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2 File No. 27CV-WR3-2019-0039

3 Electronically Filed  
4 Dec 19 2019 03:22 p.m.  
5 Elizabeth A. Brown  
6 Clerk of Supreme Court

7 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF

8 NEVADA IN AND FOR THE COUNTY OF PERSHING

9 \* \* \* \* \*

10 Bryan Phillip Bonham,  
11 Appellant,

12 vs.

13 Barbara K. Cegavske,  
14 Respondent.  
15 \_\_\_\_\_/

16 RECORD ON APPEAL

17 PLEADINGS

18 VOLUME 1

19 Bryan Bonham #60575  
20 1200 Prison Road/LCC  
21 Lovelock, NV. 89419

Attorney General's Office  
100 North Carson Street  
Carson City, NV. 89701-4717

22 Appellant, in Pro Per

Attorney for Respondents

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Request for Submission of  
Defendant's Motion to



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PLFP

Bryan P Bonham # 60575  
 Lovelock Correctional Center  
 1200 Prison Road  
 Lovelock, Nevada 89419

Plaintiff In Pro Se

FILED

2019 MAR 15 AM 8:27

ELEVENTH JUDICIAL  
DISTRICT COURT CLERKBY: H. H. H. H. H.

DISTRICT COURT  
~~Dershing county~~  
~~CLARK COUNTY, NEVADA~~

\* \* \* \* \*

Bryan P. Bonham, )  
plaintiff, )  
 -vs- )  
Barbara K Cegavske, )  
Defendant. )

27CV-WR3-2019-0039  
 Case No. PI 19-1291  
 Dept. No. \_\_\_\_\_

APPLICATION TO PROCEED IN FORMA PAUPERIS

COMES NOW Plaintiff, Bryan P. Bonham, in  
 pro se, and moves the Court for an order granting him leave to  
 proceed in the above-entitled action without paying the costs  
 and/or security of proceeding herein.

This motion is made and based upon NRS 12.015 and the  
 attached affidavit and certificate of inmate's institutional  
 account.

Dated this 8th day of march, 2019.

Bryan P Bonham  
Bryan P Bonham # 60575  
 Lovelock Correctional Center  
 1200 Prison Road  
 Lovelock, Nevada 89419  
plaintiff In Pro Se

Affidavit In Support of Application  
To Proceed In Forma Pauperis

STATE OF NEVADA           )  
                                  ) ss:  
COUNTY OF PERSHING )

COMES NOW, Bryan P Benham, who first being duly sworn and on my own oath, do hereby depose and state the following in support of my foregoing motion:

(1) Because of my poverty I am unable to pay the costs of the proceedings in the foregoing action or to give security therefore; I am entitled to relief. This application is made in good faith.

(2) I swear that the responses below are true and correct and to the best of my knowledge, information and belief:

(a) I        am X am not presently employed. I currently earn salary or wages per month in the following amount at Lovelock Correctional Center OR, if I am not presently employed, the date of my last employment and the amount of salary or wages I earned per month were as follows: \_\_\_\_\_

(b) I have NOT received any money from any of the following sources within the past 12 months: business, profession, self-employment, rent payments, pensions, interests or dividends, annuities, insurance payments, gifts or inheritances. Money, if any, placed on my prison account from sources such as  or friends, is in the amount as indicated on the attached Certificate of Inmate's Institutional Account, which reflects the total amount of money on my prison account.

(c) I do NOT own any real estate, stocks, bonds, notes, automobiles or other valuable property, and I do not have any money in a checking account.

(d) I        do X do not have persons dependent upon me for support. The persons I support, if any, are as follows, with my relationship to them and the amount of my contribution towards their support being as follows: \_\_\_\_\_

(3) I swear under penalty of perjury that the above is true and correct and to the best of my personal knowledge, and that the foregoing is rendered without notary per NRS 208.165.

Dated this 8th day of march, 2014.

Bryan P Benham  
Bryan P Benham # 100575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Plaintiff In Pro Se

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AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding APPLICATION FOR LEAVE TO PROCEED IN FORMA PAUPERIS does not contain the social security number of any person.

Dated this 8th day of march, 2019.

Bryan P. Benham  
# 60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

plaintiff In Pro Se

/ / /  
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**Financial Certificates**  
**0060575 - BONHAM, BRYAN P**  
**(8/2/2018 - 2/1/2019)**

**FILED**

**MAR 15 2019**

Trust				
Date	Description	Deposit	Withdrawal	Balance
08/02/2018	Opening Balance			\$0.03
09/23/2018	Keefe	\$60.00		\$60.03
09/23/2018	Legal Copies		(\$2.52)	\$57.51
09/23/2018	Legal Copies		(\$1.60)	\$55.91
09/23/2018	Legal Copies		(\$6.00)	\$49.91
09/23/2018	Legal Copies		(\$2.10)	\$47.81
09/23/2018	Medical Copay		(\$8.00)	\$39.81
09/23/2018	Savings		(\$6.00)	\$33.81
09/24/2018	Commissary		(\$33.46)	\$0.35
01/04/2019	Keefe	\$130.00		\$130.35
01/04/2019	Financial Certificate		(\$26.00)	\$104.35
01/04/2019	Legal Copies		(\$1.60)	\$102.75
01/04/2019	Medical Copay		(\$8.00)	\$94.75
01/04/2019	Savings		(\$13.00)	\$81.75
01/07/2019	Commissary		(\$7.73)	\$74.02
01/07/2019	Commissary Refund	\$6.06		\$80.08
01/07/2019	Trust 2		(\$6.06)	\$74.02
01/08/2019	Trust 2	\$6.06		\$80.08
01/08/2019	Commissary		(\$28.33)	\$51.75
01/14/2019	Commissary		(\$31.57)	\$20.18
01/17/2019	Legal Copies		(\$1.80)	\$18.38
01/17/2019	Legal Copies		(\$0.90)	\$17.48
01/18/2019	Legal Copies		(\$6.80)	\$10.68
01/18/2019	Legal Copies		(\$0.80)	\$9.88
01/22/2019	Commissary		(\$9.82)	\$0.06
02/01/2019	Closing Balance			\$0.06

Trust2				
Date	Description	Deposit	Withdrawal	Balance
08/02/2018	Opening Balance			\$0.00
01/07/2019	Trust 2	\$6.06		\$6.06
01/08/2019	Trust 2		(\$6.06)	\$0.00
02/01/2019	Closing Balance			\$0.00

Trust3				
Date	Description	Deposit	Withdrawal	Balance
08/02/2018	Opening Balance			\$0.00
02/01/2019	Closing Balance			\$0.00

Savings				
Date	Description	Deposit	Withdrawal	Balance
08/02/2018	Opening Balance			\$332.34
09/23/2018	Savings	\$6.00		\$338.34
01/04/2019	Savings	\$13.00		\$351.34
02/01/2019	Closing Balance			\$351.34

**Financial Certificates**  
**0060575 - BONHAM, BRYAN P**

# Financial Certificates

## 0060575 - BONHAM, BRYAN P

Date	Daily Balance	Daily Deposit	Number Of Deposit
08/02/2018	\$0.03	\$0.00	0
08/03/2018	\$0.03	\$0.00	0
08/04/2018	\$0.03	\$0.00	0
08/05/2018	\$0.03	\$0.00	0
08/06/2018	\$0.03	\$0.00	0
08/07/2018	\$0.03	\$0.00	0
08/08/2018	\$0.03	\$0.00	0
08/09/2018	\$0.03	\$0.00	0
08/10/2018	\$0.03	\$0.00	0
08/11/2018	\$0.03	\$0.00	0
08/12/2018	\$0.03	\$0.00	0
08/13/2018	\$0.03	\$0.00	0
08/14/2018	\$0.03	\$0.00	0
08/15/2018	\$0.03	\$0.00	0
08/16/2018	\$0.03	\$0.00	0
08/17/2018	\$0.03	\$0.00	0
08/18/2018	\$0.03	\$0.00	0
08/19/2018	\$0.03	\$0.00	0
08/20/2018	\$0.03	\$0.00	0
08/21/2018	\$0.03	\$0.00	0
08/22/2018	\$0.03	\$0.00	0
08/23/2018	\$0.03	\$0.00	0
08/24/2018	\$0.03	\$0.00	0
08/25/2018	\$0.03	\$0.00	0
08/26/2018	\$0.03	\$0.00	0
08/27/2018	\$0.03	\$0.00	0
08/28/2018	\$0.03	\$0.00	0
08/29/2018	\$0.03	\$0.00	0
08/30/2018	\$0.03	\$0.00	0
08/31/2018	\$0.03	\$0.00	0
09/01/2018	\$0.03	\$0.00	0
09/02/2018	\$0.03	\$0.00	0
09/03/2018	\$0.03	\$0.00	0
09/04/2018	\$0.03	\$0.00	0
09/05/2018	\$0.03	\$0.00	0
09/06/2018	\$0.03	\$0.00	0
09/07/2018	\$0.03	\$0.00	0
09/08/2018	\$0.03	\$0.00	0
09/09/2018	\$0.03	\$0.00	0
09/10/2018	\$0.03	\$0.00	0
09/11/2018	\$0.03	\$0.00	0
09/12/2018	\$0.03	\$0.00	0
09/13/2018	\$0.03	\$0.00	0
09/14/2018	\$0.03	\$0.00	0
09/15/2018	\$0.03	\$0.00	0
09/16/2018	\$0.03	\$0.00	0
09/17/2018	\$0.03	\$0.00	0
09/18/2018	\$0.03	\$0.00	0
09/19/2018	\$0.03	\$0.00	0

# Financial Certificates

## 0060575 - BONHAM, BRYAN P

Date	Daily Balance	Daily Deposit	Number Of Deposit
09/20/2018	\$0.03	\$0.00	0
09/21/2018	\$0.03	\$0.00	0
09/22/2018	\$0.03	\$0.00	0
09/23/2018	\$33.81	\$60.00	1
09/24/2018	\$0.35	\$0.00	0
09/25/2018	\$0.35	\$0.00	0
09/26/2018	\$0.35	\$0.00	0
09/27/2018	\$0.35	\$0.00	0
09/28/2018	\$0.35	\$0.00	0
09/29/2018	\$0.35	\$0.00	0
09/30/2018	\$0.35	\$0.00	0
10/01/2018	\$0.35	\$0.00	0
10/02/2018	\$0.35	\$0.00	0
10/03/2018	\$0.35	\$0.00	0
10/04/2018	\$0.35	\$0.00	0
10/05/2018	\$0.35	\$0.00	0
10/06/2018	\$0.35	\$0.00	0
10/07/2018	\$0.35	\$0.00	0
10/08/2018	\$0.35	\$0.00	0
10/09/2018	\$0.35	\$0.00	0
10/10/2018	\$0.35	\$0.00	0
10/11/2018	\$0.35	\$0.00	0
10/12/2018	\$0.35	\$0.00	0
10/13/2018	\$0.35	\$0.00	0
10/14/2018	\$0.35	\$0.00	0
10/15/2018	\$0.35	\$0.00	0
10/16/2018	\$0.35	\$0.00	0
10/17/2018	\$0.35	\$0.00	0
10/18/2018	\$0.35	\$0.00	0
10/19/2018	\$0.35	\$0.00	0
10/20/2018	\$0.35	\$0.00	0
10/21/2018	\$0.35	\$0.00	0
10/22/2018	\$0.35	\$0.00	0
10/23/2018	\$0.35	\$0.00	0
10/24/2018	\$0.35	\$0.00	0
10/25/2018	\$0.35	\$0.00	0
10/26/2018	\$0.35	\$0.00	0
10/27/2018	\$0.35	\$0.00	0
10/28/2018	\$0.35	\$0.00	0
10/29/2018	\$0.35	\$0.00	0
10/30/2018	\$0.35	\$0.00	0
10/31/2018	\$0.35	\$0.00	0
11/01/2018	\$0.35	\$0.00	0
11/02/2018	\$0.35	\$0.00	0
11/03/2018	\$0.35	\$0.00	0
11/04/2018	\$0.35	\$0.00	0
11/05/2018	\$0.35	\$0.00	0
11/06/2018	\$0.35	\$0.00	0
11/07/2018	\$0.35	\$0.00	0



# Financial Certificates

## 0060575 - BONHAM, BRYAN P

Date	Daily Balance	Daily Deposit	Number Of Deposit
11/08/2018	\$0.35	\$0.00	0
11/09/2018	\$0.35	\$0.00	0
11/10/2018	\$0.35	\$0.00	0
11/11/2018	\$0.35	\$0.00	0
11/12/2018	\$0.35	\$0.00	0
11/13/2018	\$0.35	\$0.00	0
11/14/2018	\$0.35	\$0.00	0
11/15/2018	\$0.35	\$0.00	0
11/16/2018	\$0.35	\$0.00	0
11/17/2018	\$0.35	\$0.00	0
11/18/2018	\$0.35	\$0.00	0
11/19/2018	\$0.35	\$0.00	0
11/20/2018	\$0.35	\$0.00	0
11/21/2018	\$0.35	\$0.00	0
11/22/2018	\$0.35	\$0.00	0
11/23/2018	\$0.35	\$0.00	0
11/24/2018	\$0.35	\$0.00	0
11/25/2018	\$0.35	\$0.00	0
11/26/2018	\$0.35	\$0.00	0
11/27/2018	\$0.35	\$0.00	0
11/28/2018	\$0.35	\$0.00	0
11/29/2018	\$0.35	\$0.00	0
11/30/2018	\$0.35	\$0.00	0
12/01/2018	\$0.35	\$0.00	0
12/02/2018	\$0.35	\$0.00	0
12/03/2018	\$0.35	\$0.00	0
12/04/2018	\$0.35	\$0.00	0
12/05/2018	\$0.35	\$0.00	0
12/06/2018	\$0.35	\$0.00	0
12/07/2018	\$0.35	\$0.00	0
12/08/2018	\$0.35	\$0.00	0
12/09/2018	\$0.35	\$0.00	0
12/10/2018	\$0.35	\$0.00	0
12/11/2018	\$0.35	\$0.00	0
12/12/2018	\$0.35	\$0.00	0
12/13/2018	\$0.35	\$0.00	0
12/14/2018	\$0.35	\$0.00	0
12/15/2018	\$0.35	\$0.00	0
12/16/2018	\$0.35	\$0.00	0
12/17/2018	\$0.35	\$0.00	0
12/18/2018	\$0.35	\$0.00	0
12/19/2018	\$0.35	\$0.00	0
12/20/2018	\$0.35	\$0.00	0
12/21/2018	\$0.35	\$0.00	0
12/22/2018	\$0.35	\$0.00	0
12/23/2018	\$0.35	\$0.00	0
12/24/2018	\$0.35	\$0.00	0
12/25/2018	\$0.35	\$0.00	0
12/26/2018	\$0.35	\$0.00	0

# Financial Certificates

## 0060575 - BONHAM, BRYAN P

Date	Daily Balance	Daily Deposit	Number Of Deposit	
12/27/2018	\$0.35	\$0.00	0	
12/28/2018	\$0.35	\$0.00	0	
12/29/2018	\$0.35	\$0.00	0	
12/30/2018	\$0.35	\$0.00	0	
12/31/2018	\$0.35	\$0.00	0	
01/01/2019	\$0.35	\$0.00	0	
01/02/2019	\$0.35	\$0.00	0	
01/03/2019	\$0.35	\$0.00	0	
01/04/2019	\$81.75	\$130.00	1	
01/05/2019	\$81.75	\$0.00	0	
01/06/2019	\$81.75	\$0.00	0	
01/07/2019	\$74.02	\$0.00	0	
01/08/2019	\$51.75	\$0.00	0	
01/09/2019	\$51.75	\$0.00	0	
01/10/2019	\$51.75	\$0.00	0	
01/11/2019	\$51.75	\$0.00	0	
01/12/2019	\$51.75	\$0.00	0	
01/13/2019	\$51.75	\$0.00	0	
01/14/2019	\$20.18	\$0.00	0	
01/15/2019	\$20.18	\$0.00	0	
01/16/2019	\$20.18	\$0.00	0	
01/17/2019	\$17.48	\$0.00	0	
01/18/2019	\$9.88	\$0.00	0	
01/19/2019	\$9.88	\$0.00	0	
01/20/2019	\$9.88	\$0.00	0	
01/21/2019	\$9.88	\$0.00	0	
01/22/2019	\$0.06	\$0.00	0	
01/23/2019	\$0.06	\$0.00	0	
01/24/2019	\$0.06	\$0.00	0	
01/25/2019	\$0.06	\$0.00	0	
01/26/2019	\$0.06	\$0.00	0	
01/27/2019	\$0.06	\$0.00	0	
01/28/2019	\$0.06	\$0.00	0	
01/29/2019	\$0.06	\$0.00	0	
01/30/2019	\$0.06	\$0.00	0	
01/31/2019	\$0.06	\$0.00	0	
02/01/2019	\$0.06	\$0.00	0	
Start Date	End Date	Total Daily Balances	Number Of Days	Average Monthly Balances
08/02/2018	09/01/2018	\$0.93	31	\$0.03
09/02/2018	10/01/2018	\$37.24	30	\$1.24
10/02/2018	11/01/2018	\$10.85	31	\$0.35
11/02/2018	12/01/2018	\$10.50	30	\$0.35
12/02/2018	01/01/2019	\$10.85	31	\$0.35
01/02/2019	02/01/2019	\$748.67	31	\$24.15
Start Date	End Date	Total Deposits	Number Of Deposits	Average Monthly Deposits
09/02/2018	10/01/2018	\$60.00	1	\$60.00
01/02/2019	02/01/2019	\$130.00	1	\$130.00

**Financial Certificates**  
**0060575 - BONHAM, BRYAN P**

Current Account Balance:	2/1/2019	\$0.06
Average Monthly Balance:		\$4.41
Average Monthly Deposits:		\$31.67
Average Total Monthly Deposit:		\$31.67

31.67x
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6.33*+
31.67*

OIFP

Bryan P Bonham # 60575

Lovelock Correctional Center

1200 Prison Road

Lovelock, Nevada 89419

plaintiff In Pro Se

FILED

2019 MAR 15 PM 12:04

ELLEN JUDICIAL  
DISTRICT COURT CLERK

BY H. Gaudet

DISTRICT COURT  
~~Pershing County~~  
CLARK COUNTY, NEVADA

\* \* \* \* \*

Bryan P Bonham, )

plaintiff, )

-vs-

Barbara K Cegavske, )

Defendant. )

27CU-WR3-2019-0039

Case No. PI 19-1291

Dept. No. \_\_\_\_\_

ORDER TO PROCEED IN FORMA PAUPERIS

Upon consideration of plaintiffs 's Application to Proceed In Forma Pauperis and it appearing that there is not sufficient income, property or resources with which to commence and maintain the action, and with good cause appearing:

IT IS HEREBY ORDERED that plaintiff, Bryan P Bonham, shall be permitted to proceed In Forma Pauperis in this action, with no fees, costs or securities being necessary towards the filing or issuance of any writ, process, pleading or papers.

IT IS FURTHER ORDERED that the Sheriff shall make personal service of any necessary pleadings in this action without fees.

IT IS SO ORDERED.

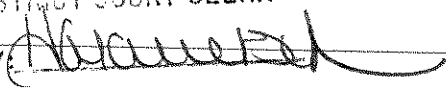
Dated this 15<sup>th</sup> day of March, 2019.

[Signature]  
District Court Judge

Bryan p Bonham  
1200 prison Road  
Love Lock Correction center  
Love Lock, NV. 89419

2019 MAR 15 PM 12:19

SEVENTH JUDICIAL  
DISTRICT COURT CLERK

BY: 

Plaintiff in pro se

District Court  
Pershing County, Nevada

Bryan p. Bonham

27CV-WR3-2019-0039  
case no. PI 19-1291

Dept. NO.

VS.

Barbara K. Cegavske; secretary of state.

Civil Rights Complaint  
Pursuant to 42 U.S.C. §1983

A. Jurisdiction.

This complaint alleges that the civil rights of plaintiff Bryan p. Bonham who presently resides at Love Lock correction center, Pershing County, Nevada were violated by the actions of the below-named individual(s) which were directed against plaintiff at Love Lock correction center from February 27th, 2019 to present. The following civil Rights have been violated, 1st Amendment, 5th Amendment, and 14th Amendment.

COUNT 1 February 27, 2019

Defendant, Barbara K. Cegauske; while Employed as Secretary of state in and for The state of Nevada this Defendant is sued in Her Individual and Official capacity. Has acted, is in violation of Her oath of office.

### Nature of The Case.

On February 19, 2019 plaintiff sent a request to The Secretary of state for certificate of oaths for various elected officials, two Senate Bills. SB 109, and SB 2. SB 109 from 1949, SB 2 from 1957. In Her Response, Secretary of state states that Her office is not in possession of SB 109 from 1949 nor S.B. 2 from 1957 which is a violation of The Nevada Constitution, U.S. Constitution, Freedom of Information act.

### COUNT 1.

The following civil Rights have been violated.

1st Amend Right to Contract.

5th Amend Due process

14th Amend Due process.

Supporting facts:

(2)

Defendant, Barbara K. Cegauske, while employed as Secretary of state in and for the state of Nevada has been, and is in violation of Her oath of office, Nevada Constitution, and U.S. Constitution Amendments 1, 5, 14 i.e.,

Oath of office, 'I Barbara K. Cegauske, do solemnly swear that ~~th~~ I will support, protect and defend The Constitution and government of The United States, and The Constitution and government of The state of Nevada, against all enemies, whether domestic or foreign and That I will bear true faith, allegiance and Loyalty to The same, any ordinance, resolution or Law of any State notwithstanding, and That I will well and faithfully perform all The duties of The office of Secretary of State of The state of Nevada, on which I am about to enter; so help me God. see exhibit 1, 1a plaintiff submits Defendant admits to this violation in response to plaintiff's Request for Documents. i.e. the Secretary of state is not in possession of Senate Bill 109 from 1949 nor Senate Bill 2 from 1957. see exhibit 2

Nevada constitution; Nevada Constitution article 5, §20 which requires The legislative Records to be maintained by The Secretary of state. per Nevada Constitution Article 16 §1, 2 State created Statutes i.e. NRS(s) are not a way to Amend The Nevada Constitution.

U.S. Constitution Amend 1.

(3)

Right to contract. by Her oath Secretary of state Cegavske entered into contract with the Citizen's in signing Her Certificate of election, and oath of office.

U.S. Constitution Amendment V violation of due process by way of withholding Records she is mandated to be holder of said Records

### E. Request for Relief

- 1) plaintiff Requests from Secretary of state the true and original copies of senate Bill 2 (1957) and senate Bill 109 (1949) in original ~~type~~ written form
- 2) copy of Writ of Habeas Corpus in case of state of Nevada vs Gary Walters, court order(s) showing writ granted.
- 3) Compensatory Damages \$500,000.00
- 4) punitive Damages \$500,000.00

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct see 18 U.S.C. § 1621, 28 U.S.C. § 1746

Bryan P. Boham 60575  
Bryan P. Boham  
3/8/2019

(4)

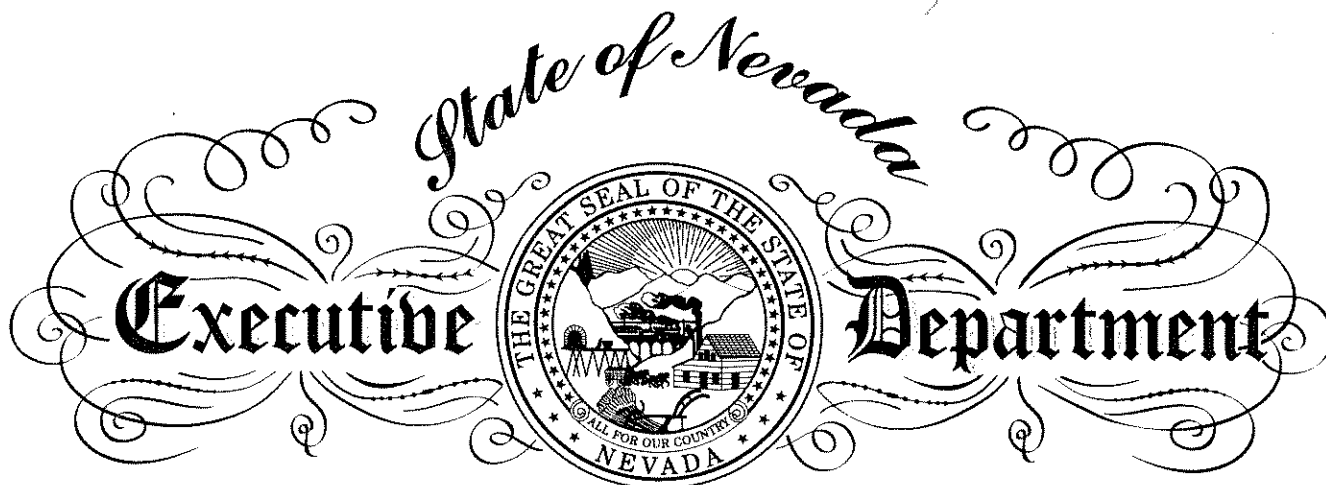


**EXHIBIT**

1

**EXHIBIT**

1



## CERTIFICATE OF ELECTION

*This is to certify* that at a general election held in the State of Nevada on Tuesday, the fourth day of November, two thousand fourteen

**BARBARA K. CEGAVSKE**

*was duly elected to the office of Secretary of State of the State of Nevada, for the term of four years from and including the first Monday in January, two thousand fifteen;*

*Now, Therefore, I Brian Sandoval, Governor of the State of Nevada, by the authority vested in me by the Constitution and laws thereof, do hereby*

## COMMISSION

*her, the said BARBARA K. CEGAVSKE, as Secretary of State of the State of Nevada, and authorize her to discharge the duties of said office according to law, and to hold and enjoy the same, together with all powers, privileges and emoluments thereunto appertaining.*



*In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol at Carson City, Nevada on this 9th day of December, two thousand fourteen.*

*Brian Sandoval*  
Governor of the State of Nevada

*Ross Miller*  
Secretary of the State of Nevada

*I, BARBARA K. CEGAVSKE, do solemnly swear that I will support, protect and defend the constitution and government of the United States, and the constitution and government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of Secretary of State of the State of Nevada, on which I am about to enter; so help me God.*

*Barbara K. Cegavske*  
BARBARA K. CEGAVSKE

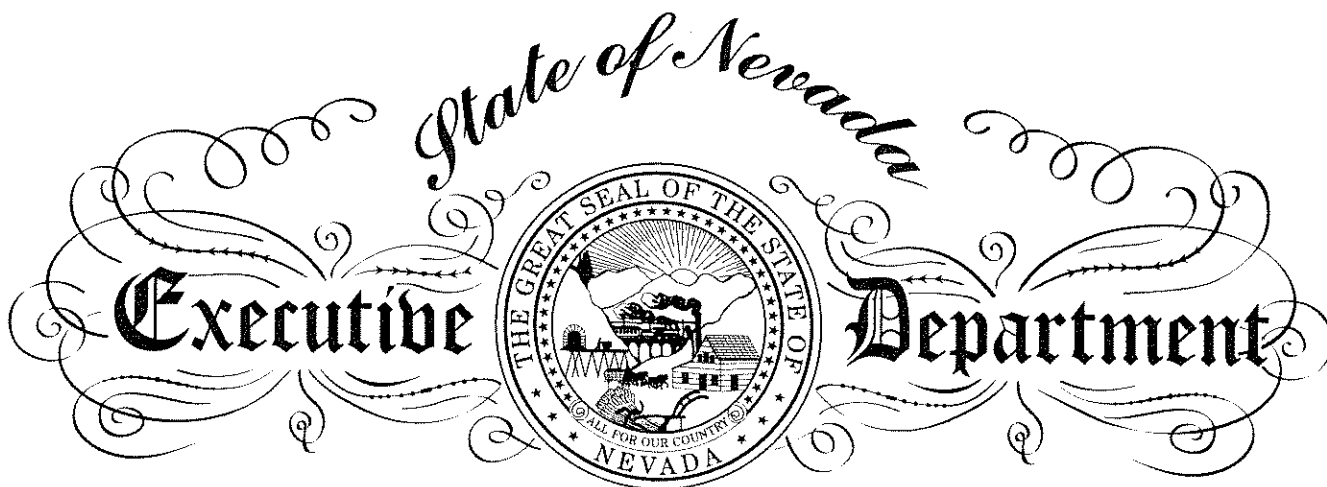
Subscribed and sworn to before me this 5<sup>th</sup> day of JANUARY, A.D., two

**EXHIBIT**

1a

**EXHIBIT**

1a



## CERTIFICATE OF ELECTION

**This is to certify** that at a general election held in the State of Nevada on Tuesday, the sixth day of November, two thousand eighteen

**BARBARA K. CEGAVSKE**

was duly elected to the office of Secretary of State of the State of Nevada, for the term of four years from and including the first Monday in January, two thousand nineteen;

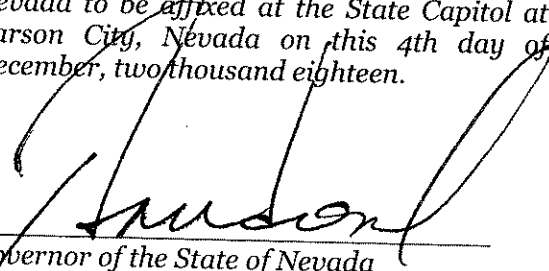
**Now, Therefore,** I Brian Sandoval, Governor of the State of Nevada, by the authority vested in me by the Constitution and laws thereof, do hereby

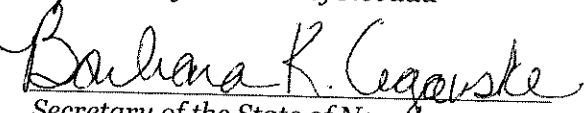
## COMMISSION

her, the said BARBARA K. CEGAVSKE, as Secretary of State of the State of Nevada, and authorize her to discharge the duties of said office according to law, and to hold and enjoy the same, together with all powers, privileges and emoluments thereunto appertaining.




In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol at Carson City, Nevada on this 4th day of December, two thousand eighteen.

  
Governor of the State of Nevada

  
Secretary of the State of Nevada

I, BARBARA K. CEGAVSKE, do solemnly swear that I will support, protect and defend the constitution and government of the United States, and the constitution and government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of Secretary of State of the State of Nevada, on which I am about to enter; so help me God.

  
BARBARA K. CEGAVSKE

**EXHIBIT**

2

**EXHIBIT**

2

**BARBARA K. CEGAVSKE**  
*Secretary of State*

STATE OF NEVADA



**SCOTT ANDERSON**  
*Chief Deputy Secretary of State*

**OFFICE OF THE  
SECRETARY OF STATE**

*who was At Gen 1997*

February 27, 2019

Bryan Bonham # 60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

Mr. Bonham:

We are enclosing the following documents responsive to your records request: Certificate of Election for- Secretary of State Barbara Cegavske (2014) (2018), Attorney General Catherine Cortez Masto (2001) (2010), Attorney General Adam Laxalt (2014); Governor Kenny Guinn (1998) (2002); Governor Jim Gibbons (2006) Governor Brian Sandoval (2010) (2014). You are going to have to be more specific with regards to the various Judges and District Attorneys as we need to know jurisdiction and district and may not have these documents. We do not have Certificates of Election for Sheriff. You will need to provide the names of the Attorneys General from 1997-2002 as we may have already archived their Certificates of Election.

The Secretary of State is not in possession of Senate Bill 109 from 1949 nor Senate Bill 2 from 1957 – those records have been transferred to the Nevada State Library and Archives.

Thank you for contacting our office.

Sincerely,

The Office of the Nevada Secretary of State

**NEVADA STATE CAPITOL**  
101 N. Carson Street, Suite 3  
Carson City, Nevada 89701-3714

**MEYERS ANNEX  
COMMERCIAL RECORDINGS**  
202 N. Carson Street  
Carson City, Nevada 89701-4201

**LAS VEGAS OFFICE**  
555 E. Washington Avenue, Suite 5200  
Las Vegas, Nevada 89101-1090

[nvsos.gov](http://nvsos.gov)

110343

FILED

2019 MAY 23 PM 1:42

Case # PI 14-1291 27CU-WR3-2014.0039

Dept No. \_\_\_\_\_

In the **Eleventh Judicial District Court** of the State of Nevada  
IN AND FOR THE COUNTY OF PERSHING

\* \* \* \*

Bryan P. Bonham

Plaintiff

vs

Barbara K Cegavske  
Secretary of State.

Defendant

Filed \_\_\_\_\_, 20\_\_\_\_

Clerk

Deputy Clerk

### SUMMONS

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

You are here by summoned and required to serve upon Barbara K. Cegavske

Plaintiff's attorney, whose address is Office of Attorney General Aaron D. Ford 100 N. Carson City Street, Carson City, Nevada 89701

An answer to the Complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.\*

Dated this 24<sup>th</sup> day of April, 2019.

(Seal of the Court)

**F. WILKERSON**

By: [Signature] Clerk of the Court

\*Note- When service is by publication, insert a brief statement of the object of the action. See Rule 4

RETURN OF SERVICE ON REVERSE SIDE



## PROOF OF SERVICE

<b>Court Date:</b>		<b>File No.</b> 0016343
<b>Court:</b>	ELEVENTH JUDICIAL DIST COURT PERSHING	<b>Case No.</b> PI191291
<b>Initiator:</b>	BRYAN BONHAM #60575	<b>Company:</b>
<b>Address:</b>	LOVELOCK CORRECTIONAL CENTER 1200 PRISON RD LOVELOCK, NV 89419	<b>Address:</b>
<b>Plaintiff:</b>	BONHAM, BRYAN #60575	<b>Defendant:</b> CEGAVSKE, BARBARA SECRETARY OF STATE
<b>Address:</b>	, 0	<b>Address:</b> 100 N CARSON ST CARSON, NV 89701

1. Documents Served:

SUMMONS & COMPLAINT

2. Service Attempts:

Date	Time	Address:	Served
5/10/19	15:25	100 N CARSON ST	<input checked="" type="checkbox"/>
		Notes:	
		Address:	<input type="checkbox"/>
		Notes:	
		Address:	<input type="checkbox"/>
		Notes:	

3. Party Served: DIANA HERRERA

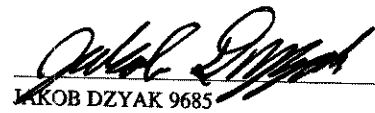
Title: AAII

4. I served the party named in Item 3: TO AUTHORIZED INDIVIDUAL

5. Remarks:

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

  
JAKOB DZYAK 9685  
Carson City Sheriff's Office  
911 East Musser Street  
Carson City, NV 89701  
Phone: 775-887-2500

5/13/19  
Date



Bryan P. Bonham 60575

1200 Prison Road

LCC

Love Lock, Nevada 89419

IN THE 11<sup>TH</sup> JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

FILED

2019 JUN 10 PM 3:58

FILED WITH JUDICIAL  
DISTRICT COURT CLERK

BY: *[Signature]*

Bryan P. Bonham

plaintiff

VS.

Barbara K. Cegavske

27 CV-WR 32019-0039

CASE NO. PI 19-1291

NOTICE OF MOTION

TO ~~Attorney General~~ Secretary of state.

~~Aaron D. Ford~~ Barbara K. Cegavske

please take notice That The undersigned will bring The above motion  
for hearing as soon as possible for a Decision based on The courts Docket  
will allow.

*[Signature]*  
plaintiff

Bryan P. Bonham 60575

1200 Prison Road

Love Lock, Nevada 89419

## POINTS And Authorities

### Argument

The plaintiff is an indigent prisoner, as demonstrated by the informal pauper's on file. NDOC AR 722.01 (7A) allows plaintiff to accrue a \$100.00 debt against his account, towards legal copy work. which once reached, prohibits him from accumulating any further indebtedness for such copy work. "Exceptions to this Rule would be a court order received directly from the courts. .... I d, The AR Therefore gives this court Authority to issue an order allowing plaintiff to exceed his copy work limit. on top of this listed case this plaintiff has multiple cases. However plaintiff has received one prior increase of 10.00 for that case. The NDOC Account Services used 8.00 of that increase to pay for debt owed to NDOC for legal copy work. plaintiff Requests an increase of 20.00, Respectfully Requests that NDOC Account Services be notified, ordered to not deduct any of said increase unless for this case at Bar, if NDOC inmate account services deducts any of said increase for anything other than copy work for this case (documented) They be held in contempt of court. As court can see by review of plaintiff's file, kite sent to Law Library. His Limit is at \$131.00. After money was mistakenly put on plaintiff's account in April, then the Fed Dist court granting extension of legal copy work. plaintiff has no idea how it got up to 131.00. well over 110.00 it should be at. see exhibit 1 kite to Law Library. per FRCPs LR 5-1 and LR 7-2 Additionally He will require ~~require~~ copies of some of his own records. see. e.g. GUTH V KONGAS 951 F2d 1504, 1510 (9th cir 1991)

### Conclusion

plaintiff Requests for the reason set forth above that this Honorable court grant this motion, further Direct/order

NDOC inmate account services to only <sup>Deduct</sup> ~~Debit~~ monies from  
this increase (should it be granted) only if its done with this  
case NO. attached, verified by Brass slip with case NO. on said  
Brass slip.

Respectfully Submitted.

~~Bryan P. Bonham~~

Bryan P. Bonham 60575

1200 prison road

LoveLock Correctional Center

LoveLock, NEVADA 89419

Bryan p. Bonham 60575

1200 prison road

LCC

Love Lock, NV 89419

FILED

2019 JUN 10 PM 3:58

CLERK OF JUDICIAL  
DISTRICT COURT CLERK

BY:

IN THE 11<sup>TH</sup> JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

Bryan p. Bonham

plaintiff

v.s.

Barbara K Cegavske

Defendant

27 CV-WR 32019-0039

CASE NO. PI 19-1291

Motion to Extend prison copywork  
i.e. Legal copy work.

Comes now plaintiff Bryan p. Bonham in pro se. and moves this Honorable Court to enter an order granting the foregoing motion. This motion is made and based upon the papers, files and pleadings ~~based~~ and other documents herein and the attached points, authorities. i.e. Administrative Regulation (AR) 722.

Dated this 4<sup>th</sup> day of June, 2019

By:

Bryan p. Bonham

Bryan p. Bonham 60575

1200 prison road

LCC

Love Lock, Nevada

FILED

2019 JUN 13 AM 8:53

ELEVENTH JUDICIAL  
DISTRICT COURT CLERK

IN THE ELEVENTH JUDICIAL DISTRICT COURT  
of the STATE of Nevada in and for purshing county

Bryan p. Bonham  
Plaintiff.

21 CV-WR 32019-0039  
Case No. PI 19-1291

v.s.

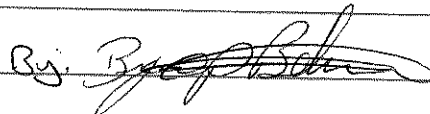
Barbara K Cegauske  
Defendant

Application for entry of  
Default.

To clerk of the 11th Judicial District Court purshing county, Nevada  
please enter The Default of The Defendant Barbara K Cegauske, for failure to  
plead or otherwise defend The above-entitled action as provided by The Nevada  
rules of civil procedure.

The Defendant was served with a copy of The Simmons and complaint by service  
on 5/10/2019 more than 20 days have passed/elapsed since said service and The  
Defendant has NOT answered, or otherwise responded and no extention has been  
granted.

Dated This 10th day of June 2019

By: 

Bryan P Bonham 60575

1200 prison road

Lcc

Love Lock, Nevada 89419

FILED

2019 JUN 19 PM 1:44

ELEVENTH JUDICIAL  
DISTRICT COURT CLERK

BY: *[Signature]*

IN THE ELEVENTH JUDICIAL DISTRICT COURT  
IN and FOR Love Lock, NV.

27CV-WR3 2019-0039

Bryan P. Bonham

case no. PI 19-1291

plaintiff

vs

Application for Entry of  
Default.

Barbara K. Cegauske

Defendant

To: clerk of The Eleventh Judicial District Court  
Love Lock, Nevada.

please enter The Default of The Defendant Barbara K. Cegauske  
for failure to plead or otherwise defend The above entitled action as provided  
by The Nevada Rules of civil procedure.

The Defendant was served with a copy of The summons and complaint by  
Service on 5/10/19. more than 20 days have elapsed since said service  
and the Defendant has not Answered or otherwise responded, and no  
extension has been granted.

Dated this 16<sup>th</sup> day of June 2019

By *[Signature]*

Bryan P. Bonham 60575

1 CASE NO. PI 19-1291

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this  
5 document does not contain the  
6 personal information of any person

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
8 **IN AND FOR THE COUNTY OF PERSHING**

9 BRYAN BONHAM,

10 Plaintiff,

**DEFENDANT'S MOTION TO DISMISS**

11 vs.

12 BARBARA K. CEGAVASKE, et al.,

13 Defendants.

14 Defendant, Secretary of State Barbara K. Cegavske, by and through counsel, Aaron  
15 D. Ford, Attorney General of the State of Nevada, and Ian Carr, Deputy Attorney General,  
16 hereby submits her Motion to Dismiss pursuant to Nevada Rule of Civil Procedure  
17 (NRCP) 12(b). This Motion is based on the following Memorandum of Points and  
18 Authorities and all pleadings and papers on file in this action.

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 **I. NOTICE OF THE MOTION**

21 No hearing is requested on this matter.

22 **II. INTRODUCTION**

23 Inmate-Plaintiff Bryan Bonham's (Bonham) suit should be dismissed as a matter of  
24 law. In this case, Bonham alleges the Secretary of State failed to maintain or produce  
25 records as required by the Nevada Constitution.

26 The "Civil Rights Complaint pursuant to 42 U.S.C. § 1983" (Complaint) is  
27 procedurally deficient for at least three separate and distinct reasons.

28 ///

1 First, Bonham's allegations against Secretary of State Cegavske are not justiciable.  
2 Bonham fails to allege a personal, specific injury that he incurred as a result of the alleged  
3 failure to maintain or produce records, depriving him of the standing necessary to maintain  
4 this case.

5 Second, Bonham failed to properly name the State of Nevada and serve Secretary of  
6 State Cegavske personally as required by Nevada law. Bonham served only the Nevada  
7 Attorney General's Office, rather than both the Nevada Attorney General's Office and the  
8 specific named Defendant, depriving this Court of subject matter jurisdiction and personal  
9 jurisdiction over this case.

10 Third, Bonham failed to state a claim upon which relief can be granted. Bonham's  
11 allegations of breaches of the Nevada Constitution rely upon provisions that do not generate  
12 a private right of action and do not give rise to a recognizable civil rights claim.

13 For these reasons and those argued more fully below, this Court should dismiss this  
14 case as a matter of law.

### 15 **III. PROCEDURAL HISTORY AND STATEMENT OF ALLEGED FACTS<sup>1</sup>**

16 Bonham is an inmate currently incarcerated within the Nevada Department of  
17 Corrections (NDOC) at Lovelock Correctional Center (LCC). On or about March 15, 2019,  
18 Bonham submitted his Complaint in this Court, alleging Secretary of State Cegavske "is in  
19 violation of her oath of office." *See* Compl. at 2.

20 Bonham alleges Secretary of State Cegavske is "not in possession of SB 109 from  
21 1949 nor [SB] 2 from 1957." *See id.* The Nevada Constitution requires Secretary of State  
22 Cegavske to maintain legislative records. *See id.* at 3. The Nevada Constitution has a  
23 procedure for amendment, but that procedure has not been followed. *See id.*

24 ///

25 ///

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26  
27 <sup>1</sup> The Statement of Alleged Facts is based on the allegations in Bonham's  
28 Complaint. None of the statements or arguments in this brief, which are based on these  
allegations, should be construed as admissions of fact.



1 Bonham requests relief in the form of \$500,000 in compensatory damages, \$500,000  
2 in punitive damages, and a copy of a "writ of habeas corpus in case of State of Nevada vs.  
3 Gary Walters["] See *id.* at 4 (emphasis original).

4 Secretary of State Cegavske now moves to dismiss this lawsuit in its entirety as a  
5 matter of law.

#### 6 IV. LEGAL STANDARD

7 A pleading is subject to certain rules; primary among them is that a plaintiff's  
8 complaint must adhere to NRCP 8(a). NRCP 8(a) provides:

9 A pleading which sets forth a claim for relief [ . . . ] shall contain (1)  
10 a short and plain statement of the claim showing that the pleader  
11 is entitled to relief; and (2) a demand for judgment for the relief  
the pleader seeks. Relief in the alternative or of several different  
types may be demanded.

12 NRCP 8(a). Nevada follows a notice pleading standard as to Rule 8(a) and the sufficiency of  
13 the complaint. See *Crucil v. Carson City*, 95 Nev. 583, 585, 600 P.2d 216, 217 (1979) ("[T]he  
14 pleading of [a] conclusion, either of law or fact, is sufficient so long as the pleading gives fair  
15 notice of the nature and basis of the claim.").

16 "Whenever it appears by suggestion of the parties or otherwise that the court lacks  
17 jurisdiction of the subject matter, the court **shall** dismiss the action." NRCP 12(h)(3)  
18 (emphasis added). Cf. NRCP 12(b)(1) (regarding motions to dismiss for "lack of  
19 jurisdiction over the subject matter"); *Mainor v. Nault*, 120 Nev. 750, 761 n.9, 101 P.3d  
20 308, 315 n.9 (2004) (citing *Swan v. Swan*, 106 Nev. 464, 469, 796 P.2d 221, 224 (1990))  
21 ("Lack of subject matter jurisdiction can be raised at any time during the proceedings and  
22 is not waivable.").

23 NRCP 12(b)(5) provides that a defendant may move to dismiss a claim in any  
24 pleading for "failure to state a claim upon which relief can be granted[.]" In reviewing such  
25 a motion, "[a]ll factual allegations of the complaint must be accepted as true." *Simpson v.*  
26 *Mars, Inc.*, 113 Nev. 188, 190, 929 P.2d 966, 967 (1997). "A complaint will not be dismissed  
27 for failure to state a claim unless it appears beyond a doubt that plaintiff could prove no set  
28 of facts which, if accepted by the trier of fact, would entitle him or her to relief." *Id.*

1 **V. ARGUMENT<sup>2</sup>**

2 **A. Bonham Lacks Standing**

3 A justiciable issue is one that must be capable of or ripe for a judicial  
4 determination. *See Doe v. Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444 (1986) (internal  
5 citation omitted). If a court has no power to grant relief, or the party seeking relief has no  
6 legal right to such relief, any ruling on the issue becomes legally void as an advisory  
7 opinion. *See State Indus. Ins. Sys. v. Sleeper*, 100 Nev. 267, 269–70, 679 P.2d 1273, 1274–  
8 75 (1984) (internal citations omitted).

9 Nevada courts require litigated matters to present “an existing controversy, not  
10 merely the prospect of a future problem.” *See Bryan*, 102 Nev. at 525, 728 P.2d at 444.  
11 The “irreducible constitutional minimum” of standing is an “injury in fact” that is not  
12 merely conjectural or hypothetical, and which must be “likely” as opposed to merely  
13 speculative. *See Miller v. Ignacio*, 112 Nev. 930, 936 n.4, 921 P.2d 882, 885 n.4 (1996)  
14 (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)).

15 In this case, Bonham fails to allege any injury he suffered as a result of not being  
16 provided records. *See Compl.* at 2–4. Bonham asserts he has a “right to contract,” but  
17 fails to explain how his specific rights were violated or how he was injured. *See id.*  
18 Bonham’s allegations of injury are non-existent, let alone conjectural or hypothetical. *See*  
19 *Miller*, 112 Nev. at 936 n.4, 921 P.2d at 885 n.4 (requiring an injury to be more than  
20 conjectural or hypothetical to maintain standing).

21 Because Bonham alleges no actual injury, he lacks the standing necessary to  
22 sustain this case, and the Court should dismiss the case as a matter of law.

23 ///

24 ///

25 ///

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26  
27 <sup>2</sup> Secretary of State Cegavske reserve the right to assert additional defenses,  
28 including discretionary act immunity or qualified immunity, in a subsequent pleading if  
necessary.

1           **B.   Bonham Failed to Name the State of Nevada<sup>3</sup> and Complete Dual**  
2           **Service as Required by Law**

3           The State of Nevada has waived its sovereign immunity only under limited  
4 circumstances. See NRS 41.031; see also NRS 41.0337. In order to invoke a waiver of  
5 sovereign immunity, an “action must be brought in the name of the State of Nevada on  
6 relation of the particular department . . . of the State whose actions are the basis for the  
7 suit.” NRS 41.031(2). Failure by a plaintiff to invoke a waiver of sovereign immunity  
8 deprives a court of subject matter jurisdiction. See *Jiminez v. State*, 98 Nev. 204, 205, 644  
9 P.2d 1023, 1024 (1982) (assuming that failure to name the State of Nevada as a defendant  
10 under NRS 41.031 deprived the trial court of subject matter jurisdiction). NRCP 12(b)(1)  
11 requires this Court to dismiss an action in the absence of subject matter jurisdiction. See  
12 also NRCP 12(h)(3) (stating if it appears “that the court lacks jurisdiction of the subject  
13 matter, the court shall dismiss the action”). Furthermore, a plaintiff must accomplish  
14 personal service upon both the actual named defendant as well as the Nevada Attorney  
15 General’s office. See NRS 41.031(2)(a)–(b).

16           Bonham failed to name the State of Nevada as a defendant, instead naming only  
17 Secretary of State Cegavske. See generally Compl. Bonham’s failure to bring suit “in the  
18 name of the State of Nevada” results in his failure to properly invoke a waiver of sovereign  
19 immunity. See NRS 41.031(2); see also NRS 41.0337(c). Bonham’s failure to invoke a  
20 waiver of sovereign immunity deprives the Court of subject matter jurisdiction, which  
21 requires dismissal of this action under NRCP 12(b)(1). See *Jiminez*, 98 Nev. at 205, 644  
22 P.2d at 1024. Furthermore, Bonham’s failure to personally serve Secretary of State  
23 Cegavske deprives the Court of personal jurisdiction. “Personal service or a legally

24 ///

25 ///

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26           <sup>3</sup> The sovereign immunity waiver arguments apply to the extent Bonham has  
27 alleged any tort claims under Nevada law. See *Craig v. Donnelly*, 135 Nev. \_\_, \_\_, 439  
28 P.3d 413, 416–17 (Adv. Op. 6, February 28, 2019). To the extent Bonham has alleged 42  
U.S.C. § 1983 civil rights claims, he has failed to serve the actual named Defendant,  
Secretary of State Cegavske.

provided substitute must . . . occur in order to obtain jurisdiction over a party." *C.H.A. Venture v. G.C. Wallace Consulting Eng'rs, Inc.*, 106 Nev. 381, 384, 794 P.2d 707, 709 (1990).

Because Bonham deprived the Court of subject matter jurisdiction and personal jurisdiction over this case by failing to comply with statutory requirements and failing to personally serve Secretary of State Cegavske, the Court should dismiss this case in its entirety as a matter of law.

**C. Bonham Fails to State a Claim upon which Relief Can Be Granted**

Nevada is a notice-pleading state, but to meet the bare requirements of notice pleading, a plaintiff must "set forth sufficient facts to demonstrate the necessary elements of a claim for relief so that the defending party has adequate notice of the nature of the claim and relief sought." *Western States Constr. v. Michoff*, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (1992).

Here, Bonham alleges Secretary of State Cegavske failed to maintain or produce copies of "senate bills," which he asserts is "in violation of her oath of office[.]" See Compl. at 2-4. However, none of Bonham's citations to the Nevada Constitution provide a private right of action that would allow him to sustain a cognizable claim. See *id.* The Nevada Constitution provides that the Secretary of State "shall keep a true record of the Official Acts of the Legislative and Executive Departments of the Government," but does not create any claim for a private citizen to sue upon. See NEV. CONST. art. V, § 20. The Nevada Supreme Court has held that a private right of action must be based upon clear statutory (or constitutional) language, in the absence of any known legislative intent. See *Neville v. Eighth Judicial Dist. Court*, 406 P.3d 499, 502-03 (Nev. 2017) (internal citation omitted). Bonham's additional citations are likewise vague and unavailing, and he fails to set forth the basic facts necessary to sustain any known claim for relief. See Compl. at 2-4.

///

///

1 Because Bonham failed to provide a short and plain statement of facts that would  
2 sustain any known claim, he failed to meet notice pleading standards, and the Court  
3 should dismiss this case in its entirety as a matter of law.

4 **VI. CONCLUSION**

5 In this case, Bonham, a prison inmate, alleges a breach of oath of office by the  
6 Secretary of State for failing to maintain or send him copies of "senate bills." However,  
7 Bonham fails to identify any injury he has sustained, a private right of action that would  
8 allow him to pursue a claim, or even a known claim that would arise from his allegations.  
9 Bonham's vague citations to constitutional provisions are insufficient for him to pursue any  
10 form of relief, under either tort or civil rights theory.


11 Bonham's case fails because he lacks standing, he has failed to waive sovereign  
12 immunity (under both naming and service requirements), and he fails state a claim upon  
13 which relief can be granted.

14 For these reasons, Secretary of State Cegavske respectfully requests that the Court  
15 grant her Motion to Dismiss and dismiss this case in its entirety, with prejudice.

16 DATED this 24th day of June, 2019.

17 AARON D. FORD  
18 Attorney General

19 By:

  
\_\_\_\_\_  
IAN CARR, Bar No. 13840  
Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717  
(775) 684-1259  
icarr@ag.nv.gov

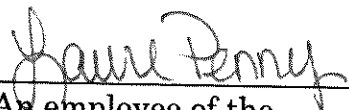
23 *Attorneys for Defendant*

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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 24th of June, 2019, I caused to be deposited for mailing a true and correct copy of the foregoing, **DEFENDANT'S MOTION TO DISMISS**, to the following:

Bryan Bonham, #60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

  
An employee of the  
Office of the Attorney General

1 CASE NO. PI 19-1291

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this  
5 document does not contain the  
6 personal information of any person

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
8 **IN AND FOR THE COUNTY OF PERSHING**

9 BRYAN BONHAM,

10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVASKE, et al.,

13 Defendants.

**REPLY IN SUPPORT OF  
DEFENDANT'S MOTION TO DISMISS**

14 Defendant, Secretary of State Barbara K. Cegavske, by and through counsel, Aaron  
15 D. Ford, Attorney General of the State of Nevada, and Ian Carr, Deputy Attorney General,  
16 hereby Reply in Support of her Motion to Dismiss (filed June 19, 2019) pursuant to  
17 Nevada Rule of Civil Procedure (NRCP) 12(b). This Reply is based on the following  
18 Memorandum of Points and Authorities, the attached exhibit, and all pleadings and  
19 papers on file in this action.

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I. ARGUMENT**

22 On July 8, 2019, Plaintiff mailed his Opposition to Defendant's Motion to Dismiss.  
23 See Pl.'s Opp'n Mot. Dismiss (mailed July 8, 2019) at 5.

24 Plaintiff first argues that his case is justiciable because the Nevada Revised Statutes  
25 he was sentenced under are somehow invalid. *See id.* at 1-3. ("It was proven by another  
26 inmate that certain senate bills had no enactment clause in them . . . meaning the personal  
27 injury is false imprisonment under false laws"). However, Plaintiff fails to cite any known  
28

1 authority<sup>1</sup> supporting his argument that the Nevada Revised Statutes are “false laws[.]”  
2 See *id.* The “irreducible constitutional minimum” of standing is an “injury in fact” that is  
3 not merely conjectural or hypothetical, and which must be “likely” as opposed to merely  
4 speculative. See *Miller v. Ignacio*, 112 Nev. 930, 936 n.4, 921 P.2d 882, 885 n.4 (1996)  
5 (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)). Plaintiff’s alleged  
6 injury of being under “false imprisonment under false laws” is the type of conjectural or  
7 speculative injury that fails to give rise to the standing necessary to maintain suit. See  
8 *id.*

9 Plaintiff next argues that Defendant failed to “state what law that is” requiring  
10 him to name the State of Nevada as a Defendant, and that “Nevada laws are invalid[,] see  
11 Gary Walters[] YouTube videos on the matter.” See Pl.’s Opp’n Mot. Dismiss (mailed July  
12 8, 2019) at 3. However, Defendant did cite the applicable statutes. See Def.’s Mot. Dismiss  
13 (filed June 19, 2019) at 5 (citing NRS 41.031 and NRS 41.0337).

14 Plaintiff further argues he served Defendant “or at least someone who can accept  
15 service on her behalf at her office on May 10, 2019 [.]” but Plaintiff needed to serve both  
16 Defendant and the Attorney General’s Office to perfect service. See NRS 41.031.

17 Plaintiff further argues he states a claim “based off her oath of office i.e. breach of  
18 contract with a Nev. Citizen[.]” but fails to explain how he has a private right of action to  
19 such a “claim.” See Pl.’s Opp’n Mot. Dismiss (mailed July 8, 2019) at 3. Nevada is a notice-  
20 pleading state, but to meet the bare requirements of notice pleading, a plaintiff must “set  
21 forth sufficient facts to demonstrate the necessary elements of a claim for relief so that  
22 the defending party has adequate notice of the nature of the claim and relief sought.”  
23 *Western States Constr. v. Michoff*, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (1992).

---

24 <sup>1</sup> Plaintiff’s paradoxical position that Nevada law is somehow invalid despite his  
25 attempts to seek relief from a court governed by Nevada law should subject Plaintiff to  
26 forfeiture of his statutory time credits. See NRS 209.451(1)(d) (“If an offender: . . . (d) In a  
27 civil action . . . is found by the court to have presented a pleading, written motion or other  
28 document in writing to the court which: . . . (2) Contains a claim, defense or other  
argument which is not warranted by existing law . . . the offender forfeits all deductions of  
time earned by the offender before the commission of that offense or act, or forfeits such  
part of those deductions as the Director considers just.”).



1 Plaintiff finally argues that because more than 20 days passed after service upon  
2 Defendant before responding, default has already been "granted," and the only recourse left  
3 is to appeal. See Pl.'s Opp'n Mot. Dismiss (mailed July 8, 2019) at 4. However, State of  
4 Nevada officials, including Defendant, have 45 days to respond to a complaint, rather than  
5 20. See NRS 41.0341. Furthermore, default judgment cannot be entered against the State  
6 of Nevada or its officials without a prove-up hearing. See NRCP 55(e). Therefore, Plaintiff  
7 cannot justify denial of Defendant's Motion to Dismiss (filed June 19, 2019) using his  
8 allegations of having taken a default judgment contrary to Nevada law.

9 **II. CONCLUSION**

10 Plaintiff paradoxically argues for denial of Defendant's Motion to Dismiss (filed June  
11 19, 2019) on the basis that the Nevada Revised Statutes are somehow illegitimate, before  
12 a court bound to uphold the legitimacy of the Nevada Revised Statutes. Plaintiff's  
13 conjectural allegations are insufficient to generate the standing needed to maintain this  
14 suit, his pleading is procedurally flawed, and he fails to state a claim upon which relief  
15 can be granted.

16 For these reasons, Defendant respectfully requests that the Court grant her Motion  
17 to Dismiss (filed June 19, 2019) and dismiss this case in its entirety, with prejudice.

18 Furthermore, Defendant suggests that the Court should order the forfeiture of  
19 Plaintiff's statutory time credits pursuant to NRS 209.451 in an amount the Court deems  
20 appropriate.

21 DATED this 15th day of July, 2019.

22 AARON D. FORD  
23 Attorney General

24 By: 

25 IAN CARR, Bar No. 13840  
26 Deputy Attorney General

27 *Attorneys for Defendant*  
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Bryan Bonham, #60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

4

Bryan P Bonham 60575

1200 prison Road

LCC

Love Lock, NV 89419

FILED

2019 JUL 23 PM 2:48

11TH JUDICIAL DISTRICT COURT CLERK

BY: 

11TH JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

Bryan P. Bonham

Plaintiff in pro se

vs.

STATE OF NEVADA ex Rel. Secretary of state  
Barbara K. Cegauske Secretary of state.

27CJWR3-2019 0039

Case No. P1 19-1291

Dept No.

Amended Civil Rights complaint.  
Pursuant to 42 U.S.C. § 1983

A. Jurisdiction.

This complaint alleges that the civil rights of plaintiff Bryan P. Bonham who presently resides at Love Lock correction center perishing county, Nevada were violated by the actions of the below-named individual(s) which were directed against plaintiff at Love Lock correction center from February 27th, 2019 to present. The following civil rights have been violated 1st Amendment 5th Amendment and 14th Amendment.

Bryan P Bonham 60575

1200 Prison Road

LCC

Love Lock, Nevada 89419

11th JUDICIAL DISTRICT COURT

PERSHING COUNTY, NEVADA

Bryan P Bonham

Plaintiff in pro se.

vs.

STATE OF NEVADA ex Rel secretary of state.

Barbara K. Cegauske secretary of state.

2720 WR3-2019-0039

Case No. PI 19-1291

Dept NO.

Amended civil Rights Complaint  
PURSUANT TO 42 U.S.C. § 1983

A. Jurisdiction.

this complaint alleges that the civil Rights of plaintiff Bryan P. Bonham who presently Resides at Love Lock Correction center perishing county, NEVADA, were violated by the actions of the below-named individual(s) which were directed against plaintiff at Love Lock correction center from february 27th, 2019 to present The following civil Rights <sup>have</sup> ~~were~~ been Violated 1st Amendment 5th Amendment and 14th Amendment

1 CASE NO. PI 19-1291

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this  
5 document does not contain the  
6 personal information of any person

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
8 **IN AND FOR THE COUNTY OF PERSHING**

9 BRYAN BONHAM,

10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVASKE, et al.,

13 Defendants.

**REQUEST FOR SUBMISSION OF  
DEFENDANT'S MOTION TO DISMISS**


14 Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of  
15 the State of Nevada, and Ian Carr Deputy Attorney General, hereby requests submission of Defendants'  
16 Motion to Dismiss. Defendant filed her Motion to Dismiss on June 24, 2019. Plaintiff mailed his  
17 Response on July 9, 2019. Defendant filed a Reply on July 15, 2019.

18 The briefing period having elapsed, and the underlying issues having been fully briefed,  
19 pursuant to District Court Rule (D.C.R.) 13(4), Defendant respectfully submits her Motion to Dismiss  
20 for the Court's decision.

21 DATED this 24th day of July, 2019.

22 AARON D. FORD  
23 Attorney General

24 By:

  
\_\_\_\_\_  
IAN CARR, Bar No. 13840  
Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717  
(775) 684-1259


*Attorneys for Defendants*

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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 24th of July, 2019, I caused to be deposited for mailing a true and correct copy of the foregoing, **REQUEST FOR SUBMISSION OF DEFENDANT'S MOTION TO DISMISS**, to the following:

Bryan Bonham, #60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

  
An employee of the  
Office of the Attorney General

FILED

2019 AUG 13 AM 9:01

ELEVENTH JUDICIAL  
DISTRICT COURT CLERK

BY: ~~W. B. S.~~

ELEVENTH JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

Bryan p. Bonham

plaintiff

Plaintiffs motion/Reply  
to Defendants Reply.

vs.

Barbara K. Cegavase et al

Defendant.

Comes now plaintiff in pro se Bryan p Bonham to  
file this motion/Reply, moves this Honorable court  
to grant said motion.

The foregoing motion/Reply is made, and based upon the  
files, papers and pleadings and Documents on file herein.  
with the Attached points, and Authorities.

1

2 on 7/19/2019 plaintiff Received Defendants Reply to  
3 Defendants Reply. plaintiff submits He did in fact  
4 make a mistake in who He served, How He had Defendant  
5 served. If court feels He should be allowed to Amend.  
6 which He should. plaintiff is willing to do so, as He  
7 is a pro se Litigant.

8

9 This plaintiff filed this 42 U.S.C. 31983 based off of  
10 Constitutionally protected contract Law. The Defendant  
11 signed a contract with the citizen's of The state  
12 of Nevada. by not having in Her possession any, and  
13 all Senate Bills, Assembly Bills, Refers Those who Request  
14 copies of any Bills to The (L.C.B) Legislative counsel  
15 Bureau or to The Nevada Archives. This issue plaintiff  
16 is filling This Action for is a Real issue not merely  
17 Conjectural or Hypothetical or speculative

18

19 plaintiff puts to court This issue, Request to grant the  
20 inclosed subpoena duces tecum, to allow plaintiff not  
21 only to Amend and fix His mistake if court see's any  
22 as He is a pro se litigant. but to also be given a copy  
23 of The writ of Habeas corpus filed at end of case  
24 Sometime between 2014 and 2016 with all exhibits  
25 Attached, court order granting said ~~no~~ writ of  
26 Habeas corpus. see STATE OF NEVADA vs Gary  
27 Walters case NO. C217569 Argued against by  
28 Deputy District Attorney James Sweetin, and granted

(2)



1 by District court Judge Doug Herndon in the eighth  
2 Judicial District court clark county, Nevada. yes you  
3 can also see you tube video's (3) Three forty five  
4 minute video's by MR. Gary Walters Himself. Plaintiff  
5 knows He mentions state of Nevada v. Gary Walters  
6 case NO. C217569, in His complaint, in His Response  
7 to Defendants motion to Dismiss. plaintiff now would  
8 Like to bring courts Attention to two pages in  
9 Defendants Reply in support of Defendants motion  
10 to Dismiss. plaintiff never got a default granted  
11 in this case. so why is Defence counsel submitting to  
12 this court that plaintiff put to this court He had  
13 Received a default. see page 3 Line 1 Through 3.  
14 next Defendant is sued in Her individual capacity  
15 not Her official capacity: plaintiff is not suing  
16 The office of secretary of state or The state of  
17 Nevada. only The Natural person being Barbara K  
18 Cegavaskie.

19 Lastly, plaintiff would Like to bring to  
20 courts Attention. ~~at~~ page 2 Line 24 ~~thru~~ Through 28  
21 of Defendants ~~motion to Dismiss~~ Reply in support of  
22 Defendants motion to Dismiss. plaintiff Has a U.S.  
23 Constitutionally protected Right to bring a matter before  
24 this court for Redress. This is a FIRST Amendment  
25 Right. Deputy Attorney General Ian Carr is arguing  
26 NRS. 209.451 which is a violation of His constitutionally  
27 protected Rights. by punishing plaintiff for using His  
28 Right to have access to The courts.

(3)

1 Did Defence counsel even Read plaintiffs opposition  
2 to Defences motion to Dismiss, because Defences Reply  
3 to said motion Reads identical to another plaintiffs Reply  
4 where as to Default being granted. to best of this  
5 plaintiffs knowledge He never said in any motion  
6 that it had. plaintiff would ask court to enter an order  
7 to clerk to mail copy of plaintiffs motion in Response  
8 to motion to Dismiss. when court see's plaintiff never  
9 stated this plaintiff would ask court to see this as  
10 Defense counsel bringing fraud upon the court, rather  
11 than fine counsel or admonish Him simply allow plaintiff  
12 to file Amended complaint as Requested in prior motion  
13 and allow plaintiff to have Defendant properly served as  
14 that mix up was simply a mistake, not intentional.  
15 and allow this action to move forward.

### 16 17 Conclusion

18 This plaintiff puts to this court this issue can be easily  
19 verified. As to the validity of His claims as it pertains  
20 to STATE OF NEVADA VS. Gary Walters case NO E217569  
21 simply grant the inclosed Subpoena Duces tecum  
22 enter an order that Deputy Attorney General Ian  
23 Carr get the entire case file, produce said file  
24 in court with plaintiff in court to Receive a  
25 copy with the Last writ of Habeas corpus filed  
26 by MR Walters with all exhibits, and the court  
27 order granting said writ of Habeas corpus.  
28 This is all this plaintiff asks.

(4)

as opportunity to prove what plaintiff is claiming is true, and correct. as long as all the original exhibits are attached to said writ of Habeas corpus, with court order granting said writ plaintiff is/will be happy with that.

The NV. Constitution says what it says. The Secretary of State is in violation of The NV. Const. and Her Oath of office. she can't deny it. The proof has been put before the court. This court does have subject matter jurisdiction pursuant to 42 U.S.C. § 1983. Simply put MR Carr. Article 6, Section 2 of The U.S. Constitution. The Supremacy clause. Federal Law superseeds State Law.

### VERIFICATION

I Bryan P Bonham ~~certify~~ Declare and Verify under the pains and penalties of perjury pursuant to 28 U.S.C. A § 1746 & 18 U.S.C. A § 1621 ~~by Bryan P Bonham~~

### Certificat of Service

I Bryan P Bonham certify That I have Attached plaintiff's motion/Reply to Defendants Reply in support of motion to Dismiss with special instructions for electronic filing & service to clerk of Court to serve all plaintiff's apponees pursuant to N.E.F. C. R. 5(k) 9, et seq (A-E) etc to the following  
~~last page.~~

Attorney for Defendant.

Ian E Carr

Deputy Attorney General

100 N. Carson Street

Carson City, Nevada 89701

Dated this 22<sup>nd</sup> day of July 2019

  
Plaintiff

Bryan P Bonham 60575

1200 prison Road. LCC

Love Lock, NV 89419

1 CASE NO. PI 19-1291

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this  
5 document does not contain the  
6 personal information of any person

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
8 **IN AND FOR THE COUNTY OF PERSHING**

9 BRYAN BONHAM,

10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVASKE, et al.,

13 Defendants.

**NOTICE OF CHANGE OF DEPUTY  
ATTORNEY GENERAL**


14 Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of  
15 the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby notify the Court  
16 and respective parties that Senior Deputy Attorney General Douglas R. Rands has assumed  
17 responsibility for representing the interests of the above-listed Defendants in this civil action.

18 Deputy Attorney General Ian E. Carr is no longer responsible for the handling of this case and  
19 should be removed therefrom.

20 DATED this 14th day of August, 2019.

21 AARON D. FORD  
22 Attorney General

23 By:

24   
25 DOUGLAS R. RANDS, Bar No. 3572  
26 Senior Deputy Attorney General  
27 100 N. Carson Street  
28 Carson City, NV 89701  
(775) 684-1150  
drands@ag.nv.gov

*Attorneys for Defendant*

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Bryan Bonham, #60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419


*David Penny*  
An employee of the  
Office of the Attorney General

CASE NO. P1 19-1291

FILED

DEPT NO. 1

2019 AUG 20 AM 10:09

IN THE ELEVENTH JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA BY:  ELI J. JONES, CLERK

Bryan P Bonham

Plaintiff

V.S.

STATE OF NEVADA

Barbara K Cegavasko

Defendants

Notice of Motion

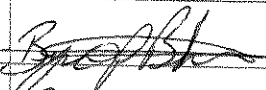
Opposition to Defendants  
Motion to Dismiss.

TO: Ian Carr

Deputy Attorney General

Attorney for Defendants.

Please take notice, that the undersigned will bring this  
above motion for hearing as soon as possible for a  
decision based on the court's docket, availability



Bryan P Bonham 60575

1200 Prison Road

LCC

Love Lock, NV 89419

(1)

Case no P119-1291

Deft No 1

IN THE ELEVENTH JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

Bryan P. Bonham

Plaintiff

VS

Barbara K. Bercegaske,  
Defendant

Plaintiff's Opposition to  
Defendant's Motion to Dismiss

Plaintiff, Bryan P. Bonham, in propria person hereby submits  
His opposition to Defendant's motion to Dismiss. This opposition  
is based on the following memorandum of points and  
Authorities and all pleadings and papers on file in this action.

Points And Authorities

I, Notice of opposition

Hearing is requested on this matter

II, Response to Introduction

Plaintiff's claims are Justifiable. The specific injury is  
by her not having these records as required by Law, she  
is allowing a quasi-legislative office to produce multiple  
false copies of Senate Bills and Laws. It was proven  
by another inmate that certain Senate Bills had no enactment  
clauses in them, The Senate Bill No. 2 (1957) in which created  
the Nevada revised Statutes as Law of The State.

(1)



is one of the Bills missing This mandated enactment clause This was also covered under case NO. C217569 STATE OF NEVADA VS. GARY WALTERS meaning the personal injury is false imprisonment under false laws and you an accessory to this by not having said records.

Second Defendant says plaintiff failed to name state of Nevada as a Defendant as required by Law, well Defendant does not state what Law that is under or quote a statute so that must not be true. Also this Defendant was served at Her office or at least someone who can accept service on Her behalf at Her office on May 10th 2019 by Carson City Sheriff's office. As you can see by certificate of service on file with court.

The Attorney General's office was never served by anyone for this case. So let plaintiff state this for D.A.G. Ian Carr that if you keep presenting perjury's documents to the court I 'promise' I'll sue you for your perjury & for your accessory to these crimes. Nevada Laws are invalid see Gary Walters YouTube videos on the matter

Thirdly The claim for relief is based off Her Oath of Office i.e Breach of contract with a Nev. Citizen, so relief can be granted, plaintiff is not suing the office of Secretary of State. He is suing the person in it. So relief can be granted.

III / legal standard. see Defendants motion to Dismiss at page 3 Line 2 through 15

(2)

The complaint clearly shows this is a breach of contract claim based on Defendants Oath of Office. see Section ~~II~~ Line 24, 25 of page 1 also Section III page 2 Line 16 Through 29. of Defendants motion to Dismiss you can see it is more than clear what this complaint was/is for. The counsel for Defendant is filing frivolous documents with this court.

#### IV Moot Motion

The Defendants motion to Dismiss is moot for the following reasons.

- 1) proof of service by carsoncity sheriffs office on may 10th, 2019 and on file with this Honorable court.
- 2) summons served upon Defendant says she had 20 days to Respond.

Plaintiff puts this before the court. Default should be granted as He has already Requested it. Defendant can then appeal said Default with this court within 30 days.

#### Conclusion

Defendants motion to Dismiss is moot and frivolous and should be summarily denied due to the fact that plaintiff filed suit against Her and not Her office, she was served properly.

### Certificate of Service

I Bryan P Bonham, certify I have attached a true & correct copy of plaintiffs opposition... which was ~~had to a prison~~ handed to a prison official for mailing on July 8th, 2019 to the following

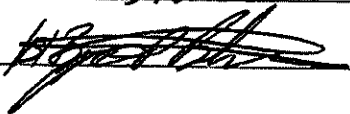
11th Judicial Dist Court

&

Deputy Attorney General,  
Tan Carr

### verification

I Bryan P Bonham declare and verify ~~under~~ that I have read the ~~fore~~ foregoing plaintiffs motion and to best of my belief and knowledge that the foregoing is true and correct under the pains and penalties of perjury pursuant to 28 U.S.C.A § 1746 & 18 U.S.C.A § 1621



Case NO PI 19-1291

FILED

Dept 1

2019 AUG 20 AM 10:09

IN THE ELEVENTH JUDICIAL DISTRICT COURT

ELI J. JONES  
DISTRICT COURT CLERK

PERSHING COUNTY, NEVADA

BY: 

Bryan P. Bonham  
Plaintiff

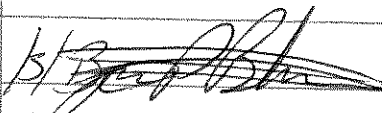
VS.

STATE OF NEVADA  
Barbara K Cegavasko  
Defendants.

NOTICE OF MOTION  
motion to Request  
Leave to Amend to Add  
State of Nevada to complaint  
Pursuant to Fed Rule. Civ. p. 15

TO Ian Carr  
Deputy Attorney General  
Attorney for Defendants.

please take notice, That the undersigned will bring the above  
motion for hearing as soon as possible for a decision based  
on the courts docket will allow

  
Bryan P Bonham 60575  
1200 prison road  
LCC  
Love Lock, NV 89419

Case NO PJ 19-1291

FILED

Dept NO. 1

2019 AUG 20 AM 10:09

IN THE ELEVENTH JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

ELI J. JONES  
DISTRICT COURT CLERK

BY: *[Signature]*

Bryan p Bonham

plaintiff

VS.

STATE OF NEVADA

Barbara K. Cegavaskie

Defendants

MOTION TO REQUEST

Leave to Amend to

Add STATE of Nevada

to Complaint. pursuant to

Fed rule civ. p 15

Comes now plaintiff Bryan p Bonham in pro per and  
moves this Honorable court to grant this motion

This motion is based upon the following points and  
authorities, all papers and pleadings on file and  
and any oral arguments at any hearing held on  
this matter.

Points and Authorities

Argument

(1)

pursuant to Local Rule 15 plaintiff should be granted Leave to Amend His civil complaint

plaintiff submits He is a Legally untrained prose Litigant, puts before this court Haines vs. Kerner 404 U.S. 519 (1972) Amendment would not be futile. In defendant's motion to Dismiss, Defence counsel moves to ask court to Dismiss this complaint as a matter of Law.

plaintiff sees no reason why this action can not move forward. In Haines Id. "The complaint should not be dismissed unless it appears beyond a reasonable doubt that plaintiff can prove no set of facts in support of His claim which would entitle Him to relief. A Dismissal with prejudice is a sanction of last resort proper only where there is clear record of delay or willful contempt Justice vs. U.S. 6 F 3d 1474 (11 cir 1993) compare with Harris Truck Lines vs. Cherry meat packers 371 U.S. 215 (1962) and Thompson vs. INS 375 U.S. 374 (1967) citing the "Criteria" for Excusable Neglect and unique circumstances.

plaintiff should not be handled the same as a "trained Attorney" see and compare with Hamilton vs. Brown 630 F. 3d 889 (9th cir 2011) and Noll vs. Carlson 809 F2d 1446 (9th cir 1987) Noll Id. provides five(5) procedural protections one of which Holds That a prose Litigant should be afforded an "opportunity" to Amend His or Her complaint to over come any deficiency unless it appears the Deficiency can not be overcome.

(2)

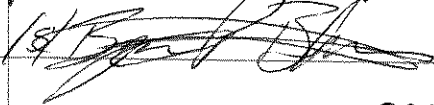
plaintiff submits that it was a matter of semantics which created the deficiency, which can be modified to properly address his claim or claims against the Secretary of state Barbara K Cegavaskie and if need be the state of Nevada.

### Conclusion

plaintiff prays this court to allow him to amend his complaint if court sees that it must be done in order for complaint to move forward.

### Verification

I Bryan P Bonham, declare and verify that I have read the foregoing plaintiff's motion and to best of my belief and knowledge that the foregoing is true and correct. under the pains and penalties of perjury pursuant to 28 U.S.C. A § 1746 & 18 U.S.C. A § 1621



### Certificate of Service

I Bryan P. Bonham, certify that I am attaching a true and correct copy of plaintiff's motion, complaint with special instructions for electronic filing & service to the clerk of the court to serve all Defendants/opponents pursuant to N.E.F.C.R S(15) a et seq (A-E) ect; to the following

Deputy Attorney General

Aaron D. Ford.

Deputy Attorney General

Tan Carr 100 N. Carson St.

Carson City, NV 89701-4717

(3)

1 Case NO. PT 19-1291

2 Dept. I

4 ELEVENTH JUDICIAL DISTRICT COURT  
5 PERSHING COUNTY, NEVADA

7 Bryan P. Bonham

8 Plaintiff

Notice of Motion

9 VS.

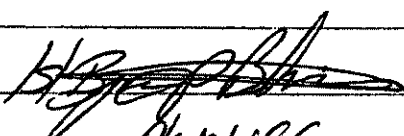
10 Barbara K. Cegauske, et al

11 Defendant.

13 To /an Cars

14 Attorney for Defendant

16 please take notice That The undersigned will bring  
17 the above motion for Hearing as soon as possible  
18 for a decision based on the courts docket will allow.

21   
22 Plaintiff.

23 Bryan P. Bonham 60575

24 1200 prison Road

25 LCC

26 Lovelock, NV 89419



1 CASE NO. PI 19-1291

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this  
5 document does not contain the  
6 personal information of any person

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
8 **IN AND FOR THE COUNTY OF PERSHING**

9 BRYAN BONHAM,

10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVASKE, et al.,

13 Defendants.

**REQUEST FOR SUBMISSION:  
DEFENDANT'S MOTION TO DISMISS**


14 Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of  
15 the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby request submission  
16 of Defendant's Motion to Dismiss for decision. Defendant served her Motion on June 24, 2019.  
17 Plaintiff served his Opposition on or about July 9, 2019. Defendant submitted her Reply in Support of  
18 their Motion to Dismiss on July 15, 2019.

19 The matter having received full briefing, pursuant to District Court Rule (DCR) 13(4),  
20 Defendant respectfully submits the matter for the Court's decision.

21 DATED this 8th day of October, 2019.

22 AARON D. FORD  
23 Attorney General

24 By:

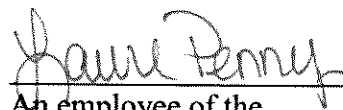
  
25 DOUGLAS R. RANDS, Bar No. 3572  
26 Senior Deputy Attorney General  
27 100 N. Carson Street  
28 Carson City, NV 89701  
(775) 684-1150  
drands@ag.nv.gov

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 8th of October, 2019, I caused to be deposited for mailing a true and correct copy of the foregoing, **REQUEST FOR SUBMISSION: DEFENDANT'S MOTION TO DISMISS**, to the following:

Bryan Bonham, #60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419



An employee of the  
Office of the Attorney General

CASE NO. PI 19-1291

DEPT. NO. I

Affirmation pursuant to NRS 239B.039

The undersigned affirms that this  
document does not contain the  
personal information of any person

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF PERSHING**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**DEFENDANT'S MOTION TO DISMISS  
PLAINTIFF'S AMENDED COMPLAINT**

Defendant, Secretary of State Barbara K. Cegavske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby submits her Motion to Dismiss Plaintiff's Amended Complaint pursuant to Nevada Rule of Civil Procedure (NRCP) 12(b). This Motion is based on the following Memorandum of Points and Authorities and all pleadings and papers on file in this action.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. NOTICE OF THE MOTION**

No hearing is requested on this matter.

**II. INTRODUCTION**

Inmate-Plaintiff Bryan Bonham's (Bonham) Amended Complaint should be dismissed as a matter of law. In this case, Bonham alleges the Secretary of State failed to maintain or produce records as required by the Nevada Constitution.

///

///

///

1 The “Amended Civil Rights Complaint pursuant to 42 U.S.C. § 1983” (Amended Complaint) is  
2 still procedurally deficient for at least two separate and distinct reasons. Plaintiff attempts to amend his  
3 complaint to cure the Eleventh Amendment defect by naming the State of Nevada, ex rel the Secretary of  
4 State. However, the Complaint still suffers from fatal defects.

5 First, Bonham’s allegations against Secretary of State Cegavske are not justiciable. Bonham fails  
6 to allege a personal, specific injury that he incurred as a result of the alleged failure to maintain or produce  
7 records, depriving him of the standing necessary to maintain this case.

8 Second, Bonham failed to state a claim upon which relief can be granted. Bonham’s allegations of  
9 breaches of the Nevada Constitution rely upon provisions that do not generate a private right of action and  
10 do not give rise to a recognizable civil rights claim.

11 For these reasons and those argued more fully below, this Court should dismiss this case as a  
12 matter of law.

### 13 **III. PROCEDURAL HISTORY AND STATEMENT OF ALLEGED FACTS<sup>1</sup>**

14 Bonham is an inmate currently incarcerated within the Nevada Department of Corrections (NDOC)  
15 at Lovelock Correctional Center (LCC). On or about March 15, 2019, Bonham submitted his Complaint in  
16 this Court, alleging Secretary of State Cegavske “is in violation of her oath of office.” *See* Compl. at 2.

17 Bonham alleges Secretary of State Cegavske is “not in possession of SB 109 from 1949 nor [SB] 2  
18 from 1957.” *See id.* The Nevada Constitution requires Secretary of State Cegavske to maintain legislative  
19 records. *See id.* at 3. The Nevada Constitution has a procedure for amendment, but that procedure has not  
20 been followed. *See id.*

21 Bonham requests relief in the form of \$500,000 in compensatory damages, \$500,000 in punitive  
22 damages, and a copy of a “writ of habeas corpus in case of State of Nevada vs. Gary Walters[.]” *See id.* at  
23 4 (emphasis original).

24 Secretary of State Cegavske now moved to dismiss this lawsuit in its entirety as a matter of law, on  
25 June 24, 2019. That Motion alleged many of the same arguments contained in the present motion, as well  
26 as a sovereign immunity argument. That motion was submitted to the Court for decision. Plaintiff, in an

---

27 <sup>1</sup> The Statement of Alleged Facts is based on the allegations in Bonham’s Complaint. None of  
28 the statements or arguments in this brief, which are based on these allegations, should be construed as  
admissions of fact.

1 attempt to cure the Eleventh Amendment deficiency, filed an Amended Complaint on July 23, 2019. This  
2 Amended Complaint was served on the Office of the Attorney General on August 23, 2019. To the  
3 knowledge of the Office of the Attorney General, it was not served on the Secretary of State.

4 The Defendant requests this Court dismiss Plaintiff's Amended Complaint.

#### 5 **IV. LEGAL STANDARD**

6 A pleading is subject to certain rules; primary among them is that a plaintiff's complaint must  
7 adhere to NRCP 8(a). NRCP 8(a) provides:

8 A pleading which sets forth a claim for relief [ . . . ] shall contain (1) a short  
9 and plain statement of the claim showing that the pleader is entitled to relief;  
10 and (2) a demand for judgment for the relief the pleader seeks. Relief in the  
alternative or of several different types may be demanded.

11 NRCP 8(a). Nevada follows a notice pleading standard as to Rule 8(a) and the sufficiency of the  
12 complaint. See *Crucil v. Carson City*, 95 Nev. 583, 585, 600 P.2d 216, 217 (1979) (“[T]he pleading of [a]  
13 conclusion, either of law or fact, is sufficient so long as the pleading gives fair notice of the nature and  
14 basis of the claim.”).

15 “Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction  
16 of the subject matter, the court *shall* dismiss the action.” NRCP 12(h)(3) (emphasis added). Cf. NRCP  
17 12(b)(1) (regarding motions to dismiss for “lack of jurisdiction over the subject matter”); *Mainor v.*  
18 *Nault*, 120 Nev. 750, 761 n.9, 101 P.3d 308, 315 n.9 (2004) (citing *Swan v. Swan*, 106 Nev. 464, 469,  
19 796 P.2d 221, 224 (1990)) (“Lack of subject matter jurisdiction can be raised at any time during the  
20 proceedings and is not waivable.”).

21 NRCP 12(b)(5) provides that a defendant may move to dismiss a claim in any pleading for “failure  
22 to state a claim upon which relief can be granted[.]” In reviewing such a motion, “[a]ll factual allegations  
23 of the complaint must be accepted as true.” *Simpson v. Mars, Inc.*, 113 Nev. 188, 190, 929 P.2d 966, 967  
24 (1997). “A complaint will not be dismissed for failure to state a claim unless it appears beyond a doubt  
25 that plaintiff could prove no set of facts which, if accepted by the trier of fact, would entitle him or her to  
26 relief.” *Id.*

27 ///

28 ///

1 **V. ARGUMENT<sup>2</sup>**

2 **A. Bonham Lacks Standing**

3 A justiciable issue is one that must be capable of or ripe for a judicial determination. *See Doe v.*  
4 *Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444 (1986) (internal citation omitted). If a court has no power  
5 to grant relief, or the party seeking relief has no legal right to such relief, any ruling on the issue  
6 becomes legally void as an advisory opinion. *See State Indus. Ins. Sys. v. Sleeper*, 100 Nev. 267, 269–  
7 70, 679 P.2d 1273, 1274–75 (1984) (internal citations omitted).

8 Nevada courts require litigated matters to present “an existing controversy, not merely the  
9 prospect of a future problem.” *See Bryan*, 102 Nev. at 525, 728 P.2d at 444. The “irreducible  
10 constitutional minimum” of standing is an “injury in fact” that is not merely conjectural or hypothetical,  
11 and which must be “likely” as opposed to merely speculative. *See Miller v. Ignacio*, 112 Nev. 930, 936  
12 n.4, 921 P.2d 882, 885 n.4 (1996) (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)).

13 In his Amended Complaint, Bonham fails to allege any injury he suffered as a result of not  
14 being provided records. *See Amend. Compl.* at 2–4. Bonham asserts he has a “right to contract,” but  
15 fails to explain how his specific rights were violated or how he was injured. *See id.* Bonham’s  
16 allegations of injury are non-existent, let alone conjectural or hypothetical. *See Miller*, 112 Nev. at 936  
17 n.4, 921 P.2d at 885 n.4 (requiring an injury to be more than conjectural or hypothetical to maintain  
18 standing).

19 Because Bonham alleges no actual injury, he lacks the standing necessary to sustain this case,  
20 and the Court should dismiss the case as a matter of law.

21 **B. Bonham Failed to Complete Dual Service as Required by Law**

22 The State of Nevada has waived its sovereign immunity only under limited circumstances. *See*  
23 *NRS 41.031*; *see also NRS 41.0337*. In order to invoke a waiver of sovereign immunity, an “action  
24 must be brought in the name of the State of Nevada on relation of the particular department . . . of the  
25 State whose actions are the basis for the suit.” *NRS 41.031(2)*. Failure by a plaintiff to invoke a waiver  
26 of sovereign immunity deprives a court of subject matter jurisdiction. *See Jiminez v. State*, 98 Nev. 204,  
27

28 <sup>2</sup> Secretary of State Cegavske reserve the right to assert additional defenses, including  
discretionary act immunity or qualified immunity, in a subsequent pleading if necessary.

205, 644 P.2d 1023, 1024 (1982) (assuming that failure to name the State of Nevada as a defendant under NRS 41.031 deprived the trial court of subject matter jurisdiction). NRCP 12(b)(1) requires this Court to dismiss an action in the absence of subject matter jurisdiction. *See also* NRCP 12(h)(3) (stating if it appears “that the court lacks jurisdiction of the subject matter, the court shall dismiss the action”). Furthermore, a plaintiff must accomplish personal service upon both the actual named defendant as well as the Nevada Attorney General’s office. *See* NRS 41.031(2)(a)–(b).

Bonham named the State of Nevada as a defendant in the caption of his Amended Complaint. *See generally* Amend. Compl. However, Bonham’s apparent failure to personally serve Secretary of State Cegavske deprives the Court of personal jurisdiction. “Personal service or a legally provided substitute must . . . occur in order to obtain jurisdiction over a party.” *C.H.A. Venture v. G.C. Wallace Consulting Eng’rs, Inc.*, 106 Nev. 381, 384, 794 P.2d 707, 709 (1990).

Because Bonham deprived the Court of personal jurisdiction over this case by failing to comply with statutory requirements and failing to personally serve Secretary of State Cegavske, the Court should dismiss this case in its entirety as a matter of law.

**C. Bonham Fails to State a Claim upon which Relief Can Be Granted**

Nevada is a notice-pleading state, but to meet the bare requirements of notice pleading, a plaintiff must “set forth sufficient facts to demonstrate the necessary elements of a claim for relief so that the defending party has adequate notice of the nature of the claim and relief sought.” *Western States Constr. v. Michoff*, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (1992).

Here, Bonham alleges Secretary of State Cegavske failed to maintain or produce copies of “senate bills,” which he asserts is “in violation of her oath of office[.]” *See* Amend. Compl. at 2–4. However, none of Bonham’s citations to the Nevada Constitution provide a private right of action that would allow him to sustain a cognizable claim. *See id.* The Nevada Constitution provides that the Secretary of State “shall keep a true record of the Official Acts of the Legislative and Executive Departments of the Government,” but does not create any claim for a private citizen to sue upon. *See* NEV. CONST. art. V, § 20. The Nevada Supreme Court has held that a private right of action must be based upon clear statutory (or constitutional) language, in the absence of any known legislative intent. *See Neville v. Eighth Judicial Dist. Court*, 406 P.3d 499, 502–03 (Nev. 2017) (internal citation omitted). Bonham’s additional citations are likewise vague and unavailing, and he fails to set forth the

1 basic facts necessary to sustain any known claim for relief. *See* Amend. Compl. at 2–4.

2 Because Bonham failed to provide a short and plain statement of facts that would sustain any  
3 known claim, he failed to meet notice pleading standards, and the Court should dismiss this case in its  
4 entirety as a matter of law.

5 **VI. CONCLUSION**

6 In this case, Bonham, a prison inmate, alleges a breach of oath of office by the Secretary of State  
7 for failing to maintain or send him copies of “senate bills.” However, Bonham fails to identify any injury  
8 he has sustained, a private right of action that would allow him to pursue a claim, or even a known claim  
9 that would arise from his allegations. Bonham’s vague citations to constitutional provisions are  
10 insufficient for him to pursue any form of relief, under either tort or civil rights theory.

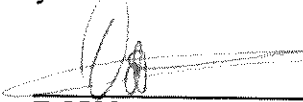
11 Bonham’s case fails because he lacks standing, he has failed to waive sovereign immunity under  
12 the service requirements, and he fails state a claim upon which relief can be granted.

13 For these reasons, Secretary of State Cegavske respectfully requests that the Court grant her  
14 Motion to Dismiss Plaintiff’s Amended Complaint and dismiss this case in its entirety, with prejudice.

15 DATED this 8th day of October, 2019.

16 AARON D. FORD  
17 Attorney General

18 By:

19   
20 DOUGLAS R. RANDS, Bar No. 3572  
21 Senior Deputy Attorney General  
22 100 N. Carson Street  
23 Carson City, NV 89701-4717  
24 (775) 684-1150  
25 drands@ag.nv.gov

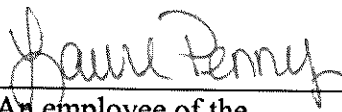
26 *Attorneys for Defendant*  
27  
28



1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that  
3 on the 8th of October, 2019, I caused to be deposited for mailing a true and correct copy of the  
4 foregoing, **DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**,  
5 to the following:

6  
7 Bryan Bonham, #60575  
8 Lovelock Correctional Center  
9 1200 Prison Road  
10 Lovelock, NV 89419

11   
12 An employee of the  
13 Office of the Attorney General  
14  
15  
16  
17  
18  
19  
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21  
22  
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28

1 case no. PI 19-1291

2 Dept 1

3  
4 11TH JUDICIAL DISTRICT COURT  
5 PERSHING COUNTY, NEVADA  
6

7 Bryan P Bonham

8 Plaintiff

Request for Judicial

9 vs.

Action

10 Barbara K Cegauske

11 Defendant

12  
13 Comes now, Bryan P Bonham, plaintiff in pro per and  
14 Respectfully moves this Honorable court to make a ruling on  
15 all pending actions with this court.

16 This motion is made and based upon all papers, pleadings  
17 and documents on file with this court and the herein attached  
18 points and Authorities and any oral arguments that may be  
19 needed at time of the hearing.

20 Dated this 20th day of October 2019  
21  
22

23 Submitted By:

24 

25 Plaintiff 60575

26 1200 Prison Road

27 LCC

28 Love Lock, NV 89419

(1)

ORIGINAL COURT COPY


1 Notice of Request

2  
3 to ~~Aaron Ford~~ Douglas R. Rand  
4 Attorney General, Deputy  
5 Attorney for Defendant.  
6

7 Please take notice of this notice for  
8 Judicial action.

9 Dated this 20th day of October 2019  
10

11 Submitted by:

12   
13 plaintiff NDOC # 60575  
14

15 POINTS AND AUTHORITIES

16  
17 ARGUMENT

18 "Justice delayed is Justice Denied" Dorgan v  
19 Gustaverson 108 Nev 517, 835 p2d 797, 799 (1992) as

20 Such, The court is moved to expeditiously take action

21 as necessary towards the commencement and ultimate

22 adjudication of all pending matters before this court

23 that have been pending for well over 60 days at this

24 time. Request for submission of motion was made by

25 the defendant on \_\_\_\_\_ with no judgment

26 entered yet by this court.  
27  
28

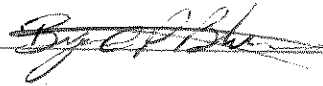
1 CONCLUSION

2 The plaintiff respectfully ask this court to enter a  
3 Judgement for all pending matters.

4  
5 AFFIRMATION/ PURSUANT TO NRS 239 B.030

6  
7 The undersigned does hereby Affirm That the preceding  
8 does not contain the Social Security number of any person

9 Dated this 20th day of October 2019

10 

11 Plaintiff NOOC#60575

12 Bryan P Benham

13 CERTIFICATE OF SERVICE

14 I Bryan P Benham Certify I have attached a true and correct  
15 copy of the ~~the~~ foregoing document with special instructions to  
16 the clerk of court for e-file & service to all my opponents pursuant  
17 to N.E. F.R. 5(k) 9 et seq(A-E) etc, to the following.

18 Deputy Attorney General: ~~Harry John~~ Douglas R Rand

19 100N Carson St.

20 Carson City, NV 89701

21 VERIFICATION

22 I Bryan P Benham Declare and verify, under the pains and penalties  
23 of perjury pursuant to 28 U.S.C. § 1746 & 18 U.S.C. 31621

24 Dated this 20th day of October 2019

25 

1 Bryan p Bonham 60575

2 1200 prison road

3 Lee

4 Love Lock, NV 89419

5

6 ELEVENTH JUDICIAL DISTRICT COURT FOR STATE

7 OF NEVADA, COUNTY OF PERSHING

8

9 Bryan p Bonham

plaintiffs Reply to

10 plaintiff

defendants motion to Dismiss

11 vs

Case No. PI 19-1291

12 Barbara K. Cegavasko et al,

Dept. No. 1

13 Defendants

14

15 comes now plaintiff, Bryan p. Bonham in pro per, moves

16 this Honorable court to grant plaintiff's Reply to Defendants

17 motion to Dismiss plaintiff's Amended complaint.

18

19 The above motion is made and based upon the files, papers and

20 pleadings and documents on file herein, along with the attached

21 points and Authorities.

22

23

24

25

26

27

28

"ORIGINAL COURT COPY"

1 Bryan p Bonham 60575

2 1200 prison road

3 LCC

4 Love Lock, NV 89411

5

6

IN THE ELEVENTH JUDICIAL DISTRICT COURT

7

PERSHING COUNTY, NEVADA

8

9 Bryan p Bonham

NOTICE OF MOTION

10 plaintiff

11 vs.

12 Barbara K Cegavaski et al.,

13 Defendants

14

15 to Douglas R Rands

16 Deputy Attorney General

17 Attorney for Defendants.

18 100 N. Carson ST  
Carson City, NV 89701

19 please take notice that the undersigned will bring the above

20 motion for hearing as soon as possible for a decision based

21 on the court's docket will allow

22

23 /s/ Bryan p Bonham

24 1200 prison Road

25 LCC

26 Love Lock, NV 89411

27

28

2016

1 POINTS AND AUTHORITIES

2  
3 ARGUMENT

4  
5 plaintiff's Reply To; Defendants' Request for Submission;  
6 Defendants' motion to Dismiss

7  
8 plaintiff Asserts that the "motion" in issue so-named  
9 above is superfluous as the issue of the motion to dismiss  
10 is vague or does not elucidate that although defendant  
11 Cegavaskie's duties are outlined, it doesn't show or  
12 expound on ART 15 § 2 OF NEVADA'S constitution  
13 which provides that officers of the State of NEVADA  
14 or any person taking an office in the State of NEVADA  
15 is to avow;

16  
17 Oath of Office

18 ART 15 § 2

19 "I \_\_\_\_\_ do [solemnly] swear [or Affirm] that I will  
20 Support protect and defend the Constitution and government of  
21 the United States, and the Constitution and government of the State  
22 of Nevada, against all enemies, whether domestic or foreign, and  
23 that I will bear true faith, allegiance and Loyalty to same, any  
24 ordinance, resolution or Law of any State notwithstanding,  
25 and that ~~it~~ I will well and faithfully perform all the duties  
26 of the office of Secretary of State on which I am about  
27 to enter; So help me God, under the pains and penalties of  
28 perjury ART 15 § 2 NEV CONST of the Nevada constitution

1 provides that the... "purpose of government; paramount  
2 allegiance to united STATES"... In pertinent part it  
3 provides that;... "Government is instituted for the protection,  
4 security and Benefit of The people; and they have a Right  
5 to alter or reform the same whenever the public good  
6 may Require it. But the paramount Allegiance of EVERY  
7 CITIZEN IS due to The federal Government in The exercise  
8 of all its Constitutional powers as The same have been or  
9 may be defined by The Supreme Court of The united states;  
10 and no power exists in the people of this or any other  
11 state of The federal union to dissolve their connection  
12 there with or performing any act tending to impair  
13 subvert or resist The Supreme Authority of The Government  
14 of The united states." (Emphasis Added)

15 The Defendants position in government is ministerial  
16 pertaining to plaintiffs position. AS an officer of the state  
17 defendant ~~not~~ would be in violation of NRS 239.310; 239.320;  
18 and or 239.330 as The information is being concealed from  
19 plaintiff, which plaintiff contends violates Hi's Right to  
20 Equal protection of Law, Due process; and acts of Congress.

21  
22 It should go without saying; in conjunction with The foregoing  
23 defendant would also be in violation of Articles 15 & 2  
24 and 1 & 2 [cited above] and Nevada Law, including acts of  
25 Congress, plaintiff further contends this case at Bar should  
26 continue, and plaintiff's pleadings - claims should be considered  
27 in their entirety and or granted.

28



1 plaintiff would also reiterate that He is a Legally untrained  
2 pro se Litigant, and contends That if He has put forth  
3 a Justiciable issue in good-faith, He should not be  
4 held to stringent standards of professional Attorneys,  
5 and Numerous Authorities Sustain Same.

### 6 7 CONCLUSION

8 wherefor plaintiff prays this Honorable court fairly  
9 considers plaintiff's Reply, Denying Defendants motion  
10 to DISMISS and allow the case to continue to completion  
11 and grant plaintiff's Amended complaint as court can  
12 see in exhibit 1, 1a Both Attorney General, The above  
13 named defendant were served copy of Amended complaint  
14 on 08/23/2014 at 2:34 PM, further grant plaintiff's  
15 Requested Relief, as the "supremacy clause" ART 6 § 2  
16 of U.S Constitution states federal Law supercedes  
17 State Law i.e. Federal Law still superceed Defendants  
18 actions or Arguments.

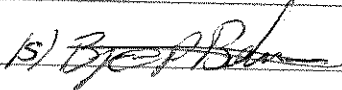
VERIFICATION

I Bryan P Bonham declare and verify under the pains  
and penalties of perjury pursuant to 28 U.S.C.A. § 1746 &  
18 U.S.C.A. § 1621

CERTIFICATE OF SERVICE

I Bryan P Bonham certify that I have attached  
plaintiff's Reply to Defendant's motion to Dismiss  
with special instructions for electronic filing &  
service to clerk of court to serve all plaintiff's  
opponents pursuant to N.E.C.R. 5(k) 9, et seq  
(A-E) etc to the following  
Deputy Attorney General  
Douglas R Bands  
100 N. Carson Street  
Carson City, NV 89701

Dated this 17<sup>th</sup> day of October 2019

15/   
Bryan P Bonham 605 7.5  
1200 Princeton Road  
Lee  
Love Lock, NV 89419

# **EXHIBIT**

1

Declaration of Service  
on Sec of State

# **EXHIBIT**

1

#001

LCC

**IN THE PERSHING ELEVENTH JUDICIAL DISTRICT OF THE STATE OF  
NEVADA  
IN AND FOR CARSON CITY**

Bryan Bonham  
PLAINTIFF

Vs

Barbara Cegavske, et al  
DEFENDANT

) Dated: 8/27/2019  
)  
)

) Civil File Number: 19001505  
)

) CASE No.: PI191291  
)

**DECLARATION OF SERVICE**

STATE OF NEVADA     }  
                                  } ss:  
CARSON CITY         }

**Jakob Dzyak**, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

Sub-served:     **Barbara Cegavske** by serving **MICHELLE FOURNIER (AAII)**, Authorized Individual

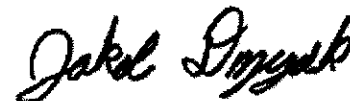
Location:        **Nevada State Capitol Building 101 North Carson Street Ste 3 Carson City, NV 89701**

Date:            **8/23/2019**           Time:   **2:34 PM**

The document(s) served were: **Summons & Amended Complaint**

I declare under penalty of perjury under the law provided of the State of Nevada that the foregoing is true and correct. No notary is required per NRS 53.045.

**Ken Furlong, SHERIFF**



By:               Sheriff's Authorized Agent

Pershing Eleventh Judicial District  
Lovelock, NV

# **EXHIBIT**

1a

Declaration of Service  
on A.G.

# **EXHIBIT**

1a

#001

LCC

**IN THE PERSHING ELEVENTH JUDICIAL DISTRICT OF THE STATE OF  
NEVADA  
IN AND FOR CARSON CITY**

Bryan Bonham  
PLAINTIFF

Vs

Barbara Cegavske, et al  
DEFENDANT

)  
)  
)  
)  
)  
)

Dated: 8/27/2019

Civil File Number: 19001505

CASE No.: P1191291

**DECLARATION OF SERVICE**

STATE OF NEVADA        }  
                                  } ss:  
CARSON CITY            }

**Jakob Dzyak**, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

**Sub-served:**        **Nevada Attorney General by serving MICHELLE FOURNIER (AAII), Authorized Individual**

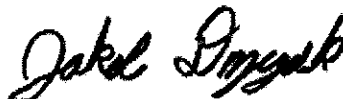
**Location:**           **100 North Carson Street Carson City, NV 89701**

**Date:**               **8/23/2019**               **Time: 2:34 PM**

The document(s) served were: Summons & Amended Complaint

I declare under penalty of perjury under the law provided of the State of Nevada that the foregoing is true and correct.  
No notary is required per NRS 53.045.

**Ken Furlong, SHERIFF**



By:                   Sheriff's Authorized Agent

Pershing Eleventh Judicial District  
Lovelock, NV

1 CASE NO. PI 19-1291

2 DEPT. NO. I

3  
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5  
6 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF PERSHING**  
8

9 BRYAN BONHAM,

10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVASKE, et al.,

13 Defendants.

**ORDER SETTING HEARING ON  
DEFENDANT'S MOTION TO DISMISS**

14 The Court having reviewed Defendants Motion to Dismiss does hereby set the matter for  
15 hearing. The Court Clerk is directed to set a hearing date. The Court is directing the parties to  
16 appear and present their arguments at said hearing. The Clerk shall serve a copy of this order  
17 upon the parties, together with a Notice of Hearing.

18  
19 **IT IS SO ORDERED.**  
20

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**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT  
**Case Number:** 27CV-WR3-2019-0039  
**Type:** Order - Dismissal

It is so Ordered.

Judge Shirley

Electronically signed on 2019-11-12 17:50:22 page 2 of 2



FILE NO. PI 19-1291  
DEPT. NO. 1

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF PERSHING

Bryan Bonham,

Plaintiff,

vs.

**NOTICE OF ENTRY  
OF ORDER**

Barbara K. Cegavaske, et al.,  
Defendants.

PLEASE TAKE NOTICE that on November 13, 2019, the Court  
entered an order in this matter, a true and correct copy of which is  
attached to this notice.

If this is a final order and you wish to appeal to the Nevada Supreme  
Court, you must file a Notice of Appeal with the Clerk of this Court within  
33 days after the date this notice is mailed to you. This notice was mailed  
on November 14, 2019.

DATED: November 14, 2019.

Franklin Wilkerson

11<sup>th</sup> Judicial District Court Clerk

By Candice Boyce  
Deputy

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Pershing County District Court Clerk's Office, and that on November 14, 2019, I caused to be served through the United States Postal Service, hand delivery, and/or Electronic Filing Service, a true copy of the within document, first class postage prepaid and/or by electronic mail to the following:

Bryan P. Bonham # 60575  
1200 Prison Road, LCC  
Lovelock, NV 89419

DOUGLAS R. RANDS  
Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717

DATED this 14th day of November, 2019.

  
Deputy Clerk

1 CASE NO. PI 19-1291

2 DEPT. NO. I

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4  
5  
6 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF PERSHING**  
8

9 BRYAN BONHAM,

10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVASKE, et al.,

13 Defendants.

**ORDER SETTING HEARING ON  
DEFENDANT'S MOTION TO DISMISS**

14 The Court having reviewed Defendants Motion to Dismiss does hereby set the matter for  
15 hearing. The Court Clerk is directed to set a hearing date. The Court is directing the parties to  
16 appear and present their arguments at said hearing. The Clerk shall serve a copy of this order  
17 upon the parties, together with a Notice of Hearing.

18  
19 **IT IS SO ORDERED.**  
20

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**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT  
**Case Number:** 27CV-WR3-2019-0039  
**Type:** Order - Dismissal

It is so Ordered.

A handwritten signature in cursive script, appearing to read "Shirley", is written in black ink.

Judge Shirley

Electronically signed on 2019-11-12 17:50:22 page 2 of 2

1 CASE NO. PI 19-1291

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this  
5 document does not contain the  
6 personal information of any person

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
8 **IN AND FOR THE COUNTY OF PERSHING**

9 BRYAN BONHAM,

10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVASKE, et al.,

13 Defendants.

**REQUEST FOR SUBMISSION:  
DEFENDANT'S MOTION TO DISMISS  
PLAINTIFF'S AMENDED COMPLAINT**


14 Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of  
15 the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby request submission  
16 of Defendant's Motion to Dismiss Plaintiff's Amended Complaint for decision. Defendant served her  
17 Motion on October 8, 2019. Plaintiff has not served his Opposition as of October 29.

18 Plaintiff having failed to file a Response, Defendant respectfully submits the matter for the  
19 Court's decision.

20 DATED this 14th day of November, 2019.

21 AARON D. FORD  
22 Attorney General

23 By:

24   
25 DOUGLAS R. RANDS, Bar No. 3572  
26 Senior Deputy Attorney General  
27 100 N. Carson Street  
28 Carson City, NV 89701  
(775) 684-1150  
drands@ag.nv.gov

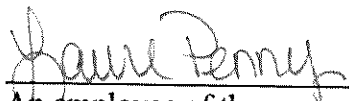
*Attorneys for Defendant*

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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 14th of November, 2019, I caused to be deposited for mailing a true and correct copy of the foregoing, **REQUEST FOR SUBMISSION: DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**, to the following:

Bryan Bonham, #60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

  
An employee of the  
Office of the Attorney General

Case no P119-1291

Dept. NO. 1

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF  
NEVADA, IN AND FOR THE COUNTY OF PERSHING

Bryan P Bonham

plaintiff

Notice of Appeal

-VS-

Barbara K. Cegauske, et al.,

defendants.

Please take notice that plaintiff in the above action  
gives his notice of appeal of order given on November  
12<sup>th</sup>, 2019 at 5:50:22 Dismissing complaint.

Dated this 18<sup>th</sup> day of November, 2019



Bryan P Bonham 60575

1200 Prison Road (LCC)

Love Lock, NV 89419





Office of the Attorney General  
100 North Carson Street  
Carson City, NV. 89701-4717

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

N/A

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

No, Pro Per

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

No

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

An Order to Proceed in Forma Pauperis was filed on 03/15/19.

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

A Civil Rights Complaint Pursuant to 42 U.S.C. §1983 was filed on 03/15/19.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

A Civil Rights Complaint Pursuant to 42 U.S.C. §1983 was filed on 03/15/19. An Application for Entry of Default was filed on 06/13/19. An Application for Entry of Default was filed on 06/19/19. A Defendant's Motion to Dismiss was filed on 06/24/19. An Amended Civil Rights Complaint Pursuant to 42 U.S.C. §1983 was filed on 07/23/19. Plaintiffs Motion/Reply to Defendants Reply was filed on 08/13/19. Motion to Request Leave to Amend to Add State of Nevada to Complaint pursuant to Fed Rule Civ. P 15 was filed on 08/20/19. Request for Judicial Action was filed on 11/04/19. Plaintiff's Reply to Defendants Motion to Dismiss was filed on 11/04/19. An Order Setting Hearing on Defendant's

1 Motion to Dismiss was filed on 11/12/19. A Notice of Entry of Order was filed  
2 on 11/14/19. A Notice of Appeal was filed on 11/27/19.

3 11. Indicate whether the case has previously been the subject of an appeal to or  
4 original writ proceeding in the Supreme Court and, if so, the caption and  
5 Supreme Court docket number of the prior proceeding:

6 This case has not previously been appealed to the Supreme Court.

7 12. Indicate whether this appeal involves child custody or visitation: No

8 13. If this is a civil case, indicate whether this appeal involves the possibility of  
9 settlement: Unknown, there is no final decision in the case.

10 Dated this 27<sup>th</sup> day of November, 2019.



11  
12 Carol Elbrick Senior Court Clerk  
13 P.O. Box H  
14 Lovelock, NV. 89419  
15 (775) 273-2410  
16  
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**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

BRYAN PHILLIP BONHAM,  
Appellant,  
vs.  
BARBARA K. CEGAVSKE,  
Respondent.

**Supreme Court No. 80145**  
District Court Case No. 27CV-WR3-2019-  
0039

**RECEIPT FOR DOCUMENTS**

TO: Bryan Phillip Bonham  
Attorney General/Carson City \ Douglas R. Rands  
Franklin Wilkerson, Pershing County Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

12/04/2019	Appeal Filing Fee waived. In Forma Pauperis. (SC)
12/04/2019	Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day. (SC)

DATE: December 04, 2019

Elizabeth A. Brown, Clerk of Court  
lh

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN PHILLIP BONHAM,  
Appellant,  
vs.  
BARBARA K. CEGAVSKE,  
Respondent.

No. 80145 P1 19-1291  
27CV-WR3-2019-0039

**FILED**

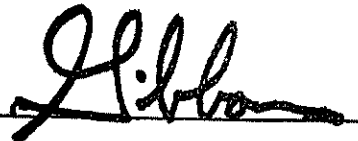
DEC 09 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DIRECTING TRANSMISSION OF RECORD*

Having reviewed the documents on file in this proper person appeal this court concludes that review of the complete record is warranted. NRAP 10(a)(1). Accordingly, within 30 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the trial court record in District Court Case No. 27CV-WR3-2019-0039. See NRAP 11(a)(2) (providing that the complete "record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court," as well as "any previously prepared transcripts of the proceedings in the district court"). The record shall not include any exhibits filed in the district court. NRAP 11(a)(1).

It is so ORDERED.

 C.J.

cc: Bryan Phillip Bonham  
Attorney General/Carson City  
Pershing County Clerk

Case No. 27CV-WR3-2019-0039

Dept. No. 1

IN THE ELEVENTH JUDICIAL DISTRICT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF PERSHING

Bryan Phillip Bonham, )  
Appellant, )  
vs. )  
Barbara K. Cegavske, )  
Respondent. )

C E R T I F I C A T E

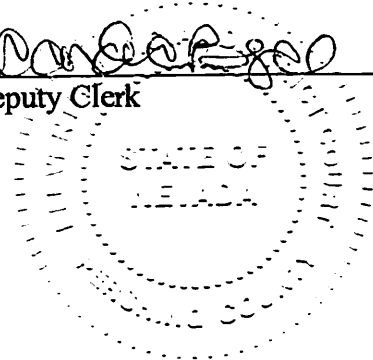
State of Nevada )  
: ss.  
County of Pershing )

I, Candice Boyce, Deputy Court Clerk, do hereby certify that the forgoing are true and correct copies of the originals, (with the exception of the page numbers in the lower righthand corner) of the documents filed in the above-entitled case, which were ordered to the Supreme Court for the purpose of appeal.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Lovelock, Nevada, this 19<sup>th</sup> day of December, A.D., 2019.

Franklin Wilkerson  
11<sup>th</sup> Judicial District Court Clerk

By [Signature]  
Deputy Clerk



**ELEVENTH JUDICIAL  
DISTRICT COURT**

Jim C. Shirley  
District Judge



Judge's Chambers  
P.O. Box H  
Lovelock, NV 89419  
Tel. (775) 273-2105  
Fax: (775) 273-4921

December 19, 2019

Elizabeth Brown  
Supreme Court Clerk  
201 South Carson Street  
Carson City, NV 89701-4702

Re: Case #27CV-WR3-2019-0039  
Bryan Phillip Bonham vs. Barbara K. Cegavske

Dear Ms. Brown,

Enclosed please find the Record on Appeal for the above-entitled case, which was ORDERED to be sent to the Supreme Court, which was appealed to the Supreme Court.

If you have any questions regarding this matter, please call our office at (775) 273-2410.

Sincerely,

Candice Boyce  
Deputy Clerk

cb  
Encl.

☒ **Pershing County**  
P.O. Box H  
Lovelock, NV 89419  
Tel. (775) 273-2410  
Fax: (775) 273-2434

☐ **Lander County**  
50 State Route 305  
Battle Mountain, NV 89820  
Tel. (775) 635-1332  
Fax: (775) 635-0394

☐ **Mineral County**  
P.O. Box 1450  
Hawthorne, NV 89415-0400  
Tel. (775) 945-0738  
Fax: (775) 945-0706