



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
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Mar 05 2020 06:23 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

March 4, 2020

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: EVARISTO JONATHAN GARCIA vs. JAMES DZURENDA, Director of Nevada Department of Corrections; AARON FORD, Attorney General of the State of Nevada; TODD THOMAS, Warden of Saguaro Correctional Center
S.C. CASE: 80255
D.C. CASE: A-19-791171-W

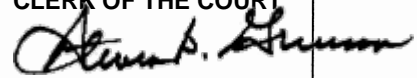
Dear Ms. Brown:

As ordered by Judge David M. Jones, enclosed is a certified copy of the Order on Motion to Alter or Amend the Judgment Pursuant to Nev. R. Civ. P. 59(e) filed March 2, 2020 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, reading "Heather Ungermann", with a long horizontal flourish extending to the right.

Heather Ungermann, Deputy Clerk



1 ORDR
2 RENE L. VALLADARES
3 Federal Public Defender
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8
9 EIGHTH JUDICIAL DISTRICT COURT
10 CLARK COUNTY

11 Evaristo Jonathan Garcia,
12
13 Petitioner,
14
15 v.
16 James Dzurenda, *et al.*,
17
18 Respondents.

Case No. A-19-791171-W

Dept. No. 29

**ORDER ON MOTION TO ALTER OR
AMEND THE JUDGMENT
PURSUANT TO NEV. R. CIV. P. 59(E)**

19 This matter came before the Court on February 6, 2020 on petitioner's motion
20 to alter or amend the judgment pursuant to Nev. R. Civ. P. 59(e). Present were
21 counsel for petitioner and respondents. This court held oral argument at this time.

22 This Court has reviewed the Rule 59(e) motion, its attached declarations,
23 considered respondents' filings, and considered the issues on the merits. This Court
24 hereby certifies that it intends to rule on the Rule 59(e) motion as follows.
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IT IS HEREBY ORDERED as follows: this Court certifies that it intends to **deny, in part, and grant, in part**, petitioner's motion to alter or amend the judgment pursuant to Nev. R. Civ. P. 59(e).

The Court denies petitioner's request for an amended judgment granting habeas relief at this time. Instead, the Court hereby certifies that it intends to vacate the November 15, 2019 final judgment and set this matter for an evidentiary hearing on June 26, 2020 at 9:00 AM, to hear evidence on the merits of petitioner's post-conviction claim pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963).

Upon remand from the Nevada Supreme Court, this Court will enter a written order effectuating the above.

The Clerk of Court is hereby instructed to transmit this order to the Nevada Supreme Court.

DATED this 27 day of February, 2020.

~~DISTRICT COURT JUDGE~~

RENE L. VALLADARES
Federal Public Defender

BY /s/ S. Alex Spelman
S. ALEX SPELMAN
Assistant Federal Public Defender
Nevada Bar # 14278



Clerk of the Courts
Steven D. Grierson

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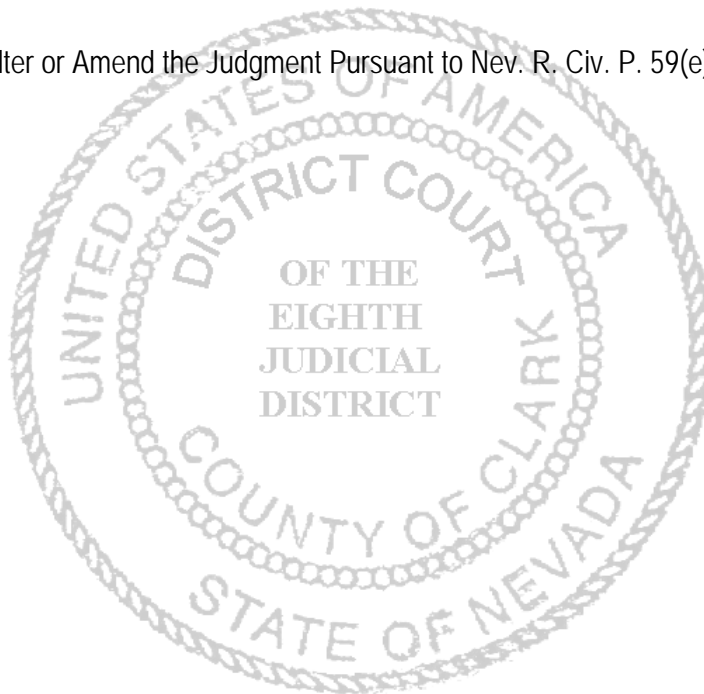
March 4, 2020

Case No.: A-19-791171-W

CERTIFICATION OF COPY

Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full, and correct copy of the hereinafter stated original document(s):

Order on Motion to Alter or Amend the Judgment Pursuant to Nev. R. Civ. P. 59(e) filed 03/02/2020



now on file and of

In witness whereof, I have hereunto set my hand and affixed the seal of the Eighth Judicial District Court at my office, Las Vegas, Nevada, at 3:28 PM on March 4, 2020.


STEVEN D. GRIERSON, CLERK OF THE COURT