Federal Ninth Circuit Court of Appeals, the Federal District Court of Idaho, the Federal District Court of Montana, and the United States Supreme Court.² Second, IAR 59(d)(1) states that a person may be declared a vexatious litigant in Idaho if in "the immediately preceding seven-year period the person has commenced, prosecuted or maintained *pro se* at least three litigations, . . . that have been finally determined adversely to that person." A review of files in the Sixth Judicial District for the State of Idaho shows that Ms. Lundahl Telford in the immediately preceding seven-year period has commenced, prosecuted or maintained *pro se* at least 3 litigations that have been finally determined adversely to her.³

CONCLUSION

This Court finds that there is a basis to conclude that Holli Lundahl Telford is a vexatious litigant and that a pre-filing order should be issued. Pursuant to IAR 59(4) the proposed order is set forth below. Ms. Lundahl Telford shall have 14 days to file a written response to the

² See, *Lundahl v. Hawkins*, Slip Copy, 2009 WL 2461220 (W.D.Tex. 2009) (attached hereto); *Lundahl v. Nax Inc.*, 434 F.Supp.2d 855 (D.Idaho 2006) (attached hereto).

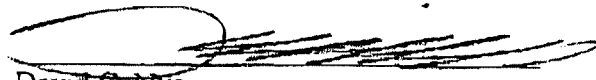
³ See, *Lundahl v. Kirkpatrick's Auto World*, Franklin County Case No. CV-2011-0000189, Judgment of Dismissal filed 8/25/2011; *Lundahl v. Hubbard*, Oneida County Case No. CV-2011-0000044, Judgment of Dismissal filed 6/2/2011; *Telford v. Evans*, Oneida County Case No. CV-2006-0000004, Dismissed with prejudice on 12/01/2006.

proposed order and the findings set forth above. If no timely response is filed the proposed pre-filing order will be issued. If Ms. Telford desires to file a written response to this proposed order and findings, she may file the written response in Oneida County in the District Court. If a written response is timely filed, the Court shall determine if a hearing is necessary.

PROPOSED PREFILING ORDER

Holli Lundahl Telford is hereby declared to be a vexatious litigant pursuant to IAR 59. This declaration is based upon the Findings set forth above. Holli Lundahl Telford is precluded from filing any new litigation in the courts of Idaho *pro se* without first obtaining leave of a judge of a court where the litigation is proposed to be filed. Disobedience of this pre-filing order shall be punished as a contempt of court and any action filed by Ms. Telford without prior leave of Court may be dismissed by the Court.

DATED October 11, 2011


David C. Nye
Administrative District Judge

CC: Holli Lundahl Telford
Patricia Tobias, Administrative Director of the Courts
All judges of the Sixth Judicial District
Clerks of the Sixth Judicial District
Sheriffs of the Sixth Judicial District
Deputy Clerks of the Sixth Judicial District

CC: Holli Lundahl Telford
Patricia Tobias, Administrative Director of the Courts
All judges of the Sixth Judicial District
Clerks of the Sixth Judicial District
Sheriffs of the Sixth Judicial District
Deputy Clerks of the Sixth Judicial District

HOLLI TELFORD LUNDAHL
10621 S. OLD HWY 191
MALAD, IDAHO 83252
208-766-5800

State of Idaho
County of Oenida

I hereby certify that the foregoing is a full, true and correct copy of the original in the above entitled matter.
Witness my hand and affix the seal of said court.
this 13th day of Dec 2011

Clerk of The District Court

[Signature]
Deputy

Filed
DEC 16 2011
[Signature]
AT 1:10 O'clock P.M.

SIXTH JUDICIAL DISTRICT COURT FOR THE STATE OF IDAHO
COUNTY OF OENIDA

ADMINISTRATIVE ACTION

: Case No. 2011- 3

STATE OF IDAHO
ADJ NYE
Plaintiff

: THIRD NOTICE OF APPEAL

vs.

HOLLI TELFORD LUNDAHL

: Supreme Court No 39437

Defendant

:

Defendant has filed two prior notices of appeal in this administrative action declaring Defendant a vexatious litigant. On December 10, 2011, Defendant spoke with ADJ Nye's secretary Amy about the status of her appeals in this action. Nye's secretary Amy on a recorded phone call stated that she would email Defendant copies of the administrative orders entered in this case and any docket record for Defendant's appeal. AMY further admitted in this recorded phone call that Judge Nye had received Defendant's handwritten appeal from Bannock County jail dated November 23, 2011 and a subsequent typed appeal but had not yet processed these appeals. AMY promised Defendant that she would expedite the process. To date, Defendant has not received confirmation that her prior notices of

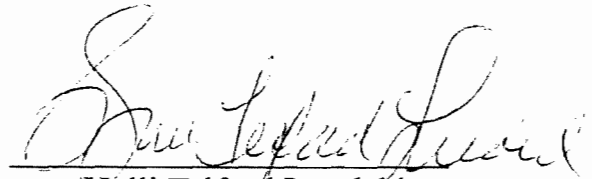
8
FILED - ORIGINAL
DEC 22 2011
Supreme Court Court of Appeals

ORIGINAL

appeals have been docketed, has not received an administrative record for process of an appeal, and has not received the orders requested.

Accordingly, Defendant files this THIRD Notice of Appeal AND DEMAND TO EXPEDITE HER APPEALS; less Defendant appear before the Supreme Court with mandamus petition directing Judge Nye expedite her appeals and seeking disciplinary action against judge Nye. If that fails, Defendant's next stop will be before Idaho's congressional judiciary committees and the judicial commission.

Dated: December 14, 2011

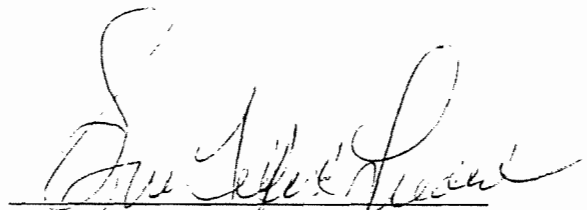


Holli Telford Lundahl

Certificate of Service

The foregoing document was both hand filed and fax filed to the following party:

Hon. Robert C. Naftz
624 E. Center, Room 220
Pocatello, ID 83201
Telephone: (208) 236-7252
Facsimile: (208) 236-7290



Holli Telford Lundahl

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ONEIDA

STATE OF IDAHO)	
)	
Plaintiff/Respondent,)	DISTRICT COURT
)	ADMINISTRATIVE
)	CASE NO.2011-3(b)
)	
vs.)	CLERK'S CERTIFICATE
)	OF APPEAL
HOLLI LUNDAHL TELFORD)	
)	
)	SUPREME COURT No. 39497
Defendants/ Appellant.)	

Appeal from: Sixth Judicial District, Oneida County, Administrative Judge DAVID C. NYE

Case Number from Court: Administrative Case No. 2011-44

Order or Judgment appealed from: DECLARATION THAT HOLLI LUNDAHL TELFORD IS A VEXATIOUS LITIGANT declaring Defendant a vexatious litigant, filed October 27, 2011.

Attorney for Defendant-Appellant: Pro se

Attorney for Respondents: Blake G. Hall for Dixie Hubbard, Diane Pett, Oneida County
Carl E. Olsson for Tom Katsilometes

Appealed by: Plaintiff, Holli Lundahl Telford

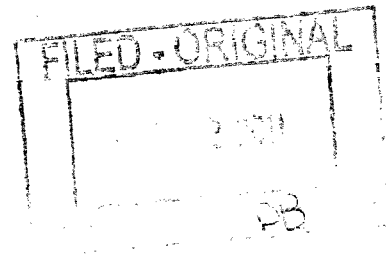
Appealed against: State of Idaho

Notice of Appeal filed: December 16, 2011

Amended Notice of Appeal filed: _____

Notice of Cross-Appeal filed: _____

CLERK'S CERTIFICATE OF APPEAL - 1
Administrative Order Case No. 2011-3(b)



Amended Notice of Cross-Appeal filed: _____

Appellate fee paid: \$101.00 District Court filing fee has not been paid. _____

Clerk's Record estimated fee paid: No (\$100.00 pursuant to Appellant Rules) _____

Respondent/Cross/Appellant fee paid: _____

Respondent or Cross-Respondent's Request for additional record filed: _____

Transcript filed: No _____

Was District Court Reporter's Transcript requested? No _____

Name of Reporter: n/a _____

DATED this 19th day of December, 2011.

MATTHEW L. COLTON
Clerk of the District Court

By *Diane Skidmore*
DIANE SKIDMORE, Court Clerk