

1 Code: 2490  
2 Michael Whitfield  
3 P.O. Box 18421  
4 Reno, NV 89511  
5 (775) 737-3493  
6 Email: mwhitfi2000@gmail.com  
7 Self-Represented Litigant

Electronically Filed  
Nov 13 2019 02:56 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF WASHOE

10 \* \* \*

11 IN THE MATTER OF:

Case No. CV19-00641

12 MICHAEL WHITFIELD  
13 (Appeal No. 1803430-LLW)

Dept. No. 1

14 Petitioner,

15 vs.

16 NEVADA STATE PERSONNEL  
17 COMMISSION, STATE OF NEVADA  
18 DEPARTMENT OF ADMINISTRATION,  
19 LORNA WARD, APPEALS OFFICER, and  
20 JAMES DZURENDA, NEVADA  
21 DEPARTMENT OF CORRECTIONS,  
22 As Employer,

Respondents.  
\_\_\_\_\_ /

23 **MOTION TO FILE AMENDED NOTICE OF APPEAL**

24 Comes now, Petitioner, Michael Whitfield, Petitioner in proper person, and hereby  
25 requests this Court to permit him to amend his NOTICE OF APPEAL filed on September  
26 23, 2019.

27 In Petitioner's Notice of Appeal he mistakenly listed the incorrect Order in which  
28

1 he was appealing from. Petitioner should have listed the Order Dismissing Petition for  
2 Judicial Review, entered on June 24, 2019.

3 Pursuant to NRAP 3(a)(3) upon the initial filing of the Notice of Appeal the district  
4 court clerk should have apprised Petitioner/Appellant of the apparent deficiency regarding  
5 the incorrectly identified Order, in writing.  
6

7 In *Whitman v. Whitman*, 107 Nev. 328, 810 P.2<sup>nd</sup> 1209 (1991), the Court held that  
8 the clerk of the district court should have ... informed appellant by letter of any perceived  
9 deficiencies in the document. In this case, as in the *Whitman* matter, Appellant could then  
10 have taken corrective action to pursue his appeal.  
11

12 1. Petitioner offers his Amended Notice of Appeal as Exhibit 1 as attached to  
13 this Motion.

14 2. Petitioner believes that his claims are valid and that his rights and interests  
15 of justice will be served by the offered amendment; and  
16

17 3. This Motion is not brought for any dilatory of other impermissible purpose.

18 **This document does not contain the personal information of any person as**  
19 **defined by NRS 603A.040.**

20 Dated this 7th day of November, 2019

21  
22 /s/ Michael Whitfield  
23 Michael Whitfield  
24 Petitioner in Proper Person  
25  
26  
27  
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am the Petitioner in the above entitled matter and that on the 7th  
3 day of November, 2019, I served a copy of the foregoing **Motion to File Amended Notice of**  
4 **Appeal** by causing a true copy thereof to be filed with the Clerk of the Court using the eFlex  
5 system and by depositing a true copy of the same for mailing addressed as follows:

6  
7 Kevin Pick, Esq.  
8 Deputy Attorney General  
9 5420 Kietzke Lane, Suite 202  
10 Reno, NV 89511

11 Lorna L. Ward, Esq.  
12 Hearing Officer  
13 c/o Hearings Division  
14 1050 West William Street, Suite 450  
15 Carson City, NV 89701

16 /s/ Michael Whitfield  
17 Michael Whitfield  
18 Petitioner in Proper Person  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Code:  
2 Michael Whitfield  
3 P.O. Box 18421  
4 Reno, NV 89511  
5 (775) 737-3493  
6 Email: mwhitfi2000@gmail.com  
7 Self-Represented Litigant

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

\* \* \*

IN THE MATTER OF:

Case No. CV19-00641

MICHAEL WHITFIELD  
(Appeal No. 1803430-LLW)

Dept. No. 1

Petitioner,

vs.

NEVADA STATE PERSONNEL  
COMMISSION, STATE OF NEVADA  
DEPARTMENT OF ADMINISTRATION,  
LORNA WARD, APPEALS OFFICER, and  
JAMES DZURENDA, NEVADA  
DEPARTMENT OF CORRECTIONS,  
As Employer,

Respondents.

INDEX OF EXHIBITS

Exhibit Number 1                      Number of Pages:    3  
Exhibit Description:                  Amended Notice of Appeal

1  
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**EXHIBIT 1**

**EXHIBIT 1**

**EXHIBIT 1**

1 Code: 1097  
Michael Whitfield  
2 P.O. Box 18421  
3 Reno, NV 89511  
(775) 737-3493  
4 Email: mwhitfi2000@gmail.com  
Self-Represented Litigant  
5

6  
7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8 IN AND FOR THE COUNTY OF WASHOE

9 \* \* \*

10 IN THE MATTER OF:

Case No. CV19-00641

11 MICHAEL WHITFIELD  
12 (Appeal No. 1803430-LLW)

Dept. No. 1

13  
14 Petitioner,

15 vs.

16 NEVADA STATE PERSONNEL  
17 COMMISSION, STATE OF NEVADA  
DEPARTMENT OF ADMINISTRATION,  
18 LORNA WARD, APPEALS OFFICER, and  
JAMES DZURENDA, NEVADA  
19 DEPARTMENT OF CORRECTIONS,  
20 As Employer,

21 Respondents.  
22 \_\_\_\_\_/

23 **AMENDED NOTICE OF APPEAL**

24 Notice is hereby given that Michael Whitfield, Petitioner above named, hereby  
25 appeals to the Supreme Court of Nevada from the Order Dismissing Petition for Judicial

26 //

27 //



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am the Petitioner in the above entitled matter and that on the 7th  
3 day of November, 2019, I served a copy of the foregoing **Amended Notice of Appeal** by  
4 causing a true copy thereof to be filed with the Clerk of the Court using the eFlex system and  
5 by depositing a true copy of the same for mailing addressed as follows:

6  
7 Kevin Pick, Esq.  
8 Deputy Attorney General  
9 5420 Kietzke Lane, Suite 202  
10 Reno, NV 89511

11 Lorna L. Ward, Esq.  
12 Hearing Officer  
13 c/o Hearings Division  
14 1050 West William Street, Suite 450  
15 Carson City, NV 89701

16 /s/ Michael Whitfield  
17 Michael Whitfield  
18 Petitioner in Proper Person  
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**SECOND JUDICIAL DISTRICT COURT  
STATE OF NEVADA  
COUNTY OF WASHOE**

**Case History - CV19-00641**

**Case Description: IN RE: MICHAEL WHITFIELD (D1)**

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**Case Number: CV19-00641 Case Type: OTHER JUDICIAL REVIEW/APPEAL - Initially Filed On: 3/20/2019**

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**Parties**

<u>Party Type &amp; Name</u>	<u>Party Status</u>
JUDG - KATHLEEN DRAKULICH - D1	Active
AG - Kevin A. Pick, Esq. - 11683	Active
PETR - MICHAEL WHITFIELD - @189487	Active
RESP - JAMES DZURENDA, NDOC - @1325667	Active
RESP - NEVADA STATE PERSONNEL COMMISSION - @64452	Active

**Disposed Hearings**

- 1 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 4/12/2019 at 11:25:00  
Extra Event Text: RESPONDENT'S MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW FILED 4-4-19  
Event Disposition: S200 - 6/24/2019
- 2 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 5/29/2019 at 13:32:00  
Extra Event Text: RESPONDENT'S UNOPPOSED MOTION FOR EXTENSION OF TIME FILED 5--9-19  
Event Disposition: S200 - 6/6/2019
- 3 Department: D1 -- Event: Request for Submission -- Scheduled Date & Time: 7/19/2019 at 10:36:00  
Extra Event Text: MOTION FOR RECONSIDERATION (NO ORDER)  
Event Disposition: S200 - 9/17/2019

**Actions**

- | <u>Filing Date</u> | <u>-</u>  | <u>Docket Code &amp; Description</u>  |
|--------------------|-----------|---|
| 1                  | 3/20/2019 | - \$3550 - \$Pet for Judicial Review<br>Additional Text: PETITION FOR JUDICIAL REVIEW - Transaction 7177318 - Approved By: YVILORIA : 03-21-2019:08:10:44 |
| 2                  | 3/21/2019 | - PAYRC - **Payment Receipted<br>Additional Text: A Payment of \$260.00 was made on receipt DCDC633708.   |
| 3                  | 3/21/2019 | - 4090 - ** Summons Issued<br><i>No additional text exists for this entry.</i>  |
| 4                  | 3/22/2019 | - 4090 - ** Summons Issued<br>Additional Text: X 3  |
| 5                  | 3/27/2019 | - 2880 - Ord for Briefing Schedule<br>Additional Text: Transaction 7187149 - Approved By: NOREVIEW : 03-27-2019:09:39:44                                  |
| 6                  | 3/27/2019 | - NEF - Proof of Electronic Service<br>Additional Text: Transaction 7187155 - Approved By: NOREVIEW : 03-27-2019:09:40:45                                 |
| 7                  | 3/27/2019 | - 4085 - Summons Filed<br>Additional Text: JAMES DZURENDA/NDOC DIRECTOR 03/26/2019 - Transaction 7187548 - Approved By: SACORDAG : 03-27-2019:11:19:45    |

**Report Does Not Contain Sealed Cases or Confidential Information**

- 8 3/27/2019 - 4085 - Summons Filed  
Additional Text: STATE OF NV DEPT OF ADMIN/HEARINGS DIV - TASHA EATON 03/25/2019 - Transaction 7187548 - Approved By: SACORDAG : 03-27-2019:11:19:45
- 9 3/27/2019 - 4085 - Summons Filed  
Additional Text: NV HUMAN RESOURCE MGMT - DIANA HERRERA 03/25/2019 - Transaction 7187548 - Approved By: SACORDAG : 03-27-2019:11:19:45
- 10 3/27/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7187564 - Approved By: NOREVIEW : 03-27-2019:11:20:40
- 11 4/4/2019 - 3960 - Statement Intent Participate  
Additional Text: STATEMENT OF INTENT TO PARTICIPATE IN PETITION FOR JUDICIAL REVIEW - Transaction 7201586 - Approved By: YVILORIA : 04-04-2019:11:21:19
- 12 4/4/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7201609 - Approved By: NOREVIEW : 04-04-2019:11:22:18
- 13 4/4/2019 - 2315 - Mtn to Dismiss ...  
Additional Text: MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW - Transaction 7202421 - Approved By: YVILORIA : 04-04-2019:16:14:45
- 14 4/4/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7202841 - Approved By: NOREVIEW : 04-04-2019:16:15:59
- 15 4/8/2019 - 1110 - Amended Pet ...  
Additional Text: AMENDED PETITION FOR JUDICIAL REVIEW - Transaction 7207153 - Approved By: YVILORIA : 04-08-2019:15:46:14
- 16 4/8/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7207309 - Approved By: NOREVIEW : 04-08-2019:15:47:16
- 17 4/9/2019 - 2645 - Opposition to Mtn ...  
Additional Text: OPPOSITION TO MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW - Transaction 7208163 - Approved By: SACORDAG : 04-09-2019:10:11:34
- 18 4/9/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7208252 - Approved By: NOREVIEW : 04-09-2019:10:12:37
- 19 4/12/2019 - 3795 - Reply...  
Additional Text: REPLY IN SUPPORT OF MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW - Transaction 7216036 - Approved By: YVILORIA : 04-12-2019:11:22:38
- 20 4/12/2019 - 3860 - Request for Submission  
Additional Text: REQUEST FOR SUBMISSION - Transaction 7216043 - Approved By: YVILORIA : 04-12-2019:11:23:28  
DOCUMENT TITLE: RESPONDENT'S MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW FILED 4-4-19  
PARTY SUBMITTING: KEVIN PICK ESQ  
DATE SUBMITTED: 4-12-19  
SUBMITTED BY: YV  
DATE RECEIVED JUDGE OFFICE:
- 21 4/12/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7216073 - Approved By: NOREVIEW : 04-12-2019:11:23:56
- 22 4/12/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7216082 - Approved By: NOREVIEW : 04-12-2019:11:24:54
- 23 4/24/2019 - 1365 - Certificate of Transmittal  
Additional Text: CERTIFICATION OF TRANSMITTAL - Transaction 7235572 - Approved By: YVILORIA : 04-24-2019:11:34:59

- 24 4/24/2019 - 3746 - Record on Appeal  
Additional Text: \* SEALED \* ORIGINAL RECORD ON APPEAL IN ACCORDANCE WITH THE NEVADA ADMINISTRATIVE PROCEDURE ACT (CHAPTER 233B OF NRS) - Transaction 7235572 - Approved By: YVILORIA : 04-24-2019:11:34:59
- 25 4/24/2019 - 4195 - Transmittal of Rec. on Appeal  
Additional Text: TRANSMITTAL OF RECORD ON APPEAL - Transaction 7235572 - Approved By: YVILORIA : 04-24-2019:11:34:59
- 26 4/24/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7235596 - Approved By: NOREVIEW : 04-24-2019:11:35:58
- 27 5/8/2019 - 1520 - Declaration  
Additional Text: \* SEALED EXHIBIT \* PETITIONER'S OPENING BRIEF IN SUPPORT OF PETITION FOR JUDICIAL REVIEW - Transaction 7258732 - Approved By: CVERA : 05-08-2019:08:20:36
- 28 5/8/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7258743 - Approved By: NOREVIEW : 05-08-2019:08:21:44
- 29 5/9/2019 - 2075 - Mtn for Extension of Time  
Additional Text: MOTION FOR EXTENSION OF TIME - Transaction 7261369 - Approved By: YVILORIA : 05-09-2019:09:36:44
- 30 5/9/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7261418 - Approved By: NOREVIEW : 05-09-2019:09:37:35
- 31 5/29/2019 - 3860 - Request for Submission  
Additional Text: REQUEST FOR SUBMISSION - Transaction 7292843 - Approved By: YVILORIA : 05-29-2019:13:28:10  
DOCUMENT TITLE: RESPONDENT'S UNOPPOSED MOTION FOR EXTENSION OF TIME FILED 5--9-19  
PARTY SUBMITTING: KEVIN PICK ESQ  
DATE SUBMITTED: 5-29-19  
SUBMITTED BY: YV  
DATE RECEIVED JUDGE OFFICE:
- 32 5/29/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7292866 - Approved By: NOREVIEW : 05-29-2019:13:29:27
- 33 6/6/2019 - 3030 - Ord Granting Extension Time  
Additional Text: Transaction 7308240 - Approved By: NOREVIEW : 06-06-2019:15:11:42
- 34 6/6/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7308248 - Approved By: NOREVIEW : 06-06-2019:15:12:30
- 35 6/6/2019 - S200 - Request for Submission Complet  
Additional Text: RESPONDENT'S UNOPPOSED MOTION FOR EXTENSION OF TIME FILED 5--9-19 (SEE ORDER FILED 6/6/19)
- 36 6/24/2019 - 3060 - Ord Granting Mtn ...  
Additional Text: TO DISMISS PETITION FOR JUDICIAL REVIEW - Transaction 7336330 - Approved By: NOREVIEW : 06-24-2019:09:52:41
- 37 6/24/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7336337 - Approved By: NOREVIEW : 06-24-2019:09:53:52
- 38 6/24/2019 - S200 - Request for Submission Complet  
Additional Text: RESPONDENT'S MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW FILED 4-4-19 (SEE ORDER FILED 6/24/19)
- 39 6/24/2019 - F135 - Adj Motion to Dismiss by DEFT  
*No additional text exists for this entry.*
- 40 6/24/2019 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 7336695 - Approved By: NOREVIEW : 06-24-2019:11:28:58

- 41 6/24/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7336698 - Approved By: NOREVIEW : 06-24-2019:11:29:58
- 42 7/2/2019 - 2175 - Mtn for Reconsideration  
Additional Text: MOTION FOR RECONSIDERATION - Transaction 7350959 - Approved By: YVILORIA : 07-02-2019:09:15:44
- 43 7/2/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7351203 - Approved By: NOREVIEW : 07-02-2019:09:16:46
- 44 7/11/2019 - 2645 - Opposition to Mtn ...  
Additional Text: Opposition to Petitioner's Motion for Reconsideration - Transaction 7367268 - Approved By: CSULEZIC : 07-11-2019:10:55:37
- 45 7/11/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7367498 - Approved By: NOREVIEW : 07-11-2019:10:56:42
- 46 7/16/2019 - 3790 - Reply to/in Opposition  
Additional Text: REPLY TO OPPOSITION TO PETITIONER'S MOTION FOR RECONSIDERTATION - Transaction 7376076 - Approved By: CSULEZIC : 07-16-2019:14:44:35
- 47 7/16/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7376193 - Approved By: NOREVIEW : 07-16-2019:14:45:49
- 48 7/19/2019 - 3860 - Request for Submission  
Additional Text: Transaction 7382577 - Approved By: NOREVIEW : 07-19-2019:10:30:54  
DOCUMENT TITLE: MOTION FOR RECONSIDERATION (NO ORDER)  
PARTY SUBMITTING: MICHAEL WHITFIELD  
DATE SUBMITTED: 7/19/19  
SUBMITTED BY: AZAMORA  
DATE RECEIVED JUDGE OFFICE:
- 49 7/19/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7382597 - Approved By: NOREVIEW : 07-19-2019:10:33:18
- 50 9/17/2019 - 2842 - Ord Denying Motion  
Additional Text: FOR RECONSIDERATION - Transaction 7488771 - Approved By: NOREVIEW : 09-17-2019:14:33:44
- 51 9/17/2019 - S200 - Request for Submission Complet  
Additional Text: MOTION FOR RECONSIDERATION (SEE ORDER FILED 9/17/19)
- 52 9/17/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7488781 - Approved By: NOREVIEW : 09-17-2019:14:35:05
- 53 9/17/2019 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 7489040 - Approved By: NOREVIEW : 09-17-2019:15:24:11
- 54 9/17/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7489046 - Approved By: NOREVIEW : 09-17-2019:15:25:13
- 55 9/23/2019 - 1310 - Case Appeal Statement  
Additional Text: CASE APPEAL STATEMENT - (NOT COMPLETE) Transaction 7497400 - Approved By: YVILORIA : 09-23-2019:10:12:50
- 56 9/23/2019 - 1310 - Case Appeal Statement  
Additional Text: CASE APPEAL STATEMEN T- Transaction 7497412 - Approved By: NOREVIEW : 09-23-2019:10:12:46
- 57 9/23/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7497414 - Approved By: NOREVIEW : 09-23-2019:10:13:43

- 58 9/23/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7497416 - Approved By: NOREVIEW : 09-23-2019:10:13:51
- 59 9/23/2019 - \$2515 - \$Notice/Appeal Supreme Court  
Additional Text: Transaction 7498636 - Approved By: YVILORIA : 09-23-2019:14:36:48
- 60 9/23/2019 - PAYRC - \*\*Payment Received  
Additional Text: A Payment of \$34.00 was made on receipt DCDC646311.
- 61 9/23/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7498683 - Approved By: NOREVIEW : 09-23-2019:14:40:46
- 62 9/25/2019 - SAB - \*\*Supreme Court Appeal Bond  
Additional Text: Transaction 7502443 - Approved By: YVILORIA : 09-25-2019:09:07:18
- 63 9/25/2019 - PAYRC - \*\*Payment Received  
Additional Text: A Payment of \$500.00 was made on receipt DCDC646471.
- 64 9/25/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7502511 - Approved By: NOREVIEW : 09-25-2019:09:08:36
- 65 9/25/2019 - 1350 - Certificate of Clerk  
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7503400 - Approved By: NOREVIEW : 09-25-2019:12:12:17
- 66 9/25/2019 - 1310E - Case Appeal Statement  
Additional Text: CASE APPEAL STATEMENT - Transaction 7503400 - Approved By: NOREVIEW : 09-25-2019:12:12:17
- 67 9/25/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7503402 - Approved By: NOREVIEW : 09-25-2019:12:13:08
- 68 10/1/2019 - 1187 - \*\*Supreme Court Case No. ...  
Additional Text: SUPREME COURT NO. 79718 - WHITFIELD
- 69 10/3/2019 - 1188 - Supreme Court Receipt for Doc  
Additional Text: SUPREME COURT NO. 79718 / RECEIPT FOR DOCUMENTS - Transaction 7519147 - Approved By: NOREVIEW : 10-03-2019:13:58:18
- 70 10/3/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7519157 - Approved By: NOREVIEW : 10-03-2019:13:59:20
- 71 10/16/2019 - 4126 - Supreme Ct Order Directing...  
Additional Text: SUPREME COURT NO. 79718 / ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 7541149 - Approved By: NOREVIEW : 10-16-2019:13:21:09
- 72 10/16/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7541171 - Approved By: NOREVIEW : 10-16-2019:13:22:54
- 73 10/23/2019 - 1350 - Certificate of Clerk  
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 7552793 - Approved By: NOREVIEW : 10-23-2019:09:07:50
- 74 10/23/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7552799 - Approved By: NOREVIEW : 10-23-2019:09:08:51
- 75 11/7/2019 - 2490 - Motion ...  
Additional Text: MOTION TO FILE AMENDED NOTICE OF APPEAL - Transaction 7578362 - Approved By: YVILORIA : 11-07-2019:15:29:01

76 11/7/2019 - NEF - Proof of Electronic Service

Additional Text: Transaction 7578406 - Approved By: NOREVIEW : 11-07-2019:15:30:07

77 11/7/2019 - 1350 - Certificate of Clerk

Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - AMENDED NOTICE OF APPEAL - Transaction 7578715 - Approved By:  
NOREVIEW : 11-07-2019:16:26:53

78 11/7/2019 - NEF - Proof of Electronic Service

Additional Text: Transaction 7578720 - Approved By: NOREVIEW : 11-07-2019:16:27:58

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**IN THE SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA IN AND FOR THE  
COUNTY OF WASHOE**

7

8

9

MICHAEL WHITFIELD,

10

Petitioner,

11

Case No.: CV19-00641

12

vs.

Dept. No.: 1

13

NEVADA STATE PERSONNEL  
COMMISSION, STATE OF NEVADA  
DEPARTMENT OF ADMINISTRATION,  
LORNA WARD, APPEALS OFFICER, and  
DEPARTMENT OF CORRECTIONS, as  
Employer,

16

17

Respondents.

18

19

**ORDER GRANTING MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW**

20

Currently before the Court is the *Motion to Dismiss Petition for Judicial Review* filed by Respondent State of Nevada, Department of Corrections (“NDOC”) on April 4, 2019. On April 8, 2019, Petitioner Michael Whitfield (“Petitioner”) filed an *Amended Petition for Judicial Review*, and thereafter, on April 9, 2019, an *Opposition to Motion to Dismiss Petition for Judicial Review*. On April 12, 2019, NDOC filed a *Reply* and submitted the matter to the Court for decision.

25

Upon careful review of the record, this Court finds good cause to grant NDOC’s Motion.

26

**I. Background**

27

Petitioner was previously employed by NDOC as a correctional officer at Warm Springs Correctional Center. Mot. at 2:8-9. On August 2, 2017, a Domestic Violence Restraining Order

28

1 (“Restraining Order”) was entered against Petitioner by the Superior Court of California, County of  
2 Santa Clara, which specifically made it illegal for Petitioner to use or handle firearms until August 2,  
3 2020. *Id.* at 2:9-12. However, the NDOC Administrative Regulations (AR) 362.01 and 362.03  
4 expressly instruct that (1) all NDOC peace officers are require to handle firearms as part of their  
5 assigned duties; (2) all NDOC peace officers must meet the requirements of NAC Chapter 289 to  
6 ensure POST certification; and (3) all NDOC peace officers must maintain firearm certification under  
7 NAC Chapter 289 “as a condition of employment.” *Id.* at 2:15-19. Following the issuance of the  
8 Restraining Order entered against Petitioner, NDOC assigned him to a temporary administrative  
9 position, where he would not be exposed to firearms. *Id.* at 2:20-21. Over the following six months,  
10 NDOC allegedly urged Petitioner to resolve the Restraining Order and complete his biannual firearm  
11 qualification requirements. *Id.* at 2:21-23. Petitioner allegedly failed to satisfy his biannual firearm  
12 qualification requirements and he lost his POST certification. *Id.* at 2:24-25. As a result, NDOC  
13 terminated Petitioner effective April 20, 2018, for violations of NAC 284.650(1), NAC 289.230,  
14 NDOC AR 362, and NDOC AR 339.07.15(UU) (Failure to maintain POST requirements). *Id.* at 1:26-  
15 3:1.

16 On April 30, 2018, Petitioner appealed his dismissal and on December 14, 2018, an appeal  
17 hearing was conducted in this matter before Hearing Officer Lorna Ward. *Id.* at 3:3-4. On March 1,  
18 2019, Hearing Officer Ward filed her Findings of Fact, Conclusions of Law, Decision and Order.  
19 Mot. Ex. A. Hearing Officer Ward found:

20 Officer Whitfield clearly and by a preponderance of the evidence  
21 violated AR 339.07.15(UU) and NAC 284.650(1). He failed to  
22 maintain his POST requirements as required by AR 339.07.15(UU) and  
23 his failure to qualify biannually and his inability to use a firearm  
24 violated NAC 284.650(1) because such is incompatible with an  
25 employee’s condition of employment established by statute and  
26 regulation . . . There is no question that Officer Whitfield was unable  
27 to legally use a firearm from August 2, 2017 to the present.

28 Mot. at Ex. A, 8. The Hearing Officer further held:

The violation of AR 339.07.15(UU) failure to maintain POST  
requirements is a Class 5 offense with dismissal recommended for a  
first offense . . . [A] violation of AR 339.07.15(UU) is a ‘serious’



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4 *Id.* at 8. Lastly, Hearing Officer Ward found that “the dismissal was reasonable in light of all the facts  
5 and the applicable law.” *Id.*

6 After Hearing Officer Ward issued her findings on March 1, 2019, Petitioner in pro per filed  
7 the present Petition for Judicial Review (“Petition”), seeking to challenge the final judgment of the  
8 Nevada State Personnel Commission (“Commission”). Pet. at 1:17-21. Petitioner contends that the  
9 Commission’s decision was: (1) not supported by substantial evidence; (2) arbitrary and capricious;  
10 (3) marked by an abuse of discretion; and (4) improper as a matter of law. *Id.* at 1:22-25. Thereafter,  
11 Respondent filed its Motion to Dismiss Petition for Judicial Review (“Motion”).

## 12 **II. Relevant Legal Authority**

13 In reviewing a motion to dismiss pursuant to Nevada Rules of Civil Procedure Rule 12(b)(5)  
14 for failure to state a claim upon which relief can be granted, the “court must construe the pleadings  
15 liberally and accept all factual allegations in the complaint as true . . . [and] draw every fair inference  
16 in favor of the non-moving party. ‘A complaint will not be dismissed for failure to state a claim unless  
17 it appears beyond a doubt that the plaintiff could prove no set of facts which, if accepted by the trier  
18 of fact, would entitle him or her to relief.’” *Blackjack Bonding v. City of Las Vegas Mun. Court*, 116  
19 Nev. 1213, 1217, 14 P.3d 1275, 1278 (2000) (citing *Simpson v. Mars, Inc.*, 113 Nev. 188, 190, 929  
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23 678 P.2d 672, 674 (1984); see also *Stockmeier v. Nevada Dep’t of Corrections*, 124 Nev. 313, 316,  
24 183 P.3d 133, 135 (2008) (dismissal, pursuant to NRC 12(b)(5), is proper where the allegations are  
25 insufficient to establish the elements of a claim for relief).

## 26 **III. Analysis**

27 Respondent comes now requesting this Court to dismiss the Petition on the basis that  
28 Petitioner failed to name as respondents all parties of record pursuant to NRS 233B.130(2)(a). NRS

1 233B.130 provides, in relevant part, that “[p]etitions for judicial review must: (a) Name as  
2 respondents the agency and all parties of record to the administrative proceeding.” NDOC cites to  
3 *Washoe County v. Otto*, wherein the Nevada Supreme Court held that “pursuant to NRS  
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5 administrative decision, and a district court lacks jurisdiction to consider a petition that fails to comply  
6 with this requirement. 128 Nev. 424, 431, 282 P.3d 719, 725 (2012). NDOC asserts that Petitioner  
7 did not name any party as a respondent in either the caption or the body of the Petition, nor did  
8 Petitioner reference Hearing Officer Ward’s Decision and Order so as to put NDOC on notice of what  
9 was being challenged. Mot. at 6:25-28. As such, NDOC contends that Petitioner failed to comply  
10 with the mandatory and jurisdictional naming requirements of NRS 233B.130(2)(a) by neglecting to  
11 properly name: (1) the Department of Corrections; (2) the State of Nevada; (3) the Department of  
12 Administration; (4) the Personnel Commission; and (5) the Hearing Officer—all of whom were either  
13 the subject agency or parties of record to the administrative proceeding. *Id.* at 7:1-5.

14 In response to the Motion, Petitioner filed an *Amended Petition for Judicial Review* on April  
15 8, 2019, wherein Petitioner listed in the caption, as well as the body of the Amended Petition, the  
16 following parties as Respondents: (1) Nevada State Personnel Commission, (2) State of Nevada  
17 Department of Administration, (3) Lorna Ward, Appeals Officer, and (4) James Dzurenda,  
18 Department of Corrections. *See* Amended Pet. Petitioner alleges, through the Amended Petition, that  
19 he is well within the time frame of 21 days to amend pursuant to NRCP 15(a)(1)(A). Further,  
20 Petitioner filed an *Opposition* on April 9, 2019, wherein he argues that NDOC’s Motion is rendered  
21 moot by the filing of the Amended Petition. Petitioner cites to *Prevost v. State Dep’t of Admin.*, 134  
22 Nev. Adv. Op. 42, 418 P.3d 675, 677 (2018), to support the assertions that the failure to name a party  
23 of record in the caption of a petition for judicial review is not jurisdictionally fatal under NRS  
24 233B.130(2)(a). *Opp.* at 2:24-28.

25 However, in the *Reply*, NDOC asserts that the filing of the Amended Petition does not cure  
26 Petitioner’s failure, as the Amended Petition is untimely, pursuant to NRS 233B.130(2)(d), as the  
27 Amended Petition was not filed within 30 days from when Petitioner was served with the  
28 administrative decision at issue. *Reply* at 2:13-15. Contending that the Amended Petition was

1 untimely, NDOC further asserts that it cannot relate back to the original Petition, as the APA 30-day  
2 time limit expired on April 3, 2019, prior to the filing of the Amended Petition. *Id.* at 5:24-26.  
3 Further, NDOC contends that the case cited by Petitioner, *Prevost*, is not binding in this case as  
4 Petitioner failed to simply name the respondents in the caption of the Petition. *Id.* at 5:2-8. Rather,  
5 NDOC asserts, Petitioner failed to name any respondents anywhere in the entire Petition. *Id.* Lastly,  
6 NDOC alleges that Petitioner failed to comply with NRS 41.031(2) governing governmental  
7 exceptions for sovereign immunity. *Id.* at 6:14-16. Specifically, NDOC cites to NRS 41.031(2),  
8 which provides that “[i]n any action against the State of Nevada, the action must be brought in the  
9 name of the State of Nevada on relation of the particular department, commission, board or other  
10 agency of the State whose actions are the basis for the suit.” Here, NDOC alleges that Petitioner  
11 failed to name the Department of Corrections or the State of Nevada in the Petition, and thus, failed  
12 to invoke the exception to the State’s sovereign immunity rule. *Id.* at 6:21-24.

13       Upon review of the arguments presented, the Court finds (1) that Petitioner’s original Petition  
14 is noncompliant with NRS 233B.130, and (2) that the APA controls regarding the filing of an  
15 Amended Petition, and thus the Amended Petition does not relate back to the original Petition and  
16 does not cure the defect. Under Nevada law, district courts have jurisdiction to review administrative  
17 decisions under the APA, but only when they “fall within the APA’s terms and [are] challenged  
18 according to the APA’s procedures.” *Otto*, 128 Nev. at 431. To invoke a district court’s jurisdiction,  
19 parties seeking judicial review of an administrative decision must strictly comply with all statutory  
20 requirements for such review, and thus, noncompliance is grounds for dismissal. *Id.* In *Otto*, the  
21 Nevada Supreme Court specifically found that petitioner Washoe County had failed to comply with  
22 NRS 233B.130(2)(a) because Washoe County did not “name any [respondent] taxpayer individually  
23 in the caption, in the body of the amended petition, or in an attachment.” *Id.* at 430. Here, the facts  
24 are analogous. Petitioner failed to name any respondent in the caption or the body of the Petition, nor  
25 through an attachment. As such, the Court finds that the original Petition was not compliant with  
26 NRS 233B.130, warranting dismissal.

27       Further, as to the Amended Petition, NRS 233B.130(2)(d) provides that “[p]etitions for  
28 judicial review must: (d) Be filed within 30 days after service of the final decision of the agency.”

1 Despite Petitioner's assertion that the Amended Petition was filed in compliance with NRCP 15, the  
2 Amended Petition was not filed in compliance with NRS 233B.130(2)(d). As a result, this Court  
3 finds that the Amended Petition does not cure Petitioner's jurisdictional defect.

4 Accordingly, and good cause appearing,

5 IT IS HEREBY ORDERED that the *Motion to Dismiss Petition for Judicial Review* filed by  
6 Respondent State of Nevada, Department of Corrections is GRANTED.

7 DATED this 24<sup>th</sup> day of June, 2019.

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10 KATHLEEN DRAKULICH  
11 DISTRICT JUDGE  
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**CERTIFICATE OF SERVICE**

CASE NO. CV19-00641

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 24<sup>th</sup> day of June, 2019, I electronically filed the **ORDER GRANTING MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW** with the Clerk of the Court by using the ECF system.


I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

**Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:**

KEVIN PICK, ESQ. for JAMES DZURENDA, NDOC  
MICHAEL WHITFIELD

**Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage and mailing by Washoe County using the United States Postal Service in Reno, Nevada:**

NONE

  
\_\_\_\_\_  
DANIELLE KENT  
Department 1 Judicial Assistant

1 2540  
AARON D. FORD  
2 Attorney General  
KEVIN A. PICK  
3 Deputy Attorney General  
Sate of Nevada  
4 Office of the Attorney General  
Nevada Bar No. 11683  
5 5420 Kietzke Lane, Suite 202  
Reno, Nevada 89511  
6 (775) 687-2100  
Email: [kpick@ag.nv.gov](mailto:kpick@ag.nv.gov)  
7 *Attorneys for Respondent State of Nevada*  
*ex rel. Department of Corrections*

9 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
10 **IN AND FOR THE COUNTY OF WASHOE**

11 IN THE MATTER OF:

Case No. CV19-00641

12 MICHAEL WHITFIELD  
13 (Appeal No. 1803430-LLW)

Dept. No. 1

14 Petitioner,

15  
16 **NOTICE OF ENTRY OF ORDER**

17 TO: Petitioner Michael Whitfield:

18 PLEASE TAKE NOTICE that on June 24, 2019, the Court entered an Order Granting Motion  
19 to Dismiss Petition for Judicial Review, a true and correct copy of which is attached to this Notice as  
20 Exhibit 1.

21 **AFFIRMATION**

22 The undersigned hereby affirms that the preceding document does not contain the social  
23 security number of any person.

24 DATED this 24th day of June 2019.

25 AARON D. FORD  
26 Attorney General

27 By: /s/ Kevin A. Pick

Kevin A. Pick (Bar. No. 11683)  
Deputy Attorney General  
*Attorneys for Respondent, State of Nevada*  
*ex rel. Department of Corrections*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of the State of Nevada, Office of the Attorney General,  
3 and that on the 24th day of June 2019, I served a copy of the foregoing NOTICE OF ENTRY OF  
4 ORDER by causing a true copy thereof to be filed with the Clerk of the Court using the eFlex system  
5 and by depositing a true copy of the same for mailing addressed as follows:

6 MICHAEL WHITFIELD  
7 PO Box 18421  
8 Reno, NV 89511  
*Petitioner-Employee*

9 Lorna L. Ward, Esq.  
10 Hearing Officer  
11 C/O Hearings Division  
12 1050 West William Street, Suite 450  
13 Carson City, Nevada 89701

14 Department of Administration  
15 Hearings Division  
16 1050 West William Street, Suite 450  
17 Carson City, Nevada 89701

18 */s/ Ginny Brownell*  
19 An employee of the State of Nevada,  
20 Office of the Attorney General  
21  
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**INDEX OF EXHIBITS**

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Exhibit 1      Order Granting Motion to Dismiss Petition for Judicial Review      7 pages



# EXHIBIT 1

Order Granting Motion to Dismiss Petition for  
Judicial Review

EXHIBIT 1

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**IN THE SECOND JUDICIAL DISTRICT COURT OF  
THE STATE OF NEVADA IN AND FOR THE  
COUNTY OF WASHOE**

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MICHAEL WHITFIELD,

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Petitioner,

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Case No.: CV19-00641

12

vs.

Dept. No.: 1

13

NEVADA STATE PERSONNEL  
COMMISSION, STATE OF NEVADA  
DEPARTMENT OF ADMINISTRATION,  
LORNA WARD, APPEALS OFFICER, and  
DEPARTMENT OF CORRECTIONS, as  
Employer,

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Respondents.

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**ORDER GRANTING MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW**

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24

Currently before the Court is the *Motion to Dismiss Petition for Judicial Review* filed by Respondent State of Nevada, Department of Corrections (“NDOC”) on April 4, 2019. On April 8, 2019, Petitioner Michael Whitfield (“Petitioner”) filed an *Amended Petition for Judicial Review*, and thereafter, on April 9, 2019, an *Opposition to Motion to Dismiss Petition for Judicial Review*. On April 12, 2019, NDOC filed a *Reply* and submitted the matter to the Court for decision.

25

26

Upon careful review of the record, this Court finds good cause to grant NDOC’s Motion.

27

**I. Background**

28

Petitioner was previously employed by NDOC as a correctional officer at Warm Springs Correctional Center. Mot. at 2:8-9. On August 2, 2017, a Domestic Violence Restraining Order

1 (“Restraining Order”) was entered against Petitioner by the Superior Court of California, County of  
2 Santa Clara, which specifically made it illegal for Petitioner to use or handle firearms until August 2,  
3 2020. *Id.* at 2:9-12. However, the NDOC Administrative Regulations (AR) 362.01 and 362.03  
4 expressly instruct that (1) all NDOC peace officers are require to handle firearms as part of their  
5 assigned duties; (2) all NDOC peace officers must meet the requirements of NAC Chapter 289 to  
6 ensure POST certification; and (3) all NDOC peace officers must maintain firearm certification under  
7 NAC Chapter 289 “as a condition of employment.” *Id.* at 2:15-19. Following the issuance of the  
8 Restraining Order entered against Petitioner, NDOC assigned him to a temporary administrative  
9 position, where he would not be exposed to firearms. *Id.* at 2:20-21. Over the following six months,  
10 NDOC allegedly urged Petitioner to resolve the Restraining Order and complete his biannual firearm  
11 qualification requirements. *Id.* at 2:21-23. Petitioner allegedly failed to satisfy his biannual firearm  
12 qualification requirements and he lost his POST certification. *Id.* at 2:24-25. As a result, NDOC  
13 terminated Petitioner effective April 20, 2018, for violations of NAC 284.650(1), NAC 289.230,  
14 NDOC AR 362, and NDOC AR 339.07.15(UU) (Failure to maintain POST requirements). *Id.* at 1:26-  
15 3:1.

16 On April 30, 2018, Petitioner appealed his dismissal and on December 14, 2018, an appeal  
17 hearing was conducted in this matter before Hearing Officer Lorna Ward. *Id.* at 3:3-4. On March 1,  
18 2019, Hearing Officer Ward filed her Findings of Fact, Conclusions of Law, Decision and Order.  
19 Mot. Ex. A. Hearing Officer Ward found:

20 Officer Whitfield clearly and by a preponderance of the evidence  
21 violated AR 339.07.15(UU) and NAC 284.650(1). He failed to  
22 maintain his POST requirements as required by AR 339.07.15(UU) and  
23 his failure to qualify biannually and his inability to use a firearm  
24 violated NAC 284.650(1) because such is incompatible with an  
25 employee’s condition of employment established by statute and  
26 regulation . . . There is no question that Officer Whitfield was unable  
27 to legally use a firearm from August 2, 2017 to the present.

28 Mot. at Ex. A, 8. The Hearing Officer further held:

The violation of AR 339.07.15(UU) failure to maintain POST  
requirements is a Class 5 offense with dismissal recommended for a  
first offense . . . [A] violation of AR 339.07.15(UU) is a ‘serious’

1 offense as evidence by the fact that NDOC determined that a violation  
2 warrants dismissal on a first offense. This determination is given  
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4 *Id.* at 8. Lastly, Hearing Officer Ward found that “the dismissal was reasonable in light of all the facts  
5 and the applicable law.” *Id.*

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8 Nevada State Personnel Commission (“Commission”). Pet. at 1:17-21. Petitioner contends that the  
9 Commission’s decision was: (1) not supported by substantial evidence; (2) arbitrary and capricious;  
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## 12 **II. Relevant Legal Authority**

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27 Respondent comes now requesting this Court to dismiss the Petition on the basis that  
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10 agency of the State whose actions are the basis for the suit.” Here, NDOC alleges that Petitioner  
11 failed to name the Department of Corrections or the State of Nevada in the Petition, and thus, failed  
12 to invoke the exception to the State’s sovereign immunity rule. *Id.* at 6:21-24.

13       Upon review of the arguments presented, the Court finds (1) that Petitioner’s original Petition  
14 is noncompliant with NRS 233B.130, and (2) that the APA controls regarding the filing of an  
15 Amended Petition, and thus the Amended Petition does not relate back to the original Petition and  
16 does not cure the defect. Under Nevada law, district courts have jurisdiction to review administrative  
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18 according to the APA’s procedures.” *Otto*, 128 Nev. at 431. To invoke a district court’s jurisdiction,  
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20 requirements for such review, and thus, noncompliance is grounds for dismissal. *Id.* In *Otto*, the  
21 Nevada Supreme Court specifically found that petitioner Washoe County had failed to comply with  
22 NRS 233B.130(2)(a) because Washoe County did not “name any [respondent] taxpayer individually  
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24 are analogous. Petitioner failed to name any respondent in the caption or the body of the Petition, nor  
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26 NRS 233B.130, warranting dismissal.

27       Further, as to the Amended Petition, NRS 233B.130(2)(d) provides that “[p]etitions for  
28 judicial review must: (d) Be filed within 30 days after service of the final decision of the agency.”

1 Despite Petitioner's assertion that the Amended Petition was filed in compliance with NRCP 15, the  
2 Amended Petition was not filed in compliance with NRS 233B.130(2)(d). As a result, this Court  
3 finds that the Amended Petition does not cure Petitioner's jurisdictional defect.

4 Accordingly, and good cause appearing,

5 IT IS HEREBY ORDERED that the *Motion to Dismiss Petition for Judicial Review* filed by  
6 Respondent State of Nevada, Department of Corrections is GRANTED.

7 DATED this 24<sup>th</sup> day of June, 2019.

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10 KATHLEEN DRAKULICH  
11 DISTRICT JUDGE  
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**CERTIFICATE OF SERVICE**

CASE NO. CV19-00641

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 24<sup>th</sup> day of June, 2019, I electronically filed the **ORDER GRANTING MOTION TO DISMISS PETITION FOR JUDICIAL REVIEW** with the Clerk of the Court by using the ECF system.


I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

**Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:**

KEVIN PICK, ESQ. for JAMES DZURENDA, NDOC  
MICHAEL WHITFIELD

**Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage and mailing by Washoe County using the United States Postal Service in Reno, Nevada:**

NONE

  
\_\_\_\_\_  
DANIELLE KENT  
Department 1 Judicial Assistant



1 Code 1350

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

7

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MICHAEL WHITFIELD,

9

Petitioner,

Case No. CV19-00641

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vs.

Dept. No. 1

11

12

NEVADA STATE PERSONNEL COMMISSION,  
STATE OF NEVADA DEPARTMENT OF  
ADMINISTRATION, LORNA WARD, APPEALS  
OFFICER, and DEPARTMENT OF CORRECTIONS,  
as Employer,

14

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Respondents.

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**CERTIFICATE OF CLERK AND TRANSMITTAL – AMENDED NOTICE OF APPEAL**

18

19

I certify that I am an employee of the Second Judicial District Court of the State of Nevada,  
County of Washoe; that on the 7th day of November, 2019 I electronically filed the Amended  
Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

20

21

I further certify that the transmitted record is a true and correct copy of the original  
pleadings on file with the Second Judicial District Court.

22

23

Dated this 7th day of November, 2019.

24

Jacqueline Bryant  
Clerk of the Court

25

26

By /s/YViloria  
YViloria  
Deputy Clerk

27

28