

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY JOSEPH HARRIS,
Appellant(s),

vs.

THE STATE OF NEVADA; NEVADA
BOARD OF PRISON COMMISSIONERS;
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
JAMES DZURENDA; BRIAN
WILLIAMS; ROMEO ARANAS;
MICHAEL MINEV; JEREMY BEAN;
JULIE MATOUSEK; MR. FALISZEK;
MRS. ENNIS; NAPH CARE INC.; BOB
FAULKNER; N. PERET; G. WORTHY; G.
MARTIN; AND G. BRYAN,
Respondent(s),

Case No: A-19-805685
Docket No: 81430
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Clerk of Supreme Court

RECORD ON APPEAL VOLUME 1

ATTORNEY FOR APPELLANT
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INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
AARON D. FORD,
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555 E. WASHINGTON AVE., STE. 3900
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Heather Shinn
CLERK OF THE COURT

Case No. _____

Dept. No. _____

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

Anthony Harris,
Plaintiff,

-vs-

State of Nevada (Real
Party In Interest) et al.,

(Complete List on Page
1A)

Defendant.

A-19-805689-C
VIII
COMPLAINT

Nev. Const. Art. 6 § 6; NRS
chapters 14, 20, 22, 41, 42; U.S.
Const. 1, 8 and 14; Civil Rights
Act's of 1871 and 1991, etc.,

COMES NOW Plaintiff, Anthony Harris, in pro se,
and for Plaintiff's causes of action, complains of Defendant(s)
as follows:

A. JURISDICTION

1) Plaintiff Anthony Harris (hereafter "Plaintiff"),
was at all relevant times herein a resident of the County of
CLARK, State of Nevada.

2) Defendant State of Nevada, was at all relevant
times herein a resident of the County of CLARK, State
of Nevada. (Check and complete if applicable:) ☒ This
defendant was at all times herein employed by the State of
Nevada, and was acting within their capacity as (Title or

CLERK OF THE COURT

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Complete Defendants List:

State of Nevada

Bd of Prison Commissioners

Steve Sisolak

Brian Sandoval

Aaron Ford

Adam Laxalt

Barbara Cevagyske

Nv. Dept. of Corrections

James Dziewenda

Brian Williams

Romeo Aranas

Michael Minev

Jeremy Dean

Jolre Matousek

Mr. Faliszek

Mrs. Ennis

Naph Care Inc.

Rob Faulkner

N Peret

G. Worthy

G. Martin

G Bryan

Jane Doe 1 (White Female)

John Doe 1 (White Male) James Tolman

1 Position:) Real Party In Interest, at (Name of
2 institution or agency:) Party Defendant
3 3. Defendant Ed. Prison Commissioners, was at all relevant
4 times herein a resident of the County of CLARK, State
5 of Nevada. (Check and complete if applicable:) ☒ This
6 defendant was at all times herein employed by the State of
7 Nevada, and was acting within their capacity as (Title or
8 Position:) State / Municipal Agent, at (Name of
9 institution or agency:) Nevada
10 4 Defendant Steve Siolala, was at all relevant
11 times herein a resident of the County of CLARK, State
12 of Nevada. (Check and complete if applicable:) ☒ This
13 defendant was at all times herein employed by the State of
14 Nevada, and was acting within their capacity as (Title or
15 Position:) Prison Commissioner, at (Name of
16 institution or agency:) Ed. of Prison Commissioners
17 5 Defendant Brian Sandoval, was at all relevant
18 times herein a resident of the County of CLARK, State
19 of Nevada. (Check and complete if applicable:) ☒ This
20 defendant was at all times herein employed by the State of
21 Nevada, and was acting within their capacity as (Title or
22 Position:) Former Prison Commissioner, at (Name of
23 institution or agency:) Ed. of Prison Commissioners
24 6 Defendant Aaron Ford, was at all relevant
25 times herein a resident of the County of CLARK, State
26 of Nevada. (Check and complete if applicable:) ☒ This
27 defendant was at all times herein employed by the State of
28 Nevada, and was acting within their capacity as (Title or

1 Position:) Prison Commissioner, at (Name of
2 institution or agency:) Bd. of Prison Commissioner
3 7 Defendant Adam Haralt, was at all relevant
4 times herein a resident of the County of CLARK, State
5 of Nevada. (Check and complete if applicable:) ☒ This
6 defendant was at all times herein employed by the State of
7 Nevada, and was acting within their capacity as (Title or
8 Position:) Former Prison Commissioner, at (Name of
9 institution or agency:) Bd. Prison Commissioner's
10 8 Defendant Ravbana Cegavske, was at all relevant
11 times herein a resident of the County of CLARK, State
12 of Nevada. (Check and complete if applicable:) ☒ This
13 defendant was at all times herein employed by the State of
14 Nevada, and was acting within their capacity as (Title or
15 Position:) Prison Commissioner, at (Name of
16 institution or agency:) Bd. of Prison Commissioners
17 9 Defendant Nv. Dept. Corrections, was at all relevant
18 times herein a resident of the County of CLARK, State
19 of Nevada. (Check and complete if applicable:) ☒ This
20 defendant was at all times herein employed by the State of
21 Nevada, and was acting within their capacity as (Title or
22 Position:) State/ Municipal Agent, at (Name of
23 institution or agency:) State of Nevada
24 10 Defendant James Dzurenka, was at all relevant
25 times herein a resident of the County of CLARK, State
26 of Nevada. (Check and complete if applicable:) ☒ This
27 defendant was at all times herein employed by the State of
28 Nevada, and was acting within their capacity as (Title or

1 Position:) Former Director, at (Name of
2 institution or agency:) Nv. Dept. of Corrections
3 11 Defendant Brian Williams, was at all relevant
4 times herein a resident of the County of CLARK, State
5 of Nevada. (Check and complete if applicable:) ☒ This
6 defendant was at all times herein employed by the State of
7 Nevada, and was acting within their capacity as (Title or
8 Position:) Warden at H.D.S.P., at (Name of
9 institution or agency:) Nv. Dept. of Corrections
10 12 Defendant Romeo Aranas, was at all relevant
11 times herein a resident of the County of CLARK, State
12 of Nevada. (Check and complete if applicable:) ☒ This
13 defendant was at all times herein employed by the State of
14 Nevada, and was acting within their capacity as (Title or
15 Position:) Former Medical Director, at (Name of
16 institution or agency:) Nv. Dept. of Corrections
17 13 Defendant Michael Minier, was at all relevant
18 times herein a resident of the County of CLARK, State
19 of Nevada. (Check and complete if applicable:) ☒ This
20 defendant was at all times herein employed by the State of
21 Nevada, and was acting within their capacity as (Title or
22 Position:) Medical Director, at (Name of
23 institution or agency:) Nv. Dept. of Corrections
24 14 Defendant Jeremy Bean, was at all relevant
25 times herein a resident of the County of CLARK, State
26 of Nevada. (Check and complete if applicable:) ☒ This
27 defendant was at all times herein employed by the State of
28 Nevada, and was acting within their capacity as (Title or

1 Position:) Associate Warden at H.D.S.P., at (Name of
2 institution or agency:) Nevada Dept. of Corrections
3 15 Defendant Julie Matousek, was at all relevant
4 times herein a resident of the County of CLARK, State
5 of Nevada. (Check and complete if applicable:) ☒ This
6 defendant was at all times herein employed by the State of
7 Nevada, and was acting within their capacity as (Title or
8 Position:) Lieutenant at H.D.S.P., at (Name of
9 institution or agency:) Nv. Department of Corrections
10 16 Defendant Mr. Faliszek, was at all relevant
11 times herein a resident of the County of CLARK, State
12 of Nevada. (Check and complete if applicable:) ☒ This
13 defendant was at all times herein employed by the State of
14 Nevada, and was acting within their capacity as (Title or
15 Position:) caseworker at H.D.S.P., at (Name of
16 institution or agency:) Nv. Dept. of Corrections
17 17 Defendant Mrs. Ennis, was at all relevant
18 times herein a resident of the County of CLARK, State
19 of Nevada. (Check and complete if applicable:) ☒ This
20 defendant was at all times herein employed by the State of
21 Nevada, and was acting within their capacity as (Title or
22 Position:) caseworker at H.D.S.P., at (Name of
23 institution or agency:) Nv. Dept. of Corrections
24 18 Defendant Naphcare Inc., was at all relevant
25 times herein a resident of the County of CLARK, State
26 of Nevada. (Check and complete if applicable:) ☒ This
27 defendant was at all times herein employed by the State of
28 Nevada, and was acting within their capacity as (Title or

1 Position:) Medical Provider, at (Name of
2 institution or agency:) Medical Contractor for N.D.O.C.
3 19 Defendant Bob Faulkner, was at all relevant
4 times herein a resident of the County of CLARK, State
5 of Nevada. (Check and complete if applicable:) ☒ This
6 defendant was at all times herein employed by the State of
7 Nevada, and was acting within their capacity as (Title or
8 Position:) D.O.N.T. at H.O.J.P., at (Name of
9 institution or agency:) NAPHCARE INC. at HOSP.
10 20 Defendant N. Peret, was at all relevant
11 times herein a resident of the County of CLARK, State
12 of Nevada. (Check and complete if applicable:) ☒ This
13 defendant was at all times herein employed by the State of
14 Nevada, and was acting within their capacity as (Title or
15 Position:) Nurse, at (Name of
16 institution or agency:) NAPHCARE INC. at HOSP.
17 21 Defendant G. Morthy, was at all relevant
18 times herein a resident of the County of CLARK, State
19 of Nevada. (Check and complete if applicable:) ☒ This
20 defendant was at all times herein employed by the State of
21 Nevada, and was acting within their capacity as (Title or
22 Position:) H.T.C., at (Name of
23 institution or agency:) NAPHCARE INC. at HOSP.
24 22 Defendant Martin, was at all relevant
25 times herein a resident of the County of CLARK, State
26 of Nevada. (Check and complete if applicable:) ☒ This
27 defendant was at all times herein employed by the State of
28 Nevada, and was acting within their capacity as (Title or

1 Position:) Nurse Practitioner at HDSP, at (Name of
 2 institution or agency:) NARHCARE INC. at HDSP
 3 22 Defendant Co. Royan, was at all relevant
 4 times herein a resident of the County of CLARK, State
 5 of Nevada. (Check and complete if applicable:) X This
 6 defendant was at all times herein employed by the State of
 7 Nevada, and was acting within their capacity as (Title or
 8 Position:) Doctor at HDSP, at (Name of
 9 institution or agency:) NARHCARE INC. at HDSP
 10 24 Defendant Jane Doe I (Female/white), was at all relevant
 11 times herein a resident of the County of CLARK, State
 12 of Nevada. (Check and complete if applicable:) X This
 13 defendant was at all times herein employed by the State of
 14 Nevada, and was acting within their capacity as (Title or
 15 Position:) Nurse at HDSP, at (Name of
 16 institution or agency:) NARHCARE INC.
 17 25 Defendant ^{James Tolman} John Doe I (Male/white), was at all relevant
 18 times herein a resident of the County of CLARK, State
 19 of Nevada. (Check and complete if applicable:) X This
 20 defendant was at all times herein employed by the State of
 21 Nevada, and was acting within their capacity as (Title or
 22 Position:) Nurse at HDSP, at (Name of
 23 institution or agency:) NARHCARE INC.
 24 26 Defendant N/A, was at all relevant
 25 times herein a resident of the County of CLARK, State
 26 of Nevada. (Check and complete if applicable:) X This
 27 defendant was at all times herein employed by the State of
 28 Nevada, and was acting within their capacity as (Title or

Position:) N/A, at (Name of
institution or agency:) N/A

If you are naming more than five (5) defendants,
include such within additional pages attached hereto

23 Jurisdiction exists for this action under Nev. Const. art. 6,
§ 6, NRS 41.130 and (check if applicable:) ☒ NRS 41.031 and
NRS 41.032, as related to State employees; and/or ☒ Other:

This action arises under the Nevada
Constitution; N.R.S. Chapters 14, 20, 22, 41 and 42;
1st, 8th and 17th Amendment U.S. Constitution; Civil
Right Acts of 1871 and 1941; 42 USC 1985; 42 USC
1986; 42 USC 1997; Americans with Disabilities
Act; The Rehabilitation Act; International
Covenant on Civil and Political Rights; 42
USC 12201 et seq; and, the Convention Against
Torture and Other Cruel, Inhuman or Degrading
Treatment and/or Punishment.

These 'Wrongful Acts' took place in Indian
Spring, Clark County, Nevada by all Named
Defendants. (See Defendant's List).

This court has jurisdiction of this action,
under 28 USC 1331, because this action arises under
the Constitution and the Laws of the U.S., by
virtue of the Nevada Constitution and pursuant to 28
USC 1343 (a) (2) (4), because this action seeks to
redress the Deprivation under the Color of Law and
28 USC 1367 of the Plaintiff's Civil Rights

1 This Court has jurisdiction to grant any and/or
2 all of the following relief:

3
4 1. Declaratory Relief, pursuant to N.R.S. 30.010
5 thru 30.160 and 28 U.S.C. § 2201;

6
7 2. Injunctive Relief, pursuant to N.R.S. 33.010 (1), (2)
8 and (3); N.R.C.P. / F.R.C.P. 57 and 58; and 28
9 U.S.C. § 2202;

10
11 3. Preliminary / Permanent Injunctive Relief, pursuant
12 to N.R.C.P. / F.R.C.P. 65;

13
14 4. Special Damages, pursuant to N.R.S. 41.035 and
15 N.R.C.P. / F.R.C.P. 9(g) and 54(e);

16
17 5. Punitive Damages, pursuant to N.R.S. 42.005
18 and 42.007;

19
20 6. General Damages, pursuant to N.R.S. 41.035;

21
22 7. Compensatory Damages, pursuant to N.R.S.
23 41.035; and,

24
25 8. Attorney Fees, pursuant to N.R.S. 18.010.

26
27 **B. VENUE:**

1 All of the named defendants herein, have committed
2 the wrongful Acts (N.R.S. 228.175) as described herein
3 this 'complaint', in Clark County, Nevada.

4 Venue is proper in this District Court, pursuant to
5 N.R.S. 13.020 (2) and (3), as this action arises against
6 State Agencies, Departments, Boards, Employees and
7 Nevada itself, as the defendants are State / Municipal
8 Agents.

9 The Plaintiff is incarcerated at the High Desert
10 State Prison, Indian Springs, Clark County, Nevada.

11 All of the named defendants either resided /
12 resided in and/or conduct / conducted business in
13 Clark County, Nevada.

14 Venue is also proper in this District Court, under
15 and pursuant to 28 U.S.C. § 1341 (1).

16 17 C. PRELIMINARY STATEMENTS:

18
19 This is a 'Civil Rights / Tort Complaint' Filed
20 by the Plaintiff, a State Prisoner, for Declaratory
21 and Injunctive Relief, and Monetary Damages,
22 under N.R.S. Chapters 14, 30, 33, 41 and 42, the
23 Nevada Constitution, 42 U.S.C. § 1985; 42 U.S.C. §
24 1986; and the U.S. Constitution.

25 26 D. LIBERAL CONSTRUCTION:

1 The U.S. Supreme Court has ruled that pro
2 se pleadings are to be held to a less stringent
3 standard than those formal papers drafted
4 by lawyers, and are to construe pro se
5 pleadings liberally, so as to afford the moving
6 party the benefit of doubt on otherwise
7 reviews such in a favorable light. See,
8 Haines v Kerner, 404 U.S. 519, 520 (1972).

9 10 E. JUDICIAL NOTICE:

11
12 Under Nevada's clearly established
13 statutory law, N.R.S. 41.031, waives its
14 immunity from liability and action and hereby
15 consents to have its liability determined in
16 accordance with the same rules of law as are
17 applied to civil actions against natural persons
18 and corporations, this waiver also applies to
19 all political subdivisions.

20 This means the State of Nevada and its
21 political subdivisions (NDOC) can be sued
22 under 1983's in state court.

23
24
25 //

26 //

27 //

F. NATURE OF THE CASE

Briefly state, in numbered paragraphs, the background facts of your case (you may attach additional pages, if necessary):

Plaintiff's 'Civil Rights' were violated at the hands of all named Defendants, as a result of both their Deliberate Indifference and their Intentional Interference with the Plaintiff's 'Serious Medical Needs'.

The Plaintiff has been forced to suffer extreme chest pains by the defendants' complete refusal to properly treat his serious medical issue, which could have resulted in either: (1) a stroke; (2) a Heart Attack; or (3) Death of the Plaintiff.

The Actual Material Facts are as Follows:

1. On the 1st week of December, 2018, the Plaintiff alerted the Pill Call Nurse (Jane Doe 1), that he was having extreme chest pains. Jane Doe 1 told the Plaintiff to fill out a kite, but did nothing else. Jane Doe 1 openly refused to give the Plaintiff her name when asked. Clearly showing that Plaintiff's extreme chest pains were openly ignored by medical staff and connectonal staff.

1 2. On January 6th, 2019, the Plaintiff started
2 to suffer extreme chest pains again, and
3 again notified the same. Pill Call Nurse (Jane
4 Doe 1). Again Jane Doe 1 told Plaintiff to
5 just fill out a kite, but did nothing else.
6 Again Jane Doe 1 openly refused to give
7 her name when asked. Clearly showing
8 that again the Plaintiff's extreme chest
9 pains were openly ignored by both the
10 medical staff and the correctional staff.
11

12 3. On March 27th, 2019, the Plaintiff had
13 suffered such extreme chest pains, that
14 they actually brought him to his knees,
15 and in front of a different Pill Call Nurse
16 (~~Jane Doe 1~~ ^{JAMES Tolman} ~~John Doe 1~~ ^{JAMES Tolman}). ~~John Doe 1~~ told Plaintiff to
17 drink lots of water and to stay off his
18 feet, but did nothing else. ~~John Doe 1~~ ^{JAMES Tolman}
19 also refused to give his name when
20 asked by Plaintiff. Clearly showing that
21 Plaintiff's extreme chest pains were
22 openly ignored by medical staff and
23 correctional staff. (Received NAME in October 2019)
24

25 4. On March 27th, 2019, after being
26 denied proper medical treatment, Plaintiff
27 filed Informal Grievance (20062081051).
28

1 5. On June 6th, 2019, Plaintiff received the
2 denial of his Informal Conveyance, which
3 was denied by defendant N. Perez.
4

5 6. On June 7th, 2019, Plaintiff Filed his
6 First Level Conveyance.
7

8 7. On June 14th, 2019, Plaintiff was taken
9 to the Nevada Heart and Vascular Center,
10 just to find out that the actual appointment
11 was for June 12th, 2019, Two (2) days earlier,
12 which clearly shows the Defendants actual
13 incompetence and both their deliberate
14 indifference and intentional interference
15 in the Plaintiff's serious medical needs.
16

17 8. On July 2nd, 2019, Plaintiff received denial
18 of First Level Conveyance by defendant Bob
19 Faulkner. Also submitted Hite to review his
20 medical records.
21

22 9. On July 2nd, 2019, Plaintiff Filed Second
23 Level Conveyance.
24

25 10. On July 23rd, 2019, Plaintiff was Ritally
26 taken to see Cardiologist and was told to
27 return in 30 days.
28

11. On October 4th, 2019, Plaintiff was finally taken back to the Cardiologist. This was 48 days past the 30 days set by Cardiologists.

12. On September 10th, 2019, Plaintiff received the denial of his Second Level Concurrence by defendant Miner.

13. As of the date of this complaint, the Plaintiff has been openly denied the right to review his medical records.

Because of these clear and blatant non treatment, deliberate indifference, intentional interference and incompetence by all named defendants, with regard to the Plaintiff's serious medical needs. This here Complaint does now follow.

11

11

CAUSE OF ACTION

If you have more than three (3) counts, attach additional count page(s) hereto

1
2 Plaintiff asserts the following claim against the below-
3 named defendant(s): 1st Amend. Right to Redress Grievance and the 8th
4 Amend Prohibition Against Cruel and Unusual Punishment -
5 Deliberate Indifference And Intentional Interference To A
6 Serious Medical Need - Extreme Chest Pain.

7 Supporting Facts (Include all facts you consider important.
8 State the facts clearly, in your own words, and in numbered
9 paragraphs. You need not cite legal authority or argument. Be
sure to describe exactly what each specific defendant (by name)
did to cause you injury. You may attach additional pages, if
necessary):

10 Plaintiff has been made to suffer injury in-
11 fact at the hands of all named defendants,
12 listed on page 2A, for both their deliberate
13 indifference and their intentional
14 interference with the Plaintiff's
15 serious medical needs, to wit extreme
16 chest pains, in violation of the Cruel
17 and Unusual Punishment Clause of the
18 8th Amendment to the U.S. Constitution.

19 This openly blatant deliberate
20 indifference and intentional interference
21 in providing the Plaintiff with proper
22 medical treatment for the seriously
23 debilitating and potentially life threatening
24 medical problem is based upon both the
25 Incompetency and the Practices, Policies
26 and Customs of the State of Nevada, the
27 NDOC and NADHCAHE to openly deny, deny
28 and deny, until they are forced to properly

1 treats an inmate or it becomes to late
2 for them to do anything as the inmate
3 would be dead.

4 The Plaintiff's extreme chest pains have
5 caused him to be layed up in bed and
6 could caused him to: (1) have a stroke;
7 (2) have a heart attack; or (3) die.

8 The clear actions of the defendants
9 show that they don't care what happens
10 to the Plaintiff and they hope that if they
11 ignore it long enough it will go away.

12 All named defendants, at all times,
13 relevant, were acting under the color of
14 state law as state/Municipal Agent and/or
15 contractor employed by the State of Nevada
16 and/or the N.D.O.C.

17 Therefore, all named defendants are
18 being sued in their: (1) Individual Capacity;
19 and/or (2) official capacity.

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13. REQUEST FOR RELIEF

WHEREFORE, Plaintiff, expressly reserving the right herein to include all items of damage, demands judgment against the Defendant(s), as follows:

CLAIM FOR RELIEF FOR PLAINTIFF:

(Check and complete as applicable:)

1. ☒ General damages in the amount of \$100,000.00 as against defendant(s) (all) named herein.
- ☒ Special damages in the amount of \$100,000.00 as against defendant(s) (all) named herein.
- ☒ Punitive damages in the amount of \$100,000.00 as against defendant(s) (all) named herein.
- ☒ Injunctive relief as follows: Placed on Chronic Care, Properly Treated by Outside Doctor, Proper Heart Monitor.
- ☒ Declaratory judgment as follows: \$2,500.00 per each of the 30+ days denied proper medical treatment per each named defendant.
- ☒ Attorney's fees and costs herein.
- ☒ Other: Have NADHCAE and NDOC To Properly Return all Medical Staff so that they don't happen again.
- ☒ For such further relief as the Court may deem meet, equitable and proper.

Dated this 30th day of October, 2019.

Anthony Harris #1169848
Plaintiff, P. / In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018

Plaintiff In Pro Se

1. VERIFICATION

Under penalty of perjury, the undersigned declares that he is the Plaintiff in the foregoing complaint and knows the contents thereof; that the pleading is true and of his own

1 knowledge, except as to those matters stated on information and
2 belief, and as to such matters he believes them to be true. I
3 further verify that the foregoing pleading is true and correct,
4 and is made under penalty of perjury without benefit of notary
5 pursuant to NRS 208.165, as I am an incarcerated person.

6 Dated this 30th day of October 2019

7
8 Anthony Harris #1169848
9 High Desert State Prison
10 P.O. Box 650
11 Indian Springs, NV 89070-0650
12 Plaintiff In Pro Se

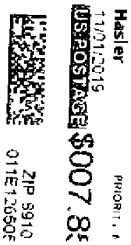
13 J. AFFIRMATION PURSUANT TO NRS 239B.030

14 The undersigned does hereby affirm that the preceding
15 complaint does not contain the social security number of any
16 person.

17 Dated this 30th day of October 2019.

18 Anthony Harris #1169848
19 /In Propria Personam
20 Post Office box 650 [HDSP]
21 Indian Springs, Nevada 89018
22 Plaintiff In Pro Se
23
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89070



Clark of the Court
8th Industrial District
200 West 1st
3rd Floor
Las Vegas, Nevada

891

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THIS SEALED
DOCUMENT,
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28 - 29
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U.S. MAIL



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*Attorneys for Defendants Brian Williams
and Nevada Department of Corrections*

DISTRICT COURT
CLARK COUNTY, NEVADA

Anthony Harris,
Plaintiff,

vs.

The State of Nevada, *et al.*,
Defendants.

Case No. A-19-805689-C
Dept. No. VIII

Oral Argument Requested

DEFENDANTS' MOTION TO DISMISS

Defendants, Brian Williams, Sr., (Warden Williams) and the Nevada Department of Corrections (NDOC)¹ (collectively "Defendants"), by and through counsel, Aaron D. Ford, Nevada Attorney General, and Wade J. VanSickle, Deputy Attorney General, hereby submit this Motion to Dismiss Complaint With Prejudice.

I. INTRODUCTION

Defendants move this Court to dismiss all claims asserted in the Complaint because the conclusory allegations, if accepted as true, fail to assert a colorable cause of action upon which relief can be granted.

¹ There is no evidence any other Defendant in this matter has been served. Accordingly, at this juncture, the Office of the Attorney General represents only Warden Williams and the NDOC.

1 On November 4, 2019, Plaintiff Anthony Harris (Harris) filed his Complaint which
2 names twenty-four (24) defendants and apparently alleges an Eighth Amendment
3 deliberate indifference to a serious medical condition claim. *See* Complaint at IA, 12, 16.
4 The claim is premised upon the allegation that Harris was not provided “proper medical
5 treatment for [his] seriously debilitating and potentially life threatening medical
6 problem” which resulted in “extreme chest pains” and “could have caused him to: (1) have
7 a stroke; (2) have a heart attack; or (3) dye (sic).” *Id.* at 16-17.

8 The claim asserted against the NDOC should be dismissed with prejudice because
9 the NDOC is an arm of the State of Nevada, and therefore, it not a “person” under 42
10 U.S.C. § 1983. Since liability cannot exist as to the NDOC, it should be dismissed from
11 this matter with prejudice.

12 Similarly, Warden Williams should be dismissed from this matter with prejudice
13 because the Complaint fails to allege facts that establish (1) Warden Williams personally
14 participated in the alleged constitutional violation and (2) both of the material elements
15 of an Eighth Amendment deliberate indifference claim. Aside from generically listing
16 Warden Williams as a defendant in this matter, the Complaint does not plead any
17 allegations that identify Warden Williams by name, status, or employment position, let
18 alone assert he personally engaged in unconstitutional conduct as required under § 1983.
19 Consequently, the Warden Williams should be dismissed from this matter.

20 The Complaint also fails to assert that Warden Williams was on notice or should
21 have been on notice that Harris was allegedly suffering from a serious health condition,
22 but he nevertheless purposefully failed to act or intentionally denied Harris medical
23 treatment. The Complaint is totally devoid of any allegations concerning Warden
24 Williams. Consequently, the Complaint fails to sufficiently plead a colorable Eighth
25 Amendment violation claim against Warden Williams, and therefore, he should be
26 dismissed from this matter.

27 ///

28 ///

1 **II. LEGAL STANDARD**

2 **A. NRCP 12(b)(5)**

3 In considering a motion pursuant to NRCP 12(b)(5), the court “must construe the
4 pleading liberally and draw every fair intendment in favor of the [non-moving party].”
5 *Squires v. Sierra Nev. Educational Found.*, 107 Nev. 902, 905, 823 P.2d 256, 257 (1991)
6 (quoting *Merluzzi v. Larson*, 96 Nev. 409, 411, 610 P.2d 739, 741 (1980)). All factual
7 allegations of the complaint must be accepted as true. *Capital Mortgage Holding v. Hahn*,
8 101 Nev. 314, 315, 705 P.2d 126 (1985). A complaint will not be dismissed for failure to
9 state a claim “unless it appears beyond a doubt that the plaintiff could prove no set of
10 facts which, if accepted by the trier of fact, would entitle him [or her] to relief.” *Edgar v.*
11 *Wagner*, 101 Nev. 226, 228, 699 P.2d 110, 112 (1985).

12 **B. 42 U.S.C. § 1983**

13 Title 42 U.S.C. § 1983 provides a cause of action for the “deprivation of any rights,
14 privileges, or immunities secured by the Constitution and laws” of the United States. To
15 state a claim under § 1983, a plaintiff must allege two essential elements: (1) that a right
16 secured by the Constitution or laws of the United States was violated, and (2) that the
17 alleged violation was committed by a person acting under the color of State law. *Long v.*
18 *Cty. of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir. 2006) *citing West v. Atkins*, 487 U.S. 42,
19 48, 108 S.Ct. 2250, 101 L.Ed.2d 40 (1988). Both federal and state courts have jurisdiction
20 to hear claims brought under § 1983. *Berry v. Feil*, 131 Nev. 339, 343, 357 P.3d 344, 346
21 (Nev. App. 2015)

22 **C. LEGAL ARGUMENT**

23 **a. The NDOC Is Not a Proper Defendant in a Section 1983 Claim**

24 The Court should dismiss the NDOC with prejudice as the NDOC is not a proper
25 party in this section 1983 action and amendment would be futile. The NDOC is an arm of
26 the State of Nevada and is not a “person” subject to suit for the purposes of 42 U.S.C.
27 section 1983. *N. Nev. Ass’n of Injured Workers v. Nev. State Indus. Ins. Sys.*, 107 Nev.
28 108, 114-15, 807 P.2d 728, 732 (1991) (determining that § 1983 claims could not be

1 maintained against a Nevada state agency or state officials and employees in their official
2 capacities); *See also Doe v. Lawrence Livermore Nat'l Lab.*, 131 F.3d 836, 839 (9th Cir.
3 1997); *Black v. Nev. Dep't of Corr.*, 2:09-cv-2343-PMP-LRL, 2010 WL 2545760, *2 (D. Nev.
4 June 21, 2010) ("Because the Nevada Department of Corrections is one of the 'arms of the
5 State,' it is not a 'person' for the purposes of section 1983."). Thus, the NDOC and all
6 section 1983 claims against the NDOC should be dismissed from this action with
7 prejudice.

8 **b. There Are No Allegations Warden Williams Personally Participated**
9 **In The Alleged Constitutional Violation**

10 A supervisor cannot be held liable in his individual capacity merely because he is a
11 supervisor. *Monell v. Department of Social Services of City of New York*, 436 U.S. 658, 694
12 & n. 58, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978). "A supervisor may be liable if there exists
13 either (1) his or her personal involvement in the constitutional deprivation, or (2) a
14 sufficient causal connection between the supervisor's wrongful conduct and the
15 constitutional violation." *Hansen v. Black*, 885 F.2d 642, 646 (9th Cir. 1989). In the
16 context of a medical-care claim, deliberate indifference is subjective. A prison official
17 cannot be held liable "unless the official knows of and disregards an excessive risk to
18 inmate health or safety; the official must both be aware of facts from which the inference
19 could be drawn that a substantial risk of harm exists, and he must also draw the
20 inference." *Farmer v. Brennan*, 511 U.S. 825, 838, 114 S.Ct. 1970, 128 L.Ed.2d 811 (1994).
21 "A defendant must purposefully ignore or fail to respond to a prisoner's pain or possible
22 medical need in order for deliberate indifference to be established." *McGuckin v. Smith*,
23 974 F.2d 1057, 1060 (9th Cir. 1992), *overruled on other grounds by WMX Techs., Inc. v.*
24 *Miller*, 104 F.3d 1133 (9th Cir. 1997).

25 Here, the Complaint lacks allegations that, if accepted as true, establish Warden
26 Williams personally participated in, or was somehow indirectly responsible for the alleged
27 constitutional violation. *See* Complaint at 11-17. The Complaint is totally devoid of any
28 allegations or facts identifying Warden Williams by name or by status. It is also totally

1 devoid that Warden Williams is in any way involved in the medical care Plaintiff did or
2 did not receive. As such, Harris will not be able to establish Warden Williams legally
3 caused the alleged constitutional deprivation. *Long*, 442 F.3d at 1185; *Rencher v. Nevada*,
4 No. 2:11-CV-01040-MMD, 2012 WL 4963000, at *6 (D. Nev. Oct. 16, 2012), *aff'd sub nom.*
5 *Rencher v. Bannister*, 543 F. App'x 697 (9th Cir. 2013)(granting defendants summary
6 judgment on a deliberate indifference claim after find “[t]here is no evidence that any of
7 the Supervisory Defendants were personally involved in providing the out-dated syringes
8 to Plaintiff”).

9 Additionally, the Complaint lacks allegations that, if accepted as true, satisfy both
10 material elements of a deliberate indifference claim against Warden Williams. More
11 specifically, there are no allegations in the Complaint to suggest Warden Williams was on
12 actual or constructive notice Harris was suffering from a serious medical condition. *Id.*
13 Besides naming Warden Williams as one of the twenty-four defendants in this matter,
14 there are no facts or allegations in the Complaint that identify Warden Williams by name
15 or employment position, let alone assert that Warden Williams was personally aware of
16 facts from which he could draw that a substantial risk of harm existed to Harris. *Farmer*,
17 511 U.S. at 838. In fact the Complaint mentions only two nurses as potentially having
18 some knowledge of Plaintiff’s alleged medical condition. As such, the Complaint fails to
19 establish the first material element of the claim.

20 The Complaint also fails to assert allegations that could potentially establish
21 Warden Williams purposefully ignored or failed to respond to Harris’ pain or possible
22 medical need. In fact, it is impossible for the Complaint to assert Warden Williams
23 intentionally ignored Harris’ serious medical condition when it does not plead facts
24 adequate to show Warden Williams was on notice of a serious medical condition.
25 Accordingly, the Complaint does not plead allegations that satisfy the second material
26 element of the claim.

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1 **c. Warden Williams Is Entitled To Qualified Immunity**

2 It is a long-standing principle that governmental officials are shielded from civil
3 liability under the doctrine of qualified immunity. *Harlow v. Fitzgerald*, 457 U.S. 800, 818
4 (1992). When conducting the qualified immunity analysis, courts “ask (1) whether the
5 official violated a constitutional right and (2) whether the constitutional right was clearly
6 established.” *C.B. v. City of Sonora*, 760 F.3d 1005, 1022 (9th Cir. 2015) (citing *Pearson v.*
7 *Callahan*, 555 U.S. 223, 232, 236 (2009)).

8 The second inquiry, whether the constitutional right in question was clearly
9 established, is an objective inquiry that turns on whether a reasonable official in the
10 position of the defendant knew or should have known at the time of the events in
11 question that his or her conduct was constitutionally infirm. *Anderson v. Creighton*,
12 483 U.S. 635, 639-40 (1987); *Lacey v. Maricopa Cty.*, 693 F.3d 896, 915 (9th Cir. 2012).
13 Only where a governmental official’s belief as to the constitutionality of his or her conduct
14 is “plainly incompetent” is qualified immunity unavailable. *Stanton v. Sims*, 134 S. Ct. 3,
15 5 (2013) (per curiam). Governmental officials are entitled to high deference when making
16 this determination, *Anderson*, 483 U.S. at 640, requiring the Court to assess whether
17 qualified immunity is appropriate “in light of the specific context of the case.”
18 *Tarabochia v. Adkins*, 766 F.3d 1115, 1121 (9th Cir. 2014) (quoting *Robinson v. York*,
19 566 F.3d 817, 821 (9th Cir. 2009)).

20 In determining “whether a [constitutional] right was clearly established,” this
21 Court is to survey the law within this Circuit and under Supreme Court precedent “at
22 the time of the alleged act.” *Perez v. United States*, 103 F. Supp. 3d 1180, 1208 (S.D. Cal.
23 2015) (quoting *Cnty. House, Inc. v. City of Boise*, 623 F.3d 945, 967 (2010); Only in
24 situations where there is no precedent regarding the qualified immunity question at issue
25 should this Court look to “other circuits and district courts to ascertain whether the law is
26 clearly established.” *Cnty. House*, 623 F.3d at 967 (citing *Osolinski v. Kane*, 92 F.3d 934,
27 936 (9th Cir. 1996)). Whether governmental employees are entitled to qualified immunity

28 ///

1 is a question of law subject to *de novo* review before this Court. *Devereaux v. Perez*, 218
2 F.3d 1045, 1051 (9th Cir. 2000).

3 Here, Warden Williams is also entitled to qualified immunity. As set forth above,
4 the Complaint fails to set forth facts alleging Warden Williams engaged in
5 unconstitutional conduct. Accordingly, he is entitled to qualified immunity under the first
6 prong of the analysis.

7 With respect to the second prong, there are no allegations in the Complaint to
8 suggest that Warden Williams could have been on notice that his conduct, or lack thereof,
9 was unlawful. Specifically, there are no allegations that would implicate a warden given
10 the circumstances of Plaintiff's alleged chest pains and medical treatment. Therefore, it is
11 impossible for Warden Williams to have the requisite knowledge that his action or
12 inaction was constitutional infirm, and he is entitled to qualified immunity.

13 **d. Plaintiff's Claim For Monetary Damages Should Be Dismissed**

14 Harris sues all individual defendants both in their individual capacities and their
15 official capacities. Complaint at 17 (“[t]herefore, all named defendants are being sued in
16 their” (1) individual capacity; and/or (2) official capacity”). Plaintiff also requests money
17 damages. *Id.* at 19. However, section 1983 only creates jurisdiction for suits against
18 “persons,” and neither a state nor its employees acting in their official capacities are
19 “person[s]” who can be sued under section 1983. *Will v. Mich. Dep't of State Police*, 491
20 U.S. 58, 66 (1989). Thus, Plaintiff's requests for money damages against the official
21 capacity Defendants should be dismissed with prejudice.

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1 **III. CONCLUSION**

2 Based upon the foregoing, the NDOC and Warden Williams respectfully be
3 dismissed from this matter with prejudice.

4 DATED this 30th day of January, 2020.

5 AARON D. FORD
6 Attorney General

7 By: /s/ Wade J. VanSickle
8 Wade J. VanSickle (Bar No. 13604)
9 Deputy Attorney General

Attorneys for Defendants

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CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on January 30, 2020, I electronically filed the foregoing **DEFENDANTS' MOTION TO DISMISS**, via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada to the following:

Anthony Harris #1169848
High Desert State Prison
PO Box 650
Indian Springs, NV 89070
Plaintiff, Pro Se

/s/ Diane Resch
Diane Resch, an employee of the
Office of the Nevada Attorney General



**DISTRICT COURT
CLARK COUNTY, NEVADA

Anthony Harris, Plaintiff(s)

vs.

Nevada State of, Defendant(s)

Case No.: A-19-805689-C

Department 8

NOTICE OF HEARING

Please be advised that the Defendants' Motion to Dismiss in the above-entitled matter is set for hearing as follows:

Date: March 03, 2020

Time: 9:00 AM

Location: Phoenix Building 11th Floor 110
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Joshua Raak
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Joshua Raak
Deputy Clerk of the Court



1 CSERV
2 AARON D. FORD
3 Attorney General
4 Wade J. VanSickle (Bar No. 13604)
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10 (702) 486-3216 (phone)
11 (702) 486-3773 (fax)
12 wvansickle@ag.nv.gov

13 *Attorneys for Defendants Brian Williams*
14 *and Nevada Department of Corrections*

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DISTRICT COURT
CLARK COUNTY, NEVADA

Anthony Harris,
Plaintiff,

vs.

The State of Nevada, *et al.*,
Defendants.

Case No. A-19-805689-C
Dept. No. VIII

Date of Hearing: March 3, 2020
Time of Hearing: 9:00 a.m.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the State of Nevada, Office of the Attorney General and that on January 31, 2020, I served the **NOTICE OF HEARING**, by causing a true and correct copy thereof to be served via U.S. Mail, Postage Prepaid addressed to the following:

Anthony Harris #1169848
High Desert State Prison
PO Box 650
Indian Springs, NV 89070
Plaintiff, Pro Se

/s/ Diane Resch
Diane Resch, an employee of the
Office of the Nevada Attorney General

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
1/31/2020 7:33 AM
Steven D. Grierson
CLERK OF THE COURT



Anthony Harris, Plaintiff(s)

Case No.: A-19-805689-C

vs.

Nevada State of, Defendant(s)

Department 8

NOTICE OF HEARING

Please be advised that the Defendants' Motion to Dismiss in the above-entitled matter is set for hearing as follows:

Date: March 03, 2020

Time: 9:00 AM

Location: Phoenix Building 11th Floor 110
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Joshua Raak
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Joshua Raak
Deputy Clerk of the Court

23

1 Anthony Harris #1169848
2 PLAINTIFF/IN PROPRIA PERSONAM
3 POST OFFICE BOX 650 [HDSP]
4 INDIAN SPRING, NV 89070

FILED
FEB 19 2020
Clerk of Court

DISTRICT COURT
CLARK COUNTY, NEVADA

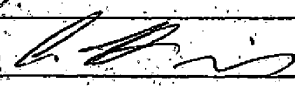
| | |
|-------------------------------|------------------------|
| 8 Anthony Harris, | |
| 9 PLAINTIFF | CASE No. A-19-805689-C |
| 10 vs. | DEPT No. VIII |
| 11 THE STATE of NEVADA et al. | |
| 12 DEFENDANTS | |

PLAINTIFF'S RESPONSE TO DEFENDANT'S
MOTION TO DISMISS

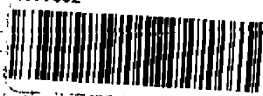
18 Comes Now, PLAINTIFF, Anthony Harris, in & to SE, herein
19 moves this Honorable Court for dismissal of Defendant's Motion to
20 Dismiss.

21 This Motion is made and based upon the accompanying Memorandum
22 of Points and Authorities.

24 DATED this 11th day of February, 2020.

BY: 
Anthony Harris #1169848
PLAINTIFF/IN PROPRIA PERSONAM

A-19-805689-C
RSPN
Response
4897652



RECEIVED

FEB 19 2020

CLERK OF THE COURT

1 I Defendants and Defendant's counsel Aaron D. Ford, Nevada Attorney General, and
2 Wade J. Vansickle, Deputy Attorney General started their motion with a blatant
3 false statement footnoted on page 1. Defendants NDOC and Brian Williams Sr.
4 were served on the 16th day of December, 2019 at approx 1100hrs, all other
5 defendant's were served a full 3 days earlier on the 13th day of December,
6 2019 at approx. 0935hrs, those other Defendant's includes Attorney for
7 Council, Aaron D. Ford. (SEE "Notice of Motion of Service". Only one defendant
8 remains unserved, James Dargatzis, due to him recently resigning as
9 Director of NDOC and is unavailable

10 ~~and~~ Where Nevada's clearly established statutory laws, NRS. 41.031, waives it's
11 immunity from liability and action and hereby consents to have it's liability
12 determined in accordance with the same rules of law as are applied to civil action,
13 against natural persons, and corporations, this waiver also applies to all political
14 subdivisions. This means The State of Nevada and its political subdivisions (NDOC)
15 can be sued where 1983's in state and/or federal court.

16 Per AR 740 All level one grievances are to be responded to by the Warden or an
17 authorized person acting for the Warden (Brian Williams Sr.). In addition, prior to
18 filing my complaint, in the 3rd quarter of 2019 (No exact date), Warden Williams
19 was in the chapel and this matter was brought to his attention, once it was mentioned
20 about being ready to file in court he cut the conversation and said "OK, that's it!
21 I can't talk to you anymore.", and walked out.

22 II NRCP 12 (B)(5) A complaint will not be dismissed for failure to state a claim
23 unless it appears beyond a doubt that the plaintiff could prove no set of facts,
24 which, if accepted by the trier of fact, would entitle him [or her] to relief. *Eggar*
25 *v. Wagner*, 101 Nev 221, 228, 1997 3.20 116, 112 (1995).

26 Title 42 U.S.C. 1983 provides a cause of action for the deprivation of any rights,
27 privileges, or immunities secured by the constitution and laws of The United States.

1 LEGAL ARGUMENT

2 a. NDOC is the employing agency of said defendant's. Just as any
3 business who employs a person who commits a wrongful act, NDOC should be no
4 different. Where Alaska's clearly established statutory laws, AKS 41.031, waives
5 it's immunity from liability. (SEE SNOICIAL NOTICE Pg. 11; line 10-22 of complaint)
6 If the NDOC is dismissed with prejudice, or at all they will continue to do
7 the same thing to others in their care as you can see from all the cases both
8 current and past against them.

9 b. As stated before Warren Williams is being sued in both his individual and/or his
10 official capacity. He is being held liable for his disregard in plaintiff's serious
11 medical needs. Per NDOC's AR 940 the Warren is supposed to review grievances
12 at the first level (formal), if filed an informal, first level, and second level grievance
13 per or to filing my complaint. Their own Administrative Regulations state he is required
14 to review the first level so he either opted not to intervene and help or was not getting
15 to do his job by reviewing them. "A prison official cannot be held liable unless the
16 official knows of and disregards an excessive risk to inmates health and safety..." Farmer
17 v. Brennan, 511 U.S. 825, 838, 114 S. Ct. 1970, 128 L. Ed. 2d 811 (1994). Based on
18 of NDOC's own AR's Warren Williams should have known just by doing his job properly
19 regardless of my ignored "Kites" and one left to face. "A defendant must purposely ignore
20 or fail to respond to a prisoner's pain or possible medical need in order for deliberate
21 indifference to be established" McCluckie v. Smith, 974 F.2d 1057, 1060 (9th Cir 1992).
22 Which Warren Williams obviously did by purposely ignoring and failing to respond
23 to "Kites", and a first level grievance that was placed on his desk. As such, Plaintiff
24 can, has, and will continue to establish Warren Williams also caused this constitutional
25 deprivation.

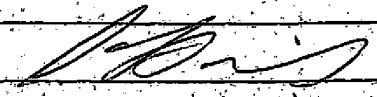
26 c. As to Warren Williams being entitled to qualified immunity, I have already
27 clearly established that Williams violated my constitutional rights. When I file my

1 Fulfillment grievance on the 27th day of March, 2019 I clearly stated that
2 I WAS experiencing a violation of my rights, both medical AND eighth amendment,
3 and that it was constituting cruel and unusual punishment.

4 d. Plaintiff's claims for monetary damages should not be dismissed.
5 The very first grievance I filed (shdgerm) I did not ask for any
6 monetary damages and stated I did not so long as they made sure I was
7 okay by doing injury/condition SPECIFIC TEST (CAT SCAN, MRI, VITALS, BLOODWORK,
8 ETC.), A CHANGE IN PROCEDURE TO WHAT IS LEGALLY REQUIRED for chest/cardiac
9 pain per Nevada State Board of Medical Examiners, go over medications, et
10 cetera immediately. After not being taken seriously (AS MOST OF US ARE BY
11 NDOC STAFF), I decided to request monetary compensation for all of the
12 violations of my rights, pain, suffering. After still being denied, even though
13 one of their grievance responses appear to admit wrongdoing, I filed an
14 appeal once the grievance process concluded.

15 III In conclusion, I respectfully request that no defendants are dismissed
16 from their wrongdoings and that all are held accountable for their actions or lack
17 thereof. I also respectfully request permission to submit an amended
18 complaint as well, as I am incarcerated and used inadequate legal advice
19 I now notice that some facts were not submitted in the first complaint, as
20 well as I want like to add the retaliation I have been experiencing since
21 filing my complaint.

22 DATED this 11th day of February, 2020.

23
24 
25 Anthony Harris #1169848
26 Plaintiff / In Prison Person
27

28
FILED

FEB 19 2020

Anthony Harris
CLERK OF COURT

1 Anthony Harris #1169848

2 In Propria Personam

3 Post Office Box 650 [HDSP]

4 Indian Springs, Nevada 89018

5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7
8 Anthony Harris

9 **Plaintiff,**

10 vs.

Case No. A-19-805689-C

11 THE STATE OF NEVADA et al,

Dept. No. VIII

Docket _____

12
13
14 NOTICE OF Motion of Service

15
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17
18
19 **COMES NOW,** Anthony Harris, Plaintiff, herein above respectfully
20 moves this Honorable Court for an Notice of Motion of Service.

21
22
23 This Motion is made and based upon the accompanying Memorandum of Points and Authorities.

24
25 DATED: this 9th day of February, 2020.

26 BY: _____

Anthony Harris #1169848

Defendant/In Propria Personam

PLAINTIFF

1

A-19-805689-C
NOTM
Notice of Motion
4897553



RECEIVED

FEB 19 2020

CLERK OF COURT

1 This motion is to inform the court that all defendants in
2 this matter have either been served or attempts have been
3 made by Carson City Sheriff's Office to serve. Service is as
4 listed:

5 On the 13th day of December 2019 the following defendants
6 were served; State of Nevada, Board of Prison Commissioners, Steve
7 Sisolak, Brian Sandoval, Aaron Ford, Adam Laxalt, Barbara
8 Caravshe, MICHAEL MINEN, Romeo Aranas, Jeremy Bean, Julie
9 Matousek, Mr. Faliszek, Mrs. Ennis, Naphcare Inc, Bob
10 Faulkner, N. Peret, G. Worthy, G. Martin, G. Bryan, Jane
11 Doe I, and James Tolman at approx. 0935hrs at 100
12 North Carson Street, Carson City, NV 89701. (SEE EXHIBIT A)

13 On the 11th day of December, 2019 the following
14 defendant's were served; NV Dept. of Corrections and
15 Brian Williams at approx. 1100hrs at 5500 East Snyder
16 Avenue, Carson City, NV 89701 (SEE EXHIBIT B)

17 After due search and diligent inquiry throughout Carson
18 City, Nevada the Carson City Sheriff's Office was unable to
19 locate one individual, James Dzurenda. Mr. Dzurenda
20 has recently resigned so they would not accept service on
21 his behalf (SEE EXHIBIT C)

22 DATED this 11th day of February, 2020.

23
24 Anthony Harris #1169848
25 Plaintiff /ix/ PROPCIA PERSONAM
26
27
28

28

FILED

FEB 19 2020

CLERK OF COURT

Anthony Harris ID NO. 1169848
HIGH DESERT STATE PRISON
22010 COLD CREEK ROAD
POST OFFICE BOX 850
INDIAN SPRINGS, NEVADA 89070

Plaintiff In Proper Person

District Court
Clark County, Nevada

Anthony Harris
Plaintiff

CASE NO.: A-19-805689-C

DEPT NO.: VIII

vs.

The State of Nevada et al.
Defendants

DATE OF HEARING: March 03, 2020
TIME OF HEARING: 0900 hrs

Motion Requesting Order to
compel attendance by plaintiff
via telephonic court

COMES NOW, Anthony Harris, Plaintiff, In Proper Person and
moves this Honorable Court for an Motion Requesting Order to
compel attendance by Plaintiff via telephonic court

THIS Motion is made and based upon the attached Memorandum of Points
and Authorities, all of the pleadings and other documents on file in this case, as well as
Plaintiff's circumstances

DATED This 11th day of February, 2020.

Respectfully submitted,

Anthony Harris ID NO. 1169848
Plaintiff In Proper Person

RECEIVED

FEB 19 2020

CLERK OF THE COURT

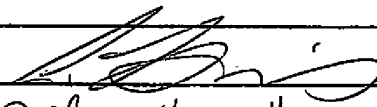
A-19-805689-C
MOT
Motion
4897556



1 That plaintiff is currently housed at High Desert
2 State Prison and cannot willing appear or not appear I
3 am ask this court for an "Order to Compel Attendance" so
4 that I may be present and not received against without
5 being there. I understand that there is very high cost
6 associated with transporting an inmate to the courthouse, so
7 is not to create such burden and have staff pulled to do
8 so I am requesting to be present via telephonic video
9 court as the prison does quite often.

10 I make this request with the utmost respect and Hum-
11 ility to this Honorable Court.

12
13 DATED this 11th DAY of February, 2020.

14
15 
16 Anthony Harris #1169846
17 Plaintiff
18
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AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion Requesting

Order to Compel Attendance by plaintiff via telephonic court; Notice of Motion of Service;
(Title of Document)

AND plaintiff's response to Defendant's Motion to Dismiss

filed in District Court Case number A-19-805 Tessa - C

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

[Signature]
Signature

11 Feb 2020
Date

Harris, Anthony J.
Print Name

PLAINTIFF
Title

CERTIFICATE OF SERVICE BY MAILING

I, Anthony Harris, hereby certify, pursuant to NRCP 5(b), that on this 11th day of February, 2020, I mailed a true and correct copy of the foregoing, "Plaintiff's response to defendant's motion to dismiss, Motion Requesting Order to compel attendance by plaintiff via telephonic court, Notice of Motion of Service" by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

ARON D. FORD
Office of the Attorney General
555 E. Washington Avenue, Ste 3900
LAS VEGAS, NV 89101-1048

STEVEN D. GRIERSON
CLERK OF THE COURT
REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV 89155-1160

CC: FILE

DATED: this 11th day of February, 2020.



Anthony Harris #11696428
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

EXHIBIT A

1 Declaration of Service for:

- 1) STATE of NEVADA
- 2) BOARD of Prison Commissioners
- 3) Steve Sisdak
- 4) Brian Sandoval
- 5) Aaron Ford
- 6) Adam LAXALT
- 7) Barbara Cegonske
- 8) Michael MINER
- 9) Romeo ARENAS
- 10) Jeremy Bean
- 11) Julie Matousek
- 12) Mr. Faliszek
- 13) Mrs. Ennis
- 14) Naphcare, INC.
- 15) Bob Fowlkner
- 16) N. Perret
- 17) G. Worthy
- 18) G. Martin
- 19) G. Bryan
- 20) Jane Doe I
- 21) James Tolman

EXHIBIT A

Served at ~~5500 East Simpson Avenue~~ 200 North Carson Street Carson City, NV 89701.
At approx 0935 hrs on the 13th day of December, 2019.
3

**Anthony Harris #1169848
PLAINTIFF**

CASE No.: A19805689C

State Of Nevada, et al
DEFENDANT

$$V_S$$

STATE OF NEVADA }
 } ss:
CARSON CITY }

Jake Smyke

53

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

**Anthony Harris #1169848
PLAINTIFF**

 V_S

State Of Nevada, et al
DEFENDANT

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

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: BD Prison Commissioners by serving **BRANDON SALVERS**, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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

Jakob Dreyer

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

**Eighth Judicial District
Somewhere, NV**

**Anthony Harris #1169848
PLAINTIFF**

CASE No.: A19805689C

 V_S [illegible]

56

**Anthony Harris #1169848
PLAINTIFF**

State Of Nevada, et al
DEFENDANT

 V_S

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

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: Aaron Ford by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 Time: 9:35 AM

The document(s) served were: Summons & 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

Jake Smyth

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

**Anthony Harris #1169848
PLAINTIFF**

CASE No.: A19805689C

State Of Nevada, et al
DEFENDANT

3

SS:

CARSON CITY

2

Jakob Dreyer

58

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

 V_S

State Of Nevada, et al
DEFENDANT

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

DECLARATION OF SERVICE

STATE OF NEVADA }
 }
CARSON CITY } ss:

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 BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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

Jacob Dwyer

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

**Eighth Judicial District
Somewhere, NV**

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

**Anthony Harris #1169848
PLAINTIFF**

 V_S

State Of Nevada, et al
DEFENDANT

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

DECLARATION OF SERVICE

STATE OF NEVADA }
 }
CARSON CITY } ss:

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: Jeremy Dean by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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

Jakob Dreyer

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

**Eighth Judicial District
Somewhere, NV**

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

 V_s

State Of Nevada, et al
DEFENDANT

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

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: Julie Matousek by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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

Jakel Dingsub

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

**Eighth Judicial District
Somewhere, NV**

**Anthony Harris #1169848
PLAINTIFF**

Civil File Number: 19003589

State Of Nevada, et al
DEFENDANT

64

Anthony Harris #1169848
PLAINTIFF

Civil File Number: 19003589

State Of Nevada, et al
DEFENDANT

 V_S

STATE OF NEVADA }
 }
CARSON CITY } 55:

Sub-served: Mrs. Ennis by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

Ken Furlong, SHERIFF

Jakob Dreyer

Eighth Judicial District.
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

**Anthony Harris #1169848
PLAINTIFF**

 V_S

State Of Nevada, et al
DEFENDANT

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

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: Naphcare, Inc by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 Time: 9:35 AM

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

Jake Dwyer

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

 V_S

State Of Nevada, et al
DEFENDANT

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

DECLARATION OF SERVICE

STATE OF NEVADA }
 }
CARSON CITY } ss:

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: BB Faulkauer by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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

Jacob Dwyer

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: G. Worthy by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 Time: 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

**Anthony Harris #1169848
PLAINTIFF**

Civil File Number: 19003589

State Of Nevada, et al
DEFENDANT

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IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: G. Bryan by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

**Anthony Harris #1169848
PLAINTIFF**

CASE No.: A19805689C

 V_S

STATE OF NEVADA }
 } ss:
CARSON CITY }

72

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

 V_s

State Of Nevada, et al
DEFENDANT

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

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: James Tulman by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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

Jakob Dreyer

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

EXHIBIT B

1 Declaration Of Service For:

1) Nev. Dept. of Corrections

2) Brian Williams

SERVED AT 5500 East Snyder Avenue Carson City, NV 89701
AT APPROX. 1100hrs on the 16th day of December, 2019.

EXHIBIT B

25

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

**Anthony Harris #1169848
PLAINTIFF**

$$V_S$$

Steve Sisolak
DEFENDANT

Dated: 12/16/2019

Civil File Number: 19003589

CASE No.: A19805689C

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: NDOC by serving NANCY SANDERS (AAM), Authorized Individual
Location: 5500 East Snyder Avenue Carson City, NV 89701
Date: 12/16/2019 **Time:** 11:00 AM

The document(s) served were: Summons & 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

Jakob Dmytryk

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

**Eighth Judicial District
Somewhere, NV**

911 E. MUSSER STREET, CARSON CITY, NV 89701 (775) 887-2500

EXHIBIT C

Declaration of Non-Service For:

1) JAMES DAKRIN

Carson City Sheriff's Office was unable to serve due to recent resignation of this former Director of N.D.O.C.

EXHIBIT C

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

Steve Sisolak
DEFENDANT

) Dated: 12/16/2019

) Civil File Number: 19003589

) CASE No.: A19805689C

DECLARATION OF NON-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, is over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, that he/she received the within stated civil process.

That after due search and diligent inquiry throughout Carson City, Nevada, was unable to affect service upon the said James Dzurenda within Carson City, Nevada.

Attempts of Service:

Date: 12/16/2019 @ 11:00 AM - 5500 East Snyder Avenue NDOC Director's Office Carson City, NV 89701

Date: 12/16/2019 **Time:** 11:00 AM
Service Note: DID NOT ACCEPT/FORMER EMPLOYEE

DOCUMENTS: Summons & 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: Jakob Dzyak Badge # 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

Anthony Harris #1169848
High Desert State Prison
Post Office Box 650
Indian Springs, NV 89070

1707921

First-class
02/13/2020
US POSTAGE \$002.20
ZIP 89101
011E12650516

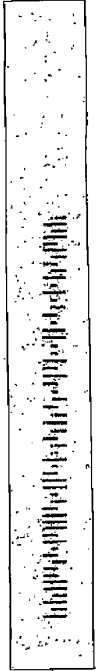
HIGH DESERT STATE PRISON

FEB 13 2020

UNIT 9

Steven D. Grierson
CLERK OF THE COURT
REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NEVADA 89155-1160

3762



St. Martin

To: Anthony Harris Pro Se -

27
FEB 24 2020

Default (s)/ Dismissal(s) are being returned to you by the Clerk of the Court's office for the following reason(s):

- ☒ An appearance or Answer was filed on Motion to Dismiss Filed 1/30/2020
- ☐ Dismissal must be directed for Judge to sign since defendant has filed appearance/answer in case.
- ☐ The required proof of service of the Summons and Complaint is not on file in the Clerk's office
- ☐ The date of service on the Default does not match the date of service on file.
- ☐ No date of service on the Default.
- ☐ Missing Filed Signed Order Granting Service by Publication Pursuant to NRCP 4.4 (c)(1)
- ☐ The Order for Service by Publication requires mailing of copy of summons and complaint. No proof of mailing has been file in the Clerk's office. Please file a certificate of mailing.
- ☐ Default not eligible to be issued until _____; base on Order Granting Service by Publication Pursuant to NRCP 4.4 (c)(4) (C)(ii) due to mailing completed on _____.
- ☐ Party Name(s) on Default or Dismissal do not match name(s) on the complaint.
- ☐ Court filed Order closing case on _____. Need to contact Department to find out what needs to be done to have case Re-opened.
- ☐ Default needs to also state: 1) Date answer was filed 2) Date Order striking answer was signed.
- ☐ Default /Dismissal has already been signed/filed on _____
- ☐ Default must state same documents and claim served as stated on filed proof of service.
- ☐ NRS 14.040 – Service upon Unknown Heirs/ Heirs need to have Order Granting Service by Publication and Affidavit of Publication filed

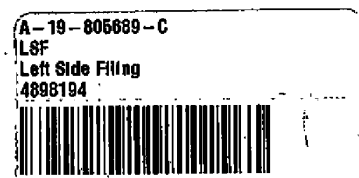
*** PLEASE BE ADVISED THAT ALL DEFAULT (S)/ DISMISSALS ISSUED BY DEPUTY CLERK CAN BE ELECTRONICALLY SUBMITTED TO BE ISSUED AND FILED ALL AT ONCE ***

10

Hearing on Defendants Motion to Dismiss
Dismiss Pending 3/3/2020

RETURN THIS DOCUMENT WHEN YOU RESUBMIT THE DEFAULT

If you have any questions, please contact Specialty Clerk at 671-0521



1. DFLT

2. (Your Name) Anthony Harris #116848

3. (Address) H.D.S.P. P.O. Box 650

4. Indian Springs, NV 89070

5. (Telephone) 702-879-6789

6. (Email Address) _____

7. In Proper Person

8. **DISTRICT COURT**
9. **CLARK COUNTY, NEVADA**

10. Anthony Harris

11. Plaintiff,

12. vs.

13. The State of Nevada et al,

14. Defendant.

CASE NO.: A-19-805689-C

DEPT NO.: VIII

DEFAULT

16. It appearing from the files and records in the above entitled action that (name of
17. Defendant); THE STATE OF NEVADA ET AL Defendant herein, being duly served with a copy of
18. the Summons and Complaint on the 13th day of December, 2019; that more than 45
19. days, exclusive of the date of service, having expired since service upon the Defendant; that no
20. answer or other appearance having been filed and no further time having been granted, the default
21. of the above-named Defendant for failing to answer or otherwise plead to Plaintiff's Complaint is
22. hereby entered.

24. STEVEN D. GRIERSON, CLERK OF COURT

25. By: _____

26. Deputy Clerk

Date

27. Submitted By: Anthony Harris

28. (☒ check one) ☒ Plaintiff / ☐ Defendant in Proper Person

RECEIVED

FEB 19 2020

1 Plaintiff moves for Judgment against the below named Defendants
2 who have failed to plead or otherwise defend in this action with no
3 further time having being granted by the court, and with more than
4 45 days, exclusive of the day of service of process, having expired
5 since service upon the Defendants. I further state:

6 1) I am the plaintiff in this action.

7 2) The Defendants were only served with a copy of the civil summons,
8 complaint, and fee waiver on the 13th day of December, 2019.

9 3) No Defendants named herein is currently engaged in active military
10 service.

11 4) The following amount is due and owing on plaintiff's claim as of
12 this date.

13 a. Complaint Amount \$1,307,500 per defendant 22 of
14 the 24 defendants disregarded and ignored this action, which
15 totals \$37,457,000 to date.

16 b. Less payments and credits - \$ 0

17 5) Total Costs: \$2200 (Copies, Mailing, phone credits notional fees)

18 6) Total Attorney Fees \$ 0

19 This action arises under NRS Chapter 604A and the Plaintiff has complied
20 with the requirements of that chapter.

21 Defendants N/V Dept of Corrections and Warden Brian Williams have responded
22 by and through their counsel, although late a response was received. Default
23 is requested upon all other defendants listed on the following page.

1) The State of Nevada - Served on the 13th day of December, 2019;

2) Board of Prison Commissioners - Served on the 13th day of December, 2019;

3) Steve Sisulak - Served on the 13th day of December 2019;

4) Brian Sandoval - Served on the 13th day of December, 2019;

5) Aaron Ford - Served on the 13th day of December, 2019;

6) Aaron Lavitt - Served on the 13th day of December, 2019;

7) Barbara Levinsky - Served on the 13th day of December, 2019;

8) Romeo Aranas - Served on the 13th day of December, 2019;

9) Michael Miner - Served on the 13th day of December, 2019;

10) Jeremy Bean - Served on the 13th day of December, 2019;

11) Julie Matosuk - Served on the 13th day of December, 2019;

12) Mr. Faliszek - Served on the 13th day of December, 2019;

13) Mrs. Ennis - Served on the 13th day of December, 2019;

14) Naphcare, Inc. - Served on the 13th day of December, 2019;

15) Bob Fulkner - Served on the 13th day of December, 2019;

16) N. Peret - Served on the 13th day of December, 2019;

17) G. Worthy - Served on the 13th day of December, 2019;

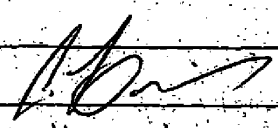
18) G. Martin - Served on the 13th day of December, 2019;

19) G. Bryan - Served on the 13th day of December 2019;

20) Jane Doe I - Served on the 13th day of December, 2019;

21) James Tolman - Served on the 13th day of December, 2019.

DATED this 13th day of February, 2020.


Anthony Harris
Plaintiff / Prisoners

CERTIFICATE OF SERVICE BY MAILING

I, Anthony Harris, hereby certify, pursuant to NRCP 5(b), that on this 13th
day of February, 2020, I mailed a true and correct copy of the foregoing, "Motion
for Default"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:


THE STATE OF NEVADA (ALL DEFENDANTS INDIVIDUALLY)
200 North Doreen Street
Orleans City, NV 89701

CLERK OF THE COURT
STEVEN D. CARLIERSON
200 LEWIS AVENUE
LAS VEGAS, NV 89155

21 ENVELOPES (ONE TO EACH DEFENDANT)

CC: FILE

DATED: this 13th day of February, 2020.


Anthony Harris #11189546
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion

For Default
(Title of Document)

filed in District Court Case number A-19-8057e89-C

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

[Signature]
Signature

13 February 2020
Date

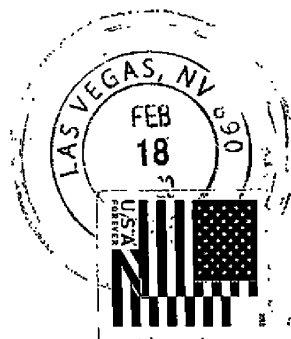
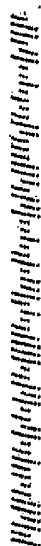
Anthony Harris
Print Name

Plaintiff
Title

Anthony Harris #1169848
H.D.S.P.
P.O. Box 1050
Indian Springs, NV 89400

CLERK OF THE COURT
STEVEN D. GRIFFIN
200 LEWIS AVENUE
LAS VEGAS, NV 89155

8910186300 COT5



HIGH DESERT STATE PRISON

FEB 17 2020

UNIT 2



RPLY
AARON D. FORD
Attorney General
Wade J. VanSickle (Bar No. 13604)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, NV 89101
(702) 486-3216 (phone)
(702) 486-3773 (fax)
wvansickle@ag.nv.gov

*Attorneys for Defendants Brian Williams
and Nevada Department of Corrections*

DISTRICT COURT
CLARK COUNTY, NEVADA

Anthony Harris,
Plaintiff,

vs.

The State of Nevada, *et al.*,
Defendants.

Case No. A-19-805689-C
Dept. No. VIII

Hearing Date: March 3, 2020
Hearing Time: 9:00 a.m.

DEFENDANTS' REPLY BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS

Defendants, Brian Williams, Sr., (Warden Williams) and the Nevada Department of Corrections (NDOC) (collectively "Defendants"), by and through counsel, Aaron D. Ford, Nevada Attorney General, and Wade J. VanSickle, Deputy Attorney General, hereby submit this Reply Brief in Support of Their Motion to Dismiss Complaint with Prejudice.

I. INTRODUCTION

Plaintiff's Response To Defendant's Motion to Dismiss ("Response") fails to demonstrate the claims against Warden Williams and NDOC legally survive a motion brought pursuant to NRCP 12(b)(5).

The untimely and unserved¹ Response fails to establish a claim against the NDOC may proceed under 42 U.S.C. § 1983. On the contrary, it is well-established the NDOC

¹ Defendants obtained a copy of the Response by accessing it from the Court's website.

1 should be dismissed from this matter with prejudice because it is an arm of the State of
2 Nevada, and therefore, it not a “person” pursuant to 42 U.S.C. § 1983. Accordingly, the
3 claim fails as a matter of law.

4 Additionally, the Response does not establish the Complaint alleges facts that
5 Warden Williams personally participated in the alleged Eighth Amendment violation.
6 Harris tacitly concedes that there are no allegations in the Complaint that name Warden
7 Williams by name or employment status. However, Harris asserts that Warden Williams
8 was personally involved in the constitutional violation because he oversaw the response to
9 his grievance. The Complaint does not assert any facts that support this legal argument.
10 On the contrary, it asserts that two separate (unserved) Defendants in this matter
11 responded to the Grievance. Consequently, Harris’ legal argument is unfounded.
12 Nevertheless, even if Warden Williams had responded to the Grievance, such a response
13 does not expose him to liability.

14 Equally important, the Response fails to establish the Complaint asserts allegations
15 that comprise a colorable Eighth Amendment claim against Warden Williams. More
16 specifically, the Response fails to demonstrate that the Complaint alleges Warden Williams
17 was on notice or should have been on notice that Harris was allegedly suffering from a
18 serious health condition, but he nevertheless purposefully failed to act or intentionally
19 denied Harris medical treatment. As such, Warden Williams should be dismissed from this
20 matter with prejudice.

21 Likewise, the Response fails to establish that Harris may recover monetary damages
22 for claims asserted against Defendants in their official capacity. On the contrary, it is well-
23 established that a claim for monetary damages in a §1983 claim against defendants in their
24 official capacity fails as a matter of law. As such, the claim should be dismissed with
25 prejudice.

26 ///

27 ///

28 ///

1 **II. LEGAL ARGUMENT**

2 **a. Harris Fails to Establish the NDOC is a Proper Defendant in a Section**
3 **1983 Claim**

4 Harris asserts that the NDOC should not be dismissed from this matter because the
5 “NDOC is the employing agency of said defendants just as any business who employs a
6 person who commits a wrongful act, NDOC should be no different.” Response at 3:1-8.
7 Harris provides no legal support for this argument. This is because the Nevada Supreme
8 Court has expressly held the NDOC is an arm of the State of Nevada and is not a “person”
9 subject to suit for the purposes of 42 U.S.C. section 1983. *N. Nev. Ass’n of Injured Workers*
10 *v. Nev. State Indus. Ins. Sys.*, 107 Nev. 108, 114-15, 807 P.2d 728, 732 (1991) (determining
11 that § 1983 claims could not be maintained against a Nevada state agency or state officials
12 and employees in their official capacities); *See also Pompilius v. Nevada*, No.
13 218CV01801APGVCF, 2019 WL 5423021, at *2 (D. Nev. Oct. 23, 2019)(“I dismiss
14 defendants State of Nevada ex rel. and Nevada Department of Corrections with prejudice
15 as amendment would be futile.”). Accordingly, Harris’ argument fails to demonstrate a
16 colorable claim exists against NDOC, and it should be dismissed from this matter with
17 prejudice.

18 **b. Harris Fails to Identify any the Allegations in the Complaint that**
19 **Warden Williams Personally Participated in the Alleged**
20 **Constitutional Violation**

21 The Response fails to identify any allegation in the Complaint that suggests Warden
22 Williams personally participated in or is otherwise legally responsible for the alleged
23 Eighth Amendment violation. *See generally* Response. Instead, Harris asserts that because
24 he filed a grievance regarding his serious medical need and pursued it to the second level
25 review, Warden Williams was somehow placed on notice pursuant to NDOC Administrative
26 Regulation (AR) 740 even though Warden Williams did not respond to grievance. Response
27 at 3: 9-15.

28 ///

1 However, there are no allegations in the Complaint that reference AR 740 or assert
2 Warden Williams was on notice of Harris' grievance. *See generally* Complaint. On the
3 contrary, the Complaint expressly asserts two separately named defendants responded to
4 the grievance at the first and second level, not Warden Williams. *Id.* at 14-15. There are
5 also no allegations in the Complaint that assert Warden Williams was placed on actual or
6 constructive notice of Harris' medical condition or treatment.

7 Nevertheless, even if the Complaint had alleged Warden Williams responded to the
8 Grievance, that allegation is insufficient to establish personal participation. *West v. Cox*,
9 No. 215CV00665GMNVCF, 2017 WL 3427973, at *3 (D. Nev. Aug. 8, 2017)("[T]his Court
10 has held that the denial of grievances alone is insufficient to establish personal
11 participation for a § 1983 claim."); *May v. Williams*, No. 2:10-CV-576-GMN-LRL, 2012 WL
12 1155390, at *3 (D. Nev. Apr. 4, 2012)("The denial of prisoner grievances alone is insufficient
13 to establish personal participation under 42 U.S.C. § 1983."). Consequently, these
14 allegations are insufficient to assert a claim against Warden Williams under the liberal
15 pleading standards of NRCP Rule 8.

16 Equally important, Harris fails to present any legal authority to suggest liability
17 attaches to Warden Williams simply because of his position. It is well established that a
18 supervisor cannot be held liable in his individual capacity merely because he is a
19 supervisor. *Monell v. Department of Social Services of City of New York*, 436 U.S. 658, 694
20 & n. 58 (1978). Instead, "[a] supervisor may be liable if there exists either (1) his or her
21 personal involvement in the constitutional deprivation, or (2) a sufficient causal connection
22 between the supervisor's wrongful conduct and the constitutional violation." *Hansen v.*
23 *Black*, 885 F.2d 642, 646 (9th Cir. 1989). There are no allegations in the Complaint that
24 identify Warden Williams by name, title, or employment duties.

25 There are also no allegations in the Complaint that identify any connection between
26 Warden Williams and the medical treatment Harris did or did not receive. *Starr v. Baca*,
27 652 F.3d 1202 (9th Cir. 2011)("The requisite causal connection can be established...by
28 setting in a motion a series of acts by others or by knowingly refusing to terminate a series

1 of acts by others, which [the supervisor] knew or reasonably should have known would
2 cause others to inflict a constitutional injury.”). There are no alleged facts that suggest
3 Warden Williams’ conduct, or lack thereof, violated Harris’ Eighth Amendment rights.
4 Accordingly, Harris cannot prevail on a claim against Warden Williams simply due to his
5 employment status within the facility.

6 Similarly, the Response fails to demonstrate the Complaint alleges facts that, if
7 accepted as true, assert a colorable deliberate indifference claim against Warden Williams.
8 The Complaint does not mention Warden Williams by name or by title. It also does not
9 assert Warden Williams was responsible for responding to Harris’ grievance, and it does
10 not assert Warden Williams was otherwise informed of Harris’ medical condition and
11 treatment related thereto. Consequently, the Complaint fails to establish the first material
12 element of a deliberate indifference claim, i.e. Warden Williams was aware of from which
13 an inference could be drawn that a substantial risk of harm exists and he must also draw
14 the inference. *Farmer v. Brennan*, 511 U.S. 825, 838 (1994).

15 The Response also fails to demonstrate the Complaint asserts facts that can
16 establish the second material element of a deliberate indifference claim, i.e. Warden
17 Williams purposefully ignored or failed to respond to Harris’ pain or possible medical need.
18 *Id.*; *McGuckin v. Smith*, 974 F.2d 1057, 1060 (9th Cir. 1992) *overruled on other grounds by*
19 *WMX Techs., Inc. v. Miller*, 104 F.3d 1133 (9th Cir. 1997). There are no allegations in the
20 Complaint that assert Warden Williams was aware or should have been aware of Harris’
21 medical conditions. Consequently, the Complaint could not have asserted Warden Williams
22 intentionally ignored Harris’ serious medical condition when it does not plead facts
23 adequate to first establish Warden Williams was on notice that Harris was suffering from
24 a serious medical condition. Therefore, the Complaint does not plead allegations that
25 satisfy the second material element of the claim.

26 **c. Warden Williams is Entitled to Qualified Immunity**

27 Plaintiff asserts that Warden Williams is not entitled to qualified immunity because
28 he “ha[s] already clearly established that Williams violated [his] constitutional

1 rights...[w]hen [he] filed [his] informal grievance on the 27th day of March, 2019 [he] clearly
2 stated that [he] was experiencing a violation of [his] rights, both medical and eighth
3 amendment, and that it was constituting cruel and unusual punishment.” Response at
4 3:26-27, 4:1-3.

5 Contrary to Harris’ argument, the Complaint alleges that two other defendants
6 responded to Harris’ grievance, not Warden Williams. There are no allegations in the
7 Complaint that Warden Williams was aware of the grievance or Harris’ complaints
8 regarding his alleged medical conditions and corresponding medical care.

9 Also, as set forth above, the Complaint also fails to assert allegations that, if accepted
10 as true, assert a colorable Eighth Amendment violation claim. There are no assertions that
11 Warden Williams was aware of Harris’ serious medical condition and deliberately refused
12 to provide Harris treatment. Thus, Warden Williams is entitled to qualified immunity
13 under the first prong of the doctrine.

14 Warden Williams is also entitled to qualified immunity under the second prong of
15 the doctrine. Specifically, there are no allegations in the Complaint that demonstrate
16 Warden Williams could have been on notice that his involvement, or lack thereof, in Harris’
17 medical treatment was unlawful. In fact, the Complaint does not allege Warden Williams
18 was involved in Harris’ medical treatment, and it expressly asserts that Warden Williams
19 did not respond to Harris’ grievance. Therefore, it is impossible for Warden Williams to
20 have the requisite knowledge that his conduct, or lack thereof, could have violated Harris’
21 Eighth Amendment rights.

22 **d. Harris has not Established Monetary Damages are Available**

23 Harris submits no cogent legal argument as to why his claim for monetary damages
24 against Defendants in their official capacity should be dismissed. He also submits no legal
25 authority to support his position that this claim should survive the present Motion. This is
26 because his legal argument flies in the face of Nevada law. *Kille v. Calderin*, 440 P.3d 655
27 (Nev. 2019)(“[A] state official may not be sued in an official capacity for damages under §
28 1983....”); *see also Will v. Mich. Dep’t of State Police*, 491 U.S. 58, 66 (1989). Thus, Plaintiff’s

1 requests for money damages against the official capacity Defendants should be dismissed
2 with prejudice.

3 In sum, Harris' claim against the NDOC should be dismissed with prejudice because
4 it is not an appropriate party in a § 1983 action.

5 All claims against Warden Williams should be dismissed with prejudice because
6 there are no allegations in the Complaint that identify Warden Williams by name, title, or
7 employment status. There are also no allegations that Warden Williams personally
8 participated in the alleged constitutional violation, and there are no allegations that
9 constitute a colorable Eighth Amendment claim against Warden Williams.
10 Notwithstanding, Warden Williams is entitled to qualified immunity, and any claim that
11 could be asserted against him stemming from the allegations in the Complaint fails as a
12 matter of law.

13 Harris' claim for monetary damages against Defendants in their official capacity
14 should also be dismissed with prejudice. The Nevada Supreme Court has expressly held
15 that such relief is not available in a § 1983 lawsuit. Accordingly, leave to amend the
16 Complaint to would be futile, and Defendants' Motion to Dismiss should be granted with
17 prejudice.

18 **III. CONCLUSION**

19 Based upon the foregoing, the NDOC and Warden Williams respectfully be
20 dismissed from this matter with prejudice. Additionally, Harris' claim for monetary
21 damages against Defendants in their official capacity should be dismissed with prejudice.

22 DATED this 26th day of February, 2020.

23 AARON D. FORD
24 Attorney General

25 By: /s/ Wade J. VanSickle
26 Wade J. VanSickle (Bar No. 13604)
27 Deputy Attorney General

28 *Attorneys for Defendants*

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CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on February 26, 2020, I electronically filed the foregoing **DEFENDANTS' REPLY BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS**, via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada to the following:

Anthony Harris #1169848
High Desert State Prison
PO Box 650
Indian Springs, NV 89070
Plaintiff, Pro Se

/s/ Diane Resch
Diane Resch, an employee of the
Office of the Nevada Attorney General

A-19-805689-C

LEFT SIDE
OF FILE PLEASE

MAR 06 2020

To: Anthony Harris Pro Se

Default (s)/ Dismissal(s) are being returned to you by the Clerk of the Court's office for the following reason(s):

- ☐ An appearance or Answer was filed on _____
- ☐ Dismissal must be directed for Judge to sign since defendant has filed appearance/answer in case.
- ☒ The required proof of service of the Summons and Complaint is not on file in the Clerk's office
Re: State of NV or any of the defendant(s) on Complaint
- ☐ The date of service on the Default does not match the date of service on file.
- ☐ No date of service on the Default.
- ☐ Missing Filed Signed Order Granting Service by Publication Pursuant to NRCp 4.4 (c)(1)
- ☐ The Order for Service by Publication requires mailing of copy of summons and complaint. No proof of mailing has been file in the Clerk's office. Please file a certificate of mailing.
- ☐ Default not eligible to be issued until _____; base on Order Granting Service by Publication Pursuant to NRCp 4.4 (c)(4) (C)(ii) due to mailing completed on _____.
- ☐ Party Name(s) on Default or Dismissal do not match name(s) on the complaint.
- ☐ Court filed Order closing case on _____. Need to contact Department to find out what needs to be done to have case Re-opened.
- ☐ Default needs to also state: 1) Date answer was filed 2) Date Order striking answer was signed.
- ☐ Default /Dismissal has already been signed/filed on _____
- ☐ Default must state same documents and claim served as stated on filed proof of service.
- ☐ NRS 14.040 – Service upon Unknown Heirs/ Heirs need to have Order Granting Service by Publication and Affidavit of Publication filed

*** PLEASE BE ADVISED THAT ALL DEFAULT (S)/ DISMISSALS ISSUED BY DEPUTY CLERK CAN BE ELECTRONICALLY SUBMITTED TO BE ISSUED AND FILED ALL AT ONCE ***

*Pursuant to NRCp Rule ³ - 3rd party/
Non party must serve dependants*

RETURN THIS DOCUMENT WHEN YOU RESUBMIT THE DEFAULT

If you have any questions, please contact Specialty Clerk at 671-0521

A-19-805689-C
LSF
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RULES OF CIVIL PROCEDURE FOR THE NEVADA DISTRICT COURTS

I. SCOPE OF RULES; FORM OF ACTION

Rule 1. Scope and Purpose

These rules govern the procedure in all civil actions and proceedings in the district courts, except as stated in Rule 81. They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.

[Amended; effective March 1, 2019.]

Rule 2. One Form of Action

There is one form of action — the civil action.

[Amended; effective March 1, 2019.]

II. COMMENCING AN ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS, AND ORDERS

Rule 3. Commencing an Action

A civil action is commenced by filing a complaint with the court.

[Amended; effective March 1, 2019.]

Rule 4. Summons and Service

(a) Summons.

(1) Contents. A summons must:

- (A) name the court, the county, and the parties;
- (B) be directed to the defendant;
- (C) state the name and address of the plaintiff's attorney or — if unrepresented — of the plaintiff;
- (D) state the time within which the defendant must appear and defend under Rule 12(a) or any other applicable rule or statute;
- (E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint;
- (F) be signed by the clerk;
- (G) bear the court's seal; and
- (H) comply with Rule 4.4(c)(2)(C) when service is made by publication.

(2) Amendments. The court may permit a summons to be amended.

(b) **Issuance.** On or after filing a complaint, the plaintiff must present a summons to the clerk for issuance under signature and seal. If a summons is properly presented, the clerk must issue a summons under signature and seal to the plaintiff for service on the defendant. A summons — or a copy of a summons that is addressed to multiple defendants — must be issued for each defendant to be served.

(c) Service.

(1) In General. Unless a defendant voluntarily appears, the plaintiff is responsible for:

- (A) obtaining a waiver of service under Rule 4.1, if applicable; or
- (B) having the summons and complaint served under Rule 4.2, 4.3, or 4.4 within the time allowed by Rule 4

(e).

(2) **Service With a Copy of the Complaint.** A summons must be served with a copy of the complaint. The plaintiff must furnish the necessary copies to the person who makes service.

(3) **By Whom.** The summons and complaint may be served by the sheriff, or a deputy sheriff, of the county where the defendant is found or by any person who is at least 18 years old and not a party to the action.

(4) **Cumulative Service Methods.** The methods of service provided in Rules 4.2, 4.3, and 4.4 are cumulative and may be utilized with, after, or independently of any other methods of service.

(d) **Proof of Service.** Unless a defendant voluntarily appears or waives or admits service, a plaintiff must file proof of service with the court stating the date, place, and manner of service no later than the time permitted for the defendant to respond to the summons.

(1) **Service Within the United States.** Proof of service within Nevada or within the United States must be made by affidavit from the person who served the summons and complaint.

(2) Service Outside the United States. Service not within the United States must be proved as follows:

- (A) if made under Rule 4.3(b)(1)(A), as provided in the applicable treaty or convention; or
- (B) if made under Rule 4.3(b)(1)(B) or (C), by a receipt signed by the addressee, or by other evidence satisfying the court that the summons and complaint were delivered to the addressee.

(3) **Service by Publication.** If service is made by publication, a copy of the publication must be attached to the proof of service, and proof of service must be made by affidavit from:

- (A) the publisher or other designated employee having knowledge of the publication; and

1 DFLT

2 (Your Name) Anthony Harris #116848

3 (Address) H.D.S.P. P.O. Box 650

4 Indian Springs, NV 89070

5 (Telephone) 702-879-6789

6 (Email Address) _____

7 In Proper Person

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 Anthony Harris
11 Plaintiff,

12 vs.

13 The State of Nevada et al,
14 Defendant.

CASE NO.: A-19-805689-C

DEPT NO.: VIII

DEFAULT

15 It appearing from the files and records in the above entitled action that (name of
16 Defendant); THE STATE OF NEVADA et al Defendant herein, being duly served with a copy of
17 the Summons and Complaint on the 13th day of December, 2019; that more than 45
18 days, exclusive of the date of service, having expired since service upon the Defendant; that no
19 answer or other appearance having been filed and no further time having been granted, the default
20 of the above-named Defendant for failing to answer or otherwise plead to Plaintiff's Complaint is
21 hereby entered.

22 STEVEN D. GRIERSON, CLERK OF COURT

23 By: _____
24 Deputy Clerk Date

25 Submitted By: Anthony Harris

26 (check one) ☒ Plaintiff ☐ Defendant in Proper Person

RECEIVED

FEB 19 2020

CLERK OF THE COURT Default RIGHTS RESERVED

1 Plaintiff moves for Judgment Against the below named Defendants
2 who have failed to plead or otherwise defend in this action with no
3 further time having been granted by the court, and with more than
4 45 days, exclusive of the day of service of process, having expired
5 since service upon the Defendants. I further state:

6 I am the plaintiff in this action.

7 2) The Defendants were only served with a copy of the civil summons,
8 complaint, and fee waiver on the 13th day of December, 2019.

9 3) No Defendants named herein is currently engaged in active military
10 service.

11 4) The following amount is due and owing on plaintiff's claim as of
12 this date.

13 a. Complaint Amount: \$1,307,500 per defendant 21 of
14 the 24 defendants disregarded and ignored this action, which
15 totals \$37,457,000 to date.

16 b. Less payments and credits - \$ 0

17 5) Total Costs: \$22.00 (Copies, Mailing, phone credits, etc.)

18 6) Total Attorney Fees \$ 0

19 This action arises under NRS Chapter 604A and the Plaintiff has complied
20 with the requirements of that chapter.

21 Defendants NV Dept of Corrections and Warden Brian Williams have responded
22 by and through their counsel, although late a response was received. Default
23 is requested upon all other defendants listed on the following page.

1) The State of Nevada - Served on the 13th day of December, 2019;

2) Board of Prison Commissioners - Served on the 13th day of December, 2019;

3) Steve Sisulak - Served on the 13th day of December 2019;

4) Brian Sandoval - Served on the 13th day of December, 2019;

5) Aaron Feroz - Served on the 13th day of December, 2019;

6) Aaron Laxalt - Served on the 13th day of December, 2019;

7) Barbara Levangie - Served on the 13th day of December, 2019;

8) Romeo Arcanas - Served on the 13th day of December, 2019;

9) Michael Miner - Served on the 13th day of December, 2019;

10) Jeremy Bean - Served on the 13th day of December, 2019;

11) Julie Matousek - Served on the 13th day of December, 2019;

12) Mr. Faliszek - Served on the 13th day of December, 2019;

13) Mrs. Ennis - Served on the 13th day of December, 2019;

14) Naphtree, Inc - Served on the 13th day of December, 2019;

15) Bob Fulkner - Served on the 13th day of December, 2019;

16) N. Riet - Served on the 13th day of December, 2019;

17) G. Worthy - Served on the 13th day of December, 2019;

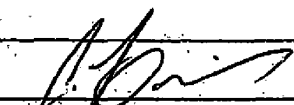
18) G. Martin - Served on the 13th day of December, 2019;

19) G. Bryan - Served on the 13th day of December 2019;

20) Jane Doe I - Served on the 13th day of December, 2019;

21) James Tolman - Served on the 13th day of December, 2019.

DATED this 13th day of February, 2020.



Anthony Harris

Plaintiff / ~~Proper Personam~~

CERTIFICATE OF SERVICE BY MAILING


I, Anthony Harris, hereby certify, pursuant to NRCP 5(b), that on this 13th
day of February, 2020, I mailed a true and correct copy of the foregoing, "Motion
for Default"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

THE STATE OF NEVADA (ALL DEFENDANTS INDIVIDUALLY)
200 North Dyeon Street
Carson City, NV 89701
21 ENVELOPES (ONE TO EACH DEFENDANT)

CLERK OF THE COURT
STEVEN D. GRIFFINSON
200 LEWIS AVENUE
LAS VEGAS, NV 89155

CC: FILE

DATED: this 13th day of February, 2020.


Anthony Harris #11169248
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS.

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion

For Default

(Title of Document)

filed in District Court Case number A-19-8057689-C



Does not contain the social security number of any person.

-OR-



Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

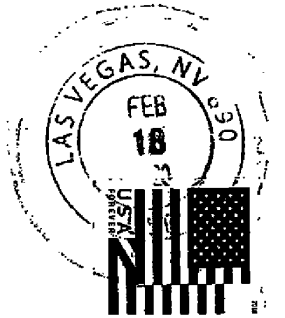
[Signature]
Signature

13 February 2020
Date

Anthony Harris
Print Name

Plaintiff
Title

Thommy Havelis #1169848
D.S.P.
P.O. Box 1650
Naim Springs, NV 89500



CLERK OF THE COURT
STEVEN D. GRIFFIN
700 LEWIS AVENUE
LAS VEGAS, NV 89155

8910186300 COT5



HIGH DESERT STATE PRISON

FEB 17 2020

UNIT 9



1 **ACSR**
2 AARON D. FORD
3 Attorney General
4 Wade J. VanSickle (Bar No. 13604)
5 Deputy Attorney General
6 State of Nevada
7 Office of the Attorney General
8 555 E. Washington Avenue, Suite 3900
9 Las Vegas, NV 89101
10 (702) 486-3216 (phone)
11 (702) 486-3773 (fax)
12 wvansickle@ag.nv.gov

13 *Attorneys for Defendants*
14 *Barbara Cegavske, Aaron Ford,*
15 *Adam Laxalt, Brian Sandoval,*
16 *and Steve Sisolak*

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 Anthony Harris,
14 Plaintiff,

Case No. A-19-805689-C
Dept. No. VIII

15 vs.

16 The State of Nevada, *et al.*,
17 Defendants.

18 **NOTICE OF ACCEPTANCE OF SERVICE**

19 The Office of the Nevada Attorney General, by and through counsel, Aaron D. Ford,
20 Nevada Attorney General, and Wade J. VanSickle, Deputy Attorney General, hereby
21 accepts service on behalf of Defendants Steve Sisolak, Aaron Ford, Adam Laxalt, Brian
22 Sandoval, and Barbara Cegavske.

23 DATED this 9th day of March, 2020.

24 AARON D. FORD
25 Attorney General

26 By: /s/ Wade J. VanSickle
27 Wade J. VanSickle (Bar No. 13604)
28 Deputy Attorney General
Attorneys for Defendants

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CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on March 9, 2020, I electronically filed the foregoing **NOTICE OF ACCEPTANCE OF SERVICE**, via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada to the following:

Anthony Harris #1169848
High Desert State Prison
PO Box 650
Indian Springs, NV 89070
Plaintiff, Pro Se

/s/ Diane Resch
Diane Resch, an employee of the
Office of the Nevada Attorney General



MDSM
AARON D. FORD
Attorney General
Wade J. VanSickle (Bar No. 13604)
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*Attorneys for Defendants Brian Williams,
Nevada Department of Corrections,
Barbara Cegavske, Aaron Ford, Adam Laxalt,
Brian Sandoval, and Steve Sisolak*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Anthony Harris,
Plaintiff,

vs.

The State of Nevada, *et al.*,
Defendants.

Case No. A-19-805689-C
Dept. No. VIII

Oral Argument Requested

**DEFENDANTS STEVE SISOLAK, AARON FORD, ADAM LAXALT, BRIAN
SANDOVAL, AND BARBARA CEGAVSKE'S MOTION TO DISMISS COMPLAINT
WITH PREJUDICE**

Defendants, Steve Sisolak, Aaron Ford, Adam Laxalt, Brian Sandoval, and Barbara Cegavske¹ (collectively "Defendants"), by and through counsel, Aaron D. Ford, Nevada Attorney General, and Wade J. VanSickle, Deputy Attorney General, hereby submit this Motion to Dismiss Complaint with Prejudice.

///

¹ The Office of the Nevada Attorney General previously filed Notice of Acceptance of Service of these Defendants.

1 I. INTRODUCTION

2 All claims asserted against Defendants should be dismissed with prejudice because
3 (1) the Complaint fails to assert any allegations that if accepted as true assert a colorable
4 claim against any Defendant and (2) Defendants are entitled to qualified immunity as a
5 matter of law.

6 On November 4, 2019, Plaintiff Anthony Harris (Harris) filed his Complaint which
7 names twenty-four (24) defendants and seemingly alleges an Eighth Amendment
8 deliberate indifference to a serious medical condition claim. *See* Complaint at IA, 12, 16.
9 The claim is premised upon the allegation that Harris was not provided “proper medical
10 treatment for [his] seriously debilitating and potentially life threatening medical problem”
11 which resulted in “extreme chest pains” and “could have caused him to: (1) have a stroke;
12 (2) have a heart attack; or (3) dye (sic).” *Id.* at 16-17.

13 Harris sued Defendants based solely upon their former role as serving on the Nevada
14 Board of Prison Commissioners.² *Id.* at 2-4. Harris also sued all Defendants in their
15 individual and official capacities. *Id.* at 17: 17-19.

16 Notwithstanding, there are no allegations in the Complaint that identify any
17 Defendant by name, title, or employment status. Further, the Complaint fails to set forth
18 allegations particular to each Defendant to demonstrate how each Defendant violated
19 Harris’ Eighth Amendment rights. Consequently, Harris cannot establish the requisite
20 “personal participation” necessary to sustain a Section 1983 claim.

21 Defendants are also entitled to qualified immunity under both prongs of the doctrine.
22 Specifically, there are no allegations in the Complaint that establish any Defendant
23 personally participated in a violation of Harris’ constitutional rights, particularly by
24

25 ² The Governor, Secretary of State and Attorney General shall constitute a Board of State
26 Prison Commissioners, which Board shall have such supervision of all matters connected with the
27 State Prison as may be provided by law. They shall also constitute a Board of Examiners, with
28 power to examine all claims against the State (except salaries or compensation of Officers fixed by
law) and perform such other duties as may be prescribed by law, and no claim against the State
(except salaries or compensation of Officers fixed by law) shall be passed upon by the Legislature
without having been considered and acted upon by said “Board of Examiners.” Nev. Const. art. V,
§ 21.

1 serving on the Nevada Board of Prison Commissioners. Furthermore, even if the Complaint
2 had set forth allegations sufficient to satisfy the “personal participation” requirement, it
3 still fails to allege facts that would establish Defendants were on notice that they could
4 have been violating Harris’ Eighth Amendment rights by merely serving on the Nevada
5 Board of Prison Commissioners. Accordingly, Harris’ Eighth Amendment claim against
6 Defendants fails as a matter of law, and it should be dismissed with prejudice as
7 amendment would be futile.

8 Likewise, Harris’ claim for monetary damages against Defendants in their official
9 capacity fails as a matter of law. It is well-established that a plaintiff suing a defendant in
10 their official capacity may be entitled to only injunctive relief. As such, dismissal of this
11 claim with prejudice is proper.

12 **II. LEGAL STANDARD**

13 **A. N.R.C.P. 12(b)(5)**

14 In considering a motion pursuant to NRCP 12(b)(5), the court “must construe the
15 pleading liberally and draw every fair intendment in favor of the [non-moving party].”
16 *Squires v. Sierra Nev. Educational Found.*, 107 Nev. 902, 905, 823 P.2d 256, 257 (1991)
17 (quoting *Merluzzi v. Larson*, 96 Nev. 409, 411, 610 P.2d 739, 741 (1980)). All factual
18 allegations of the complaint must be accepted as true. *Capital Mortgage Holding v. Hahn*,
19 101 Nev. 314, 315, 705 P.2d 126 (1985). A complaint will not be dismissed for failure to
20 state a claim “unless it appears beyond a doubt that the plaintiff could prove no set of facts
21 which, if accepted by the trier of fact, would entitle him [or her] to relief.” *Edgar v. Wagner*,
22 101 Nev. 226, 228, 699 P.2d 110, 112 (1985).

23 **B. 42 U.S.C. § 1983**

24 Title 42 U.S.C. § 1983 provides a cause of action for the “deprivation of any rights,
25 privileges, or immunities secured by the Constitution and laws” of the United States. To
26 state a claim under § 1983, a plaintiff must allege two essential elements: (1) that a right
27 secured by the Constitution or laws of the United States was violated, and (2) that the
28 alleged violation was committed by a person acting under the color of State law. *Long v.*

1 *Cty. of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir. 2006) *citing West v. Atkins*, 487 U.S. 42,
2 48, 108 S. Ct. 2250, 101 L.Ed.2d 40 (1988). Both federal and state courts have jurisdiction
3 to hear claims brought under § 1983. *Berry v. Feil*, 131 Nev. 339, 343, 357 P.3d 344, 346
4 (Nev. App. 2015).

5 C. LEGAL ARGUMENT

6 a. There are no Allegations that any Defendant Personally Participated 7 in the Alleged Constitutional Violation

8 Liability under 42 United States Code section 1983 requires “direct personal
9 participation in the deprivation” or a setting in motion of a series of acts by others which
10 the actor “knows or reasonably should know would result” in a constitutional deprivation.
11 *Johnson v. Duffy*, 588 F.2d 740, 743–744 (9th Cir. 1978). One of the following three acts
12 must occur before liability attaches: 1) the defendant must perform an affirmative act
13 which results in plaintiff suffering a violation of his constitutional rights; 2) the defendant
14 must participate in the affirmative acts of another, and in concurrence they must cause the
15 deprivation of a federally protected right; or 3) the defendant must fail to perform an act
16 which he is legally required to perform and such failure directly causes the deprivation of
17 a federally protected right. *Stevenson v. Koskey*, 877 F.2d 1435, 1439 (9th Cir. 1989). The
18 actor must not only intend to commit the act but must also intend the related harmful
19 consequences of that act. *Id.* at 1439–1441. In the absence of any allegations of personal
20 involvement or of any acts which amount to a policy or custom that encourage a
21 constitutional violation, the complaint fails to state a claim for violation of federal rights.
22 *McRorie v. Shimoda*, 795 F.2d 780, 783 (9th Cir. 1986).

23 In the context of a medical-care claim, deliberate indifference is subjective. A prison
24 official cannot be held liable “unless the official knows of and disregards an excessive risk
25 to inmate health or safety; the official must both be aware of facts from which the inference
26 could be drawn that a substantial risk of harm exists, and he must also draw the inference.”
27 *Farmer v. Brennan*, 511 U.S. 825, 838, 114 S. Ct. 1970, 128 L.Ed.2d 811 (1994). “A
28 defendant must purposefully ignore or fail to respond to a prisoner's pain or possible

1 medical need in order for deliberate indifference to be established.” *McGuckin v. Smith*,
2 974 F.2d 1057, 1060 (9th Cir. 1992), *overruled on other grounds by WMX Techs., Inc. v.*
3 *Miller*, 104 F.3d 1133 (9th Cir. 1997).

4 Here, the Complaint sets forth no allegations that, if accepted as true, establish any
5 Defendant personally participated in, or was somehow indirectly responsible for the alleged
6 Eighth Amendment violation. *See* Complaint at 11-17. The Complaint does not identify any
7 Defendant by name or by status, let alone assert allegations that could possible establish
8 the requisite personal participation to sustain a Section 1983 claim. *Padilla v. Nevada*, No.
9 3:07-CV-0442-RAM, 2009 WL 656288, at *2 (D. Nev. Mar. 11, 2009), *aff’d sub nom.* *Padilla*
10 *v. Brooks*, 540 F. App’x 805 (9th Cir. 2013), *and aff’d sub nom. Padilla v. Brooks*, 540 F.
11 App’x 805 (9th Cir. 2013)(holding dismissal of defendants “named in their capacity as
12 members of the Nevada Board of Prison Commissioners” should be dismissed because the
13 plaintiff “has not alleged how these defendants personally directed, participated in, or had
14 knowledge of the alleged misconduct by the prison officials [].”). As such, Harris will not be
15 able to establish Defendants legally caused the alleged constitutional deprivation.

16 Additionally, the Complaint lacks allegations that, if accepted as true, satisfy both
17 material elements of a deliberate indifference claim, i.e. Defendants were aware Harris
18 was suffering from a serious medical condition and purposefully ignored his serious medical
19 condition. More specifically, there are no allegations in the Complaint to suggest any
20 Defendant was on actual or constructive notice Harris was suffering from a serious medical
21 condition. *Id.*

22 Besides identifying Defendants as being former members of the Nevada Board of
23 Prison Commissioners, there are no facts or allegations in the Complaint that identify any
24 Defendant by name or employment position, let alone assert that any Defendant was
25 personally aware of facts from which he or she could draw that a substantial risk of harm
26 existed to Harris. *Farmer*, 511 U.S. at 838. In fact the Complaint mentions only medical
27 staff as potentially having some knowledge of Plaintiff’s alleged medical condition. As such,
28 the Complaint fails to establish the first material element of the claim.

1 The Complaint also fails to assert allegations that could potentially establish any
2 Defendant intentionally ignored or failed to respond to Harris' pain or possible medical
3 need. It is impossible for the Complaint to assert Defendants intentionally ignored Harris'
4 serious medical condition when it does not plead facts adequate to show any Defendant was
5 on notice of Harris' serious medical condition. Accordingly, the Complaint does not plead
6 allegations that satisfy the second material element of the claim.

7 **b. Defendants are Entitled to Qualified Immunity**

8 It is a long-standing principle that governmental officials are shielded from civil
9 liability under the doctrine of qualified immunity. *Harlow v. Fitzgerald*, 457 U.S. 800, 818
10 (1992). When conducting the qualified immunity analysis, courts "ask (1) whether the
11 official violated a constitutional right and (2) whether the constitutional right was clearly
12 established." *C.B. v. City of Sonora*, 760 F.3d 1005, 1022 (9th Cir. 2015) (citing *Pearson v.*
13 *Callahan*, 555 U.S. 223, 232, 236 (2009)).

14 The second inquiry, whether the constitutional right in question was clearly
15 established, is an objective inquiry that turns on whether a reasonable official in the
16 position of the defendant knew or should have known at the time of the events in question
17 that his or her conduct was constitutionally infirm. *Anderson v. Creighton*, 483 U.S. 635,
18 639-40 (1987); *Lacey v. Maricopa Cty.*, 693 F.3d 896, 915 (9th Cir. 2012). Only where a
19 governmental official's belief as to the constitutionality of his or her conduct is "plainly
20 incompetent" is qualified immunity unavailable. *Stanton v. Sims*, 134 S. Ct. 3, 5 (2013) (per
21 curiam). Governmental officials are entitled to high deference when making this
22 determination, *Anderson*, 483 U.S. at 640, requiring the Court to assess whether qualified
23 immunity is appropriate "in light of the specific context of the case." *Tarabochia v. Adkins*,
24 766 F.3d 1115, 1121 (9th Cir. 2014) (quoting *Robinson v. York*, 566 F.3d 817, 821 (9th Cir.
25 2009)).

26 In determining "whether a [constitutional] right was clearly established," this Court
27 is to survey the law within this Circuit and under Supreme Court precedent "at the time
28 of the alleged act." *Perez v. United States*, 103 F. Supp. 3d 1180, 1208 (S.D. Cal. 2015)

1 (quoting *Cnty. House, Inc. v. City of Boise*, 623 F.3d 945, 967 (2010); Only in situations
2 where there is no precedent regarding the qualified immunity question at issue should this
3 Court look to “other circuits and district courts to ascertain whether the law is clearly
4 established.” *Cnty. House*, 623 F.3d at 967 (citing *Osolinski v. Kane*, 92 F.3d 934, 936 (9th
5 Cir. 1996)). Whether governmental employees are entitled to qualified immunity is a
6 question of law subject to *de novo* review before this Court. *Devereaux v. Perez*, 218 F.3d
7 1045, 1051 (9th Cir. 2000).

8 Here, Defendants are also entitled to qualified immunity. As set forth above, the
9 Complaint fails to set forth any facts asserting any Defendant engaged in conduct that
10 constituted an Eighth Amendment violation. Accordingly, they are entitled to qualified
11 immunity under the first prong of the analysis.

12 With respect to the second prong, there are no allegations in the Complaint to
13 suggest that any Defendant could have been on notice that his or her conduct, or lack
14 thereof, violated Harris’ constitutional rights. Specifically, there are no allegations in the
15 Complaint that would implicate a Nevada Board of Prison Commissioner in the treatment
16 of Harris’ medical condition. *See generally* Complaint. Therefore, it is impossible for any
17 Defendant to have the requisite knowledge that his or action or inaction was constitutional
18 infirm, and each Defendant is entitled to qualified immunity.

19 In the Complaint, Harris asserts “[a]ll named defendants, at all times relevant, were
20 acting under the color of a state/municipal agent and/or contractor employed by the State
21 of Nevada and/or the N.D.O.C.” Complaint at 17: 12-16. Defendants submit the Complaint
22 fails to set forth any colorable claim against any Defendant pursuant to state law.

23 However, to the extent the Court interprets Harris has alleged a recognized state
24 law claim, Defendants are also entitled to immunity based on NRS 41.031. The State and
25 its agencies and officials are entitled to discretionary-function immunity under the Statute
26 if they (1) involve an element of judgment or choice; and (2) are based on considerations of
27 social, economic, or political policy. *Fox v. State ex rel. its Dep’t of Corr.*, 127 Nev. 1135, 373
28 P.3d 915 (2011)(citing *Butler v. Bayer*, 123 Nev. 450, 466 (2007)).

1 The Board of Prison Commissioners is the constitutionally empowered agency
2 responsible for the supervision of all matters connected with NDOC as may be provided by
3 law. Nev. Const. art. V, § 21. Therefore, the Board’s decisions in that regard are wholly
4 discretionary policy determinations taking into account Nevada residents’ social, economic,
5 and political policy considerations. Accordingly, Defendants are immune from any state
6 tort claim Harris may have alleged in his Complaint.

7 In sum, Defendants are entitled to qualified immunity in regard to any federal claim
8 asserted against them, and they are also entitled to discretionary immunity in relation to
9 any state law claim asserted against them. Since amendment to the Complaint would be
10 futile, Defendants should be dismissed from this matter with prejudice.

11 **c. Harris’ Claim for Monetary Damages Should be Dismissed**

12 Harris sues all individual defendants both in their individual capacities and their
13 official capacities. Complaint at 17 (“[t]herefore, all named defendants are being sued in
14 their” (1) individual capacity; and/or (2) official capacity”). Harris also requests money
15 damages. *Id.* at 19.

16 However, section 1983 only creates jurisdiction for suits against “persons,” and
17 neither a state nor its employees acting in their official capacities are “person[s]” who can
18 be sued under section 1983. *Kille v. Calderin*, 440 P.3d 655 (Nev. 2019)(“[A] state official
19 may not be sued in an official capacity for damages under § 1983....”); *see also Will v. Mich.*
20 *Dep’t of State Police*, 491 U.S. 58, 66 (1989). Thus, Plaintiff’s requests for money damages
21 against the official capacity Defendants should be dismissed with prejudice.

22 ///

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1 **III. CONCLUSION**

2 Based upon the foregoing, Steve Sisolak, Aaron Ford, Adam Laxalt, Brian Sandoval,
3 and Barbara Cegavske respectfully be dismissed from this matter with prejudice.

4 DATED this 9th day of March, 2020.

5 AARON D. FORD
6 Attorney General

7 By: /s/ Wade J. VanSickle
8 Wade J. VanSickle (Bar No. 13604)
9 Deputy Attorney General

Attorneys for Defendants

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CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on March 9, 2020, I electronically filed the foregoing **DEFENDANTS STEVE SISOLAK, AARON FORD, ADAM LAXALT, BRIAN SANDOVAL, AND BARBARA CEGAVSKE'S MOTION TO DISMISS COMPLAINT WITH PREJUDICE**, via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada to the following:

Anthony Harris #1169848
High Desert State Prison
PO Box 650
Indian Springs, NV 89070
Plaintiff, Pro Se

/s/ Diane Resch
Diane Resch, an employee of the
Office of the Nevada Attorney General

DISTRICT COURT
CLARK COUNTY, NEVADA



Anthony Harris, Plaintiff(s)

Case No.: A-19-805689-C

vs.

Nevada State of, Defendant(s)

Department 8

NOTICE OF HEARING

Please be advised that the Defendants Steve Sisolak, Aaron Ford, Adam Laxalt, Brian Sandoval, and Barbara Cegavske's Motion to Dismiss Complaint with Prejudice in the above-entitled matter is set for hearing as follows:

Date: April 09, 2020

Time: 9:00 AM

Location: Phoenix Building 11th Floor 110
Phoenix Building
330 S. 3rd Street
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Marie Kramer
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Marie Kramer
Deputy Clerk of the Court



1 CSERV
2 AARON D. FORD
3 Attorney General
4 Wade J. VanSickle (Bar No. 13604)
5 Deputy Attorney General
6 State of Nevada
7 Office of the Attorney General
8 555 E. Washington Avenue, Suite 3900
9 Las Vegas, NV 89101
10 (702) 486-3216 (phone)
11 (702) 486-3773 (fax)
12 wvansickle@ag.nv.gov

13 *Attorneys for Defendants Brian Williams*
14 *and Nevada Department of Corrections*

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DISTRICT COURT
CLARK COUNTY, NEVADA

Anthony Harris,
Plaintiff,

vs.

The State of Nevada, *et al.*,
Defendants.

Case No. A-19-805689-C
Dept. No. VIII

Date of Hearing: April 9, 2020
Time of Hearing: 9:00 a.m.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the State of Nevada, Office of the Attorney General and that on March 11, 2020, I served the NOTICE OF HEARING, by causing a true and correct copy thereof to be served via U.S. Mail, Postage Prepaid addressed to the following:

Anthony Harris #1169848
High Desert State Prison
PO Box 650
Indian Springs, NV 89070
Plaintiff, Pro Se

/s/ Diane Resch
Diane Resch, an employee of the
Office of the Nevada Attorney General



**DISTRICT COURT
CLARK COUNTY, NEVADA**

Anthony Harris, Plaintiff(s)

Case No.: A-19-805689-C

vs.

Nevada State of, Defendant(s)

Department 8

NOTICE OF HEARING

Please be advised that the Defendants Steve Sisolak, Aaron Ford, Adam Laxalt, Brian Sandoval, and Barbara Cegavske's Motion to Dismiss Complaint with Prejudice in the above-entitled matter is set for hearing as follows:

Date: April 09, 2020

Time: 9:00 AM

Location: Phoenix Building 11th Floor 110
Phoenix Building
330 S. 3rd Street
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Marie Kramer
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Marie Kramer
Deputy Clerk of the Court

FILED

MAR 20 2020

1 Anthony Harris #1169848

CLERK OF COURT

2 Plaintiff / IN PROPRIA PERSONAM

3 POST OFFICE BOX 150 [HDSP]

4 INDIAN SPRINGS, NEVADA 89070

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Anthony Harris,

CASE No. A-19-805689-C

10

PLAINTIFF,

DEPT. No. VIII

11

VS.

12

THE STATE OF NEVADA, et al.,

13

DEFENDANTS.

14

A-19-805689-C
NOTM
Notice of Motion
4906363



15

NOTICE OF MOTION

16

TO REMOVE DEFENDANT JAMES DZURENDA

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YOU WILL PLEASE TAKE NOTICE, THAT DUE TO DUE DILIGENCE TRYING
TO SERVE DEFENDANT JAMES DZURENDA UNSUCCESSFULLY AND MR. DZURENDA
NO LONGER HOLDING A POSITION IN THE NEVADA DEPT. OF CORRECTIONS
PLAINTIFF HAS DECIDED TO REMOVE MR. DZURENDA FROM THIS CURRENT
LITIGATION AND DISMISS HIM ALL TOGETHER AS A DEFENDANT FROM
THIS CASE (CASE No. A-19-805689-C). EXHIBIT A IS THE DECLARATION OF
NON-SERVICE FOR HIM.

IN CONCLUSION, PLEASE REMOVE MR. DZURENDA AS A DEFENDANT
IN THIS MATTER.

DATED: THIS 16th DAY OF MARCH, 2020.

BY:

ANTHONY HARRIS #1169848

PLAINTIFF / IN PROPRIA PERSONAM

RECEIVED

MAR 20 2020

CLERK OF THE COURT

EXHIBIT A

Declaration of Non-Service for:
1) JAMES DZURANDA

EXHIBIT A

27

FILED

MAR 24 2020

~~CLERK OF COURT~~

1 Anthony Harris #1169848
 2 PLAINTIFF/IN PROPRIA PERSONAM
 3 POST OFFICE BOX 650 [HOSP]
 4 INDIAN SPRINGS, NV 89070
 5

6 District Court
 7 Clark County, NEVADA

8 Anthony Harris,
 9 Plaintiff; CASE No. - A-19-805689-C
 10 vs. DEPT No. - VIII

11 The State of Nevada et al.,

12 DEFENDANTS ORAL ARGUMENTS REQUESTED
 13
 14

15 PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION
 16 TO DISMISS
 17

18 Comes now, PLAINTIFF, Anthony Harris, in prose, herein moves this
 19 Honorable Court for dismissal of DEFENDANTS' motion to Dismiss".

20 This Motion is made and base upon the Accompanying Memorandum
 21 of Points and Authorities.

22
 23 DATED this 18th day of MARCH, 2020.

RECEIVED

MAR 24 2020

CLERK OF THE COURT

BY:

Anthony Harris #1169848

PLAINTIFF/IN PROPRIA PERSONAM

24 PRISON MAILBOX RULE =

1 I. INTRODUCTION

2 ALL CLAIMS AGAINST DEFENDANTS SHOULD NOT BE DISMISSED, DEFINITELY NOT
3 WITH PREJUDICE, BASED SIMPLY ON NEVADA'S OWN CLEARLY ESTABLISHED
4 CONSTITUTION "THE GOVERNOR, STEVE SISOLAK (AND FORMER GOVERNOR BRIAN SANDOVAL),
5 SECRETARY OF STATE, BARBARA CEGANSKE, AND ATTORNEY GENERAL, ARON FORD (AND
6 FORMER AG. ADAM LAXALT) SHALL CONSTITUTE A BOARD OF STATE PRISON COMMISSIONERS,
7 WHICH BOARD SHALL HAVE SUCH SUPERVISION OF 'ALL' MATTERS CONNECTED WITH THE
8 STATE PRISON AS MAY BE PROVIDED BY LAW..." NEVADA CONST. ART. 5 § 21.

9 DEFENDANTS' CONTINUE TO QUOTE 'QUALIFIED IMMUNITY' BUT UNDER
10 NEVADA'S STATUTORY LAWS, N.R.S. 41.031, WAIVES IT'S IMMUNITY FROM
11 LIABILITY AND ACTION AND HEREBY CONSENTS TO HAVE IT'S LIABILITY DETERMINED
12 IN ACCORDANCE WITH THE SAME RULES OF LAW AS ARE APPLIED TO CIVIL ACTION,
13 AGAINST NATURAL PERSONS AND CORPORATIONS, THIS WAIVER ALSO APPLIES TO
14 'ALL' POLITICAL SUBDIVISIONS.

15 II. LEGAL STANDARD

16 A: N.R.C.P. 12(B)(5)

17 IN CONSIDERING A MOTION PURSUANT TO N.R.C.P. (B)(5), A COMPLAINT WILL
18 NOT BE DISMISSED FOR FAILURE TO STATE A CLAIM UNLESS IT APPEARS BEYOND A
19 DOUBT THAT THE PLAINTIFF COULD PROVE NO SET OF FACTS, WHICH, IF ACCEPTED BY
20 THE TRIER OF FACTS^{AM} WOULD ENTITLE HIM [OR HER] TO RELIEF. EDGAR V. WARNER, 101
21 NEV 226, 228, 699 P. 2d 110, 112 (1985).

22 B: 42 U.S.C. § 1983

23 TITLE 42 U.S.C. 1983 PROVIDES A CAUSE OF ACTION FOR THE DEPRIVATION OF ANY
24 RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED BY THE CONSTITUTION AND LAWS OF
25 THE UNITED STATES.

26 C: LEGAL ARGUMENT

27 A: UNDER 42 U.S.C. § 1983 one of the following three acts must occur

28

2

BEFORE LIABILITY ATTACHES: 1) THE DEFENDANT MUST PERFORM A AFFIRMATIVE ACT
 WHICH RESULTS IN PLAINTIFF SUFFERING A VIOLATION OF HIS [OR HER] CONSTITUTION RIGHTS;
 2) THE DEFENDANT MUST PARTICIPATE IN THE AFFIRMATIVE ACTS OF ANOTHER, AND IN
 CONCURRENCE THEY MUST CAUSE THE DEPRIVATION OF A FEDERALLY PROTECTED RIGHT; OR
 3) THE DEFENDANT MUST FAIL TO PERFORM AN ACT WHICH HE [OR SHE] IS LEGALLY
 REQUIRED TO PERFORM AND SUCH FAILURE DIRECTLY CAUSES THE DEPRIVATION OF
 A FEDERALLY PROTECTED RIGHT. STEVENSON V. KOSKEY, 877 F.2d 1435, 1439
 (9th Cir. 1989). MALIER v. Const. Art. 5, § 21. "THE BOARD OF PRISON COMMISSIONERS
 SHALL HAVE SUPERVISION OF ALL MATTERS CONNECTED WITH THE STATE PRISON".
 THE VERY FIRST MENTION OF THIS MATTER TO STAFF WAS Ap. ON THE 1st DAY OF
 DECEMBER, 2018 AND I WAS IGNORED AND DENIED PROPER MEDICAL CARE,
 THEN AGAIN ON THE 1st DAY OF JANUARY, 2019, DENIED CARE AGAIN, LASTLY ON
 THE 27th DAY OF MARCH, 2019, DENIED CARE AGAIN FOR THE THIRD TIME WHILE
 ON MY KNEES ASKING FOR HELP I WAS TOLD "SUBMIT ANOTHER KITE AND DRINK
 PLENTY OF WATER", GRIEVANCE ENSUED THAT DAY (27 MARCH 2019), I FOLLOWED
 ALL APPROPRIATE STEPS TO GET HELP, AND WAS DENIED! Approx. 1 YEAR AFTER
 MY FIRST 'EPISODE' MY SUIT WAS FILED (Ap. 333 days). IF THE DEFENDANTS DID
 NOT PERFORM OR PARTICIPATE IN THE AFFIRMATIVE ACTS THEY DID FAIL TO PERFORM
 AN ACT WHICH HE [OR SHE] IS LEGALLY REQUIRED TO PERFORM AND SUCH
 FAILURE DIRECTLY CAUSED THE DEPRIVATION OF A FEDERALLY PROTECTED RIGHT.
~~AN~~ HERE, THE COMPLAINT DOES SET FORTH ALLEGATIONS THAT, IF ACCEPTED AS
 TRUE, ESTABLISH DEFENDANTS WERE RESPONSIBLE FOR THE DEPRIVATIONS OF
 FEDERALLY PROTECTED RIGHTS BASED SIMPLY OFF OF THEIR JOB DESCRIPTION.
 AS TO DEFENDANTS BEING ENTITLED TO 'QUALIFIED' IMMUNITY. I HAVE
 CLEARLY ^{ESTABLISHED} THAT DEFENDANTS VIOLATED MY FEDERALLY PROTECTED RIGHTS, HAD THE
 MEMBERS OF "THE BOARD OF PRISON COMMISSIONERS" ACTED APPROPRIATELY IN
 THIS MATTER IT WOULD HAVE BEEN REMEDIED LONG AGO, AND NOW ARE

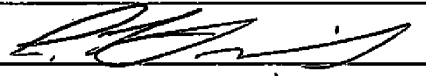
CHOOSING TO USE IGNORANCE AS THEIR BASIS FOR DISMISSAL AND 'QUALIFIED IMMUNITY', HOWEVER BY DEFINITION -IGNORANCE IS THE LACK OF KNOWLEDGE, AND IGNORANCE OF THE LAW DOES NOT JUSTIFY AN ACT OR ~~PERFE~~ ^{LACK} THEREOF, SINCE EVERY PERSON IS PRESUMED TO KNOW THE LAW. IGNORANTIA LEGIS NON EXCUSAT (LAT) IGNORANCE OF THE LAW IS NO EXCUSE. THE FACT THAT A DEFENDANT DID NOT THINK HIS [OR HER] ACT [OR LACK THEREOF] WAS AGAINST THE LAW DOES NOT PREVENT THE LAW FROM PUNISHING HIM [OR HER] FOR THE PROHIBITED ACTION [OR INACTION]. THEREFORE DEFENDANTS' DO NOT 'QUALIFY' FOR 'QUALIFIED IMMUNITY'

C: PLAINTIFF'S CLAIMS FOR MONETARY DAMAGES SHOULD NOT BE DISMISSED. THE VERY FIRST GRIEVANCE I FILED (informal) I DID NOT ASK FOR ANY MONETARY DAMAGES, ALTHOUGH INJURY IN THE LEGAL SENSE WAS INCURRED, AND STATED I WAS NOT AT THAT LEVEL SO LONG AS THEY MADE SURE I WAS OKAY BY DOING A WISKEY/CONDITION SPECIFIC TEST, A CHANGE IN PROCEDURE TO WHAT IS LEGALLY REQUIRED FOR CHEST/CARDIAC PAIN PER NEVADA STATE BOARD OF MEDICAL EXAMINERS, GO OVER MRDS, ET CETERA IMMEDIATELY AFTER INADEQUATE RESPONSE AND NOT BEING TAKEN SERIOUSLY (AS MOST OF US ARE BY NDOC STAFF), I DECIDED TO REQUEST MONETARY COMPENSATION FOR THE VIOLATIONS OF MY RIGHTS, DAMAGES (including pain and suffering, physically and mentally), AFTER STILL BEING DENIED, EVEN STILL ONE OF THEIR GRIEVANCE RESPONSES APPEAR TO ADMIT WRONGDOINGS, I FILED IN COURT ONCE THE GRIEVANCE PROCESS CONCLUDED.

III Conclusion

In conclusion, I RESPECTFULLY REQUEST THAT NO DEFENDANTS ARE DISMISSED FROM THEIR WRONGDOINGS AND THAT ALL ARE HELD ACCOUNTABLE FOR THEIR ACTIONS OR LACK THEREOF. I ALSO REQUEST A PERIOD OF SIXTY(60) TO NINETY(90) DAYS TO SECURE LEGAL REPRESENTATION OR FIND AN ALTERNATE SOURCE OF ASSISTANCE AND RESEARCH TO AIDE ME IN MY LITIGATION AGAINST ~~THESE~~ ^{THE} DEFENDANTS, DUE TO DEFENDANTS' RETALIATORY ACTIONS (BASED ON MY BELIEFS AND INFORMATION) I HAVE BEEN INVOLUNTARILY REMOVED FROM MY PAIN MANAGEMENT/

1) CHRONIC CARE MEDICATION, DENIED ACCESS TO THE LAW LIBRARY, CELL WAS MALICIOUSLY,
2 SANISTICALLY, AND IMPROPERLY (PER NDOC AR'S AND OP'S) SEARCHED LEAVING MY TV DAMAGED,
3 TRIMMERS BROKEN, AMONG OTHER ITEMS BROKEN, DAMAGED, AND SEIZED; MY CELL MATE AND I
4 BOTH RECEIVED WRITENPS FOR AN INMATE APPROVED HOBBYCRAFT ITEM LEADING TO ONLY MYSELF
5 BEING LEVEL REDUCED, AND MY LEGAL MAIL IS ALSO BEING DELIVERED LATE AND NOT OPENED
6 IN FRONT OF ME. SOMETIMES 7-11 DAYS PAST POSTMARK, NORMALLY 2-4 DAYS. LEGAL
7 MAIL OFFICER REFUSES TO DATE AND SIGN LEGAL SLIP, AS REQUIRED. BASED ON MY BELIEF,
8 DELIVERY TIME IS TO IMPETSE ON PROPER RESPONSE TIMES, WHICH IS WHY I INVOKED THE
9 "PRISON MAIL BOX" RULE. I CURRENTLY CANNOT GET CASE LAW, FORMS, USE THE COMPUTER, MAKE
10 COPIES, AND NOW (DUE TO LOCKDOWN) USE THE PHONE FOR LEGAL PURPOSES, ALTHOUGH A
11 ONE INMATE/CELL AT A TIME DOES NOT PRESENT A SAFETY RISK TO THE INSTITUTION. I
12 WILL AS SOON AS POSSIBLE BE SUBMITTING A REQUEST FOR MANDATORY INTERVIEW.
13 DATED THIS 18th DAY OF MARCH, 2020.


Anthony Harris #1169848
PLAINTIFF/IN PROPRIA PERSONAM

Anthony Harris #1169848
H.D.S.P.
P.O. Box 656
Christian Springs, NV 89070

LAS VEGAS NV 890
23 MAR 2020 PM 5:1

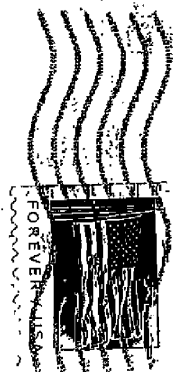
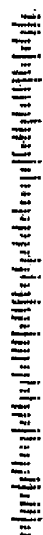
11 LHM

MAR 22 2020

HIGH DESERT STATE PRISON

Steven D. Grierson
Clerk of the Court
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155-1160

89101-530000



1 Anthony Harris

2 NDOC No. 1169848

3 PLAINTIFF

4 In proper person

25
FILED

MAR 24 2020

John J. [Signature]
CLERK OF COURT

5
6 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
7 STATE OF NEVADA IN AND FOR THE
8 COUNTY OF CLARK

9
10 Anthony Harris,)

11)
12 Petitioner,)

13 v.)

14) Case No. A-19-805689-C

15)
16 THE STATE OF NEVADA ET AL.,)

Dept. No. VIII

17 Respondent.)

18)
19
20 **MOTION AND ORDER FOR TRANSPORTATION**

21 **~~OF INMATE FOR COURT APPEARANCE~~**

22 **~~OR, IN THE ALTERNATIVE,~~**

23 **FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE**

24
25 Petitioner, Anthony Harris, proceeding pro se, requests

26 that this Honorable Court order transportation for his personal appearance or, in the

27 ^{NA} alternative, that he be made available to appear by telephone or by video conference

28 at the hearing in the instant case that is scheduled for the 9th DAY OF APRIL, 2020

29 at 9:00 A.M.

RECEIVED

MAR 24 2020

CLERK OF THE COURT

In support of this Motion, I allege the following:

1. I am an inmate incarcerated at High Desert State Prison.

My mandatory release date is THE 2ND DAY OF OCTOBER 2021.

2. The Department of Corrections is required to transport offenders to and from Court if an inmate is required or requests to appear before a Court in this state.

NRS 209.274 Transportation of Offender to Appear Before Court states:

"1. Except as otherwise provided in this section, when an offender is required or requested to appear before a Court in this state, the Department shall transport the offender to and from Court on the day scheduled for his appearance."

2. If notice is not provided within the time set forth in NRS 50.215, the Department shall transport the offender to Court on the date scheduled for his appearance if it is possible to transport the offender in the usual manner for the transportation of offenders by the Department. If it is not possible for the Department to transport the offender in the usual manner:

(a) The Department shall make the offender available on the date scheduled for his appearance to provide testimony by telephone or by video conference if so requested by the Court.

(b) The Department shall provide for special transportation of the offender to and from the Court if the Court so orders. If the Court orders special transportation, it shall order the county in which the Court is located to reimburse the Department for any cost incurred for the special transportation.

(c) The Court may order the county sheriff to transport the offender to and from the Court at the expense of the county.

My presence is required at this hearing because:

1 D. I AM NEEDED AS A WITNESS

2 My petition raises substantial issues of fact concerning events in which I
3 participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S.
4 205 (1952) (District Court erred when it made findings of fact concerning
5 Hayman's knowledge and consent to his counsel's representation of a witness
6 against Hayman without notice to Hayman or Hayman's presence at the
7 evidentiary hearing).

8 E. THE HEARING WILL BE AN EVIDENTIARY HEARING

9 My petition raises material issues of fact that can be determined only in my
10 presence. *See Walker v. Johnston*, 332 U.S. 275 (1948) (government's contention
11 that allegations are improbable and unbelievable cannot serve to deny the
12 petitioner an opportunity to support them by evidence). The Nevada
13 Supreme Court has held that the presence of the petitioner for habeas corpus
14 relief is required at any evidentiary hearing conducted on the merits of the
15 claim asserted in the petition. *See Gebert v. Nevada*, 118 Nev. 500 (2002).

16 4. The prohibition against ex parte communication requires that I be present
17 at any hearing at which the state is present and at which issues concerning the claims
18 raised in my petition are addressed. U.S. Const. amends. V, VI.

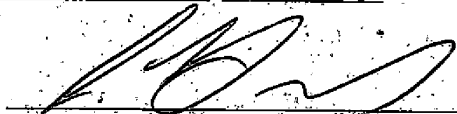
19 5. If a person incarcerated in a state prison is required or is requested to
20 appear as a witness in any action, the Department of Corrections must be notified in
21 writing not less than 7 business days before the date scheduled for his appearance in
22 court if the inmate is incarcerated in a prison located not more than 40 miles from
23 Las Vegas; NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or
24 more from Las Vegas, the Department of Corrections must be notified in writing not
25 less than 14 business days before the date scheduled for the person's appearance in
26 court.

27 6. High Desert State Prison, is located approximately
28 35.33 miles from Las Vegas, Nevada.

1 7. If there is insufficient time to provide the required notice to the Department
2 of Corrections for me to be transported to the hearing, I respectfully request that this
3 Honorable Court order the Warden to make me available on the date of the
4 scheduled appearance, by telephone, or video conference, pursuant to NRS
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the
6 evidentiary hearing.

7 8. The rules of the institution prohibit me from placing telephone calls from
8 the institution, except for collect calls, unless special arrangements are made with
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my
10 telephone appearance can be made by contacting the following staff member at my
11 institution: HUBBARD-PICKETT, Monique, ASSOCIATE WARDEN,
12 whose telephone number is 702-879-12789.

13
14 Dated this 18th day of MARCH, 2020.

15
16 
17 ANTHONY HARRIS #1169848

18
19 PLAINTIFF/IN PROPRIA PERSONAM
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21
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AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding MOTION AND

ORDER FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE
(Title of Document)

filed in District Court Case number A-19-805689-C

☒ Does not contain the social security number of any person.

-OR-

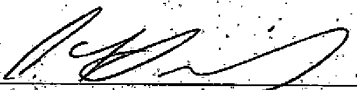
☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant:


Signature

18 MAR 2020
Date

Anthony Havers #1169848
Print Name

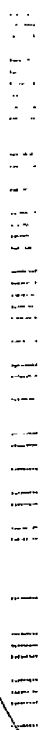
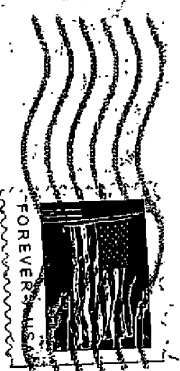
PLAINTIFF/IN PROPRIA PERSONA
Title

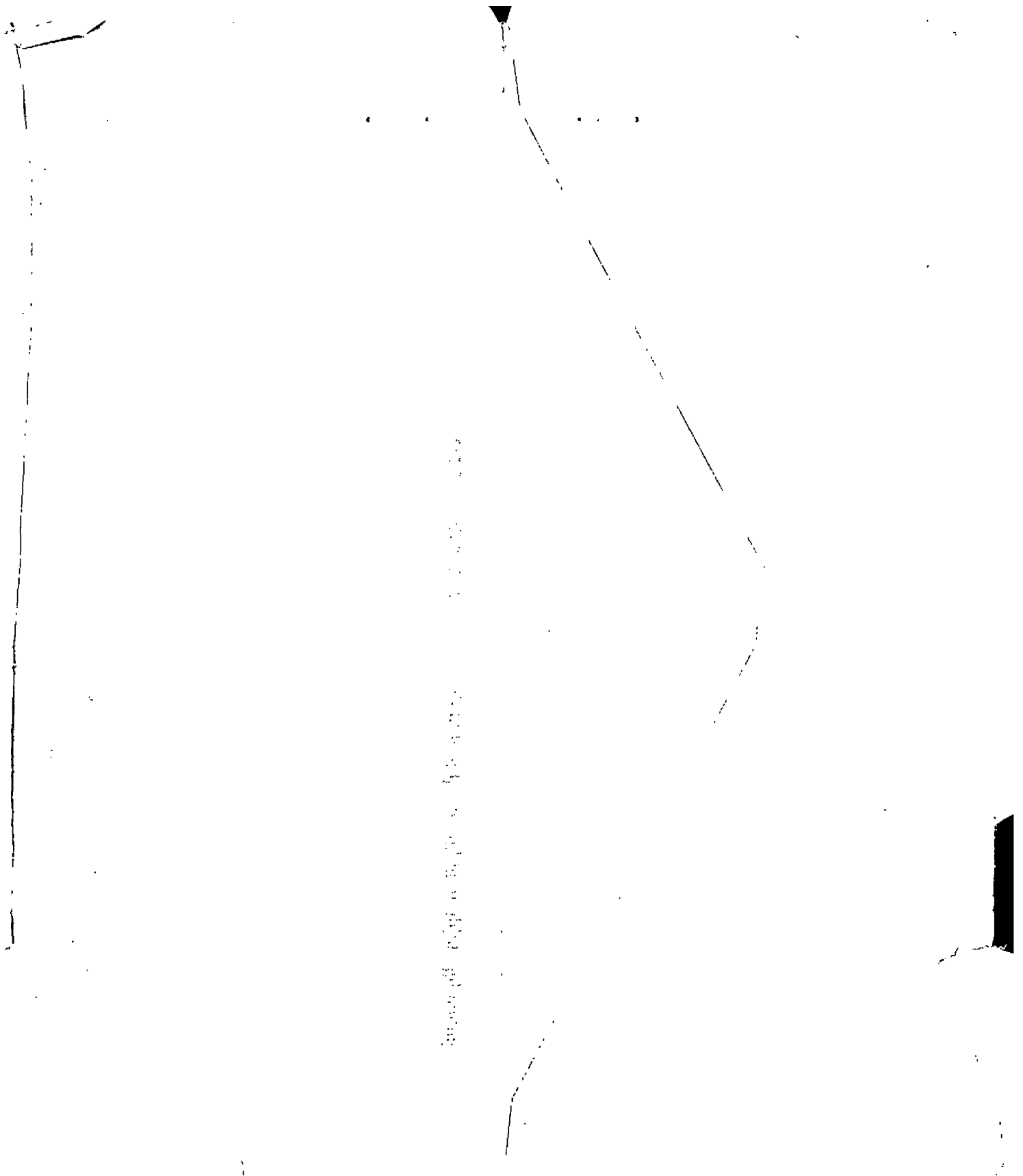
Anthony Harris # 11169648
H.D. 57
P.O. Box 165 0
Division Springs, NV 891010

LAS VEGAS NV 890
HIGH DESERT STATE PRISON MAR 2020 PM 5:1
MAR 22 2020

UNIT 11

STEVEN D. GRIERSON
Clerk of the Court
200 Lewis Avenue, 3rd Floor
LAS VEGAS, NV 89155-1160
89101-830000





FILED

MAR 24 2020

CLERK OF COURT

1 Anthony Harris #1169848
2 PLAINTIFF / In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 Anthony Harris
8 PLAINTIFF
9

10 vs.

11 THE STATE OF NEVADA, ET AL.,
12 DEFENDANTS
13

Case No. A-19-805689-C

Dept No. VIII

Docket

14 NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that Defendants Motion to Dismiss

16 COMPLAINT

17 will come on for hearing before the above-entitled Court on the 9th day of April, 2020,
18 at the hour of 9 o'clock A. M. In Department VIII, of said Court.

19
20 CC FILE

21
22 DATED: this 18th day of MARCH, 2020.

23
24 BY: [Signature]

ANTHONY HARRIS #1169848
PLAINTIFF / In Propria Personam

RECEIVED

MAR 24 2020

CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA



Anthony Harris, Plaintiff(s)

Case No.: A-19-805689-C

vs.

Nevada State of, Defendant(s)

Department 8

NOTICE OF HEARING

Please be advised that the Plaintiff's Notice of Motion to Remove Defendant James Dzuenda in the above-entitled matter is set for hearing as follows:

Date: April 28, 2020

Time: 9:00 AM

Location: Phoenix Building 11th Floor 110
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy
Deputy Clerk of the Court



**DISTRICT COURT
CLARK COUNTY, NEVADA

Anthony Harris, Plaintiff(s)

vs.

Nevada State of, Defendant(s)

Case No.: A-19-805689-C

Department 8

NOTICE OF HEARING

Please be advised that the Plaintiff's Notice of Motion - Defendant's Motion to Dismiss Complaint in the above-entitled matter is set for hearing as follows:

Date: April 28, 2020

Time: 9:00 AM

Location: Phoenix Building 11th Floor 110
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy
Deputy Clerk of the Court

APR 10 2020

To: Anthony Harris Pro Se

Default (s)/ Dismissal(s) are being returned to you by the Clerk of the Court's office for the following reason(s):

- ☐ An appearance or Answer was filed on _____
- ☐ Dismissal must be directed for Judge to sign since defendant has filed appearance/answer in case.
- ☐ The required proof of service of the Summons and Complaint is not on file in the Clerk's office
- ☐ The date of service on the Default does not match the date of service on file.
- ☐ No date of service on the Default.
- ☐ Missing Filed Signed Order Granting Service by Publication Pursuant to NRCP 4.4 (c)(1)
- ☐ The Order for Service by Publication requires mailing of copy of summons and complaint. No proof of mailing has been file in the Clerk's office. Please file a certificate of mailing.
- ☐ Default not eligible to be issued until _____; base on Order Granting Service by Publication Pursuant to NRCP 4.4 (c)(4) (C)(ii) due to mailing completed on _____.
- ☒ Party Name(s) on Default or Dismissal do not match name(s) on the complaint. *must designate each defendant(s) name on default -*
- ☐ Court filed Order closing case on _____. Need to contact Department to find out what needs to be done *OR* to have case Re-opened. *Prepare 1 one default for each defendant.*
- ☐ Default needs to also state: 1) Date answer was filed 2) Date Order striking answer was signed.
- ☐ Default /Dismissal has already been signed/filed on _____
- ☐ Default must state same documents and claim served as stated on filed proof of service.
- ☐ NRS 14.040 – Service upon Unknown Heirs/ Heirs need to have Order Granting Service by Publication and Affidavit of Publication filed

*** PLEASE BE ADVISED THAT ALL DEFAULT (S)/ DISMISSALS ISSUED BY DEPUTY CLERK CAN BE ELECTRONICALLY SUBMITTED TO BE ISSUED AND FILED ALL AT ONCE ***

- ☒ (1) *The attached proofs of service (Declaration of Service) are not filed into case - Court do not have Court file stamps on the upper hand corner.*

RETURN THIS DOCUMENT WHEN YOU RESUBMIT THE DEFAULT

If you have any questions, please contact Specialty Clerk at 671-0521

- (2) *Cannot use one default for all defendant(s) and designate them all under one defendant State of Nevada Et al*

MAR 06 2020

To: Anthony Harris Pro Se

Default (s)/ Dismissal(s) are being returned to you by the Clerk of the Court's office for the following reason(s):

- ☐ An appearance or Answer was filed on _____
- ☐ Dismissal must be directed for Judge to sign since defendant has filed appearance/answer in case.
- ☒ The required proof of service of the Summons and Complaint is not on file in the Clerk's office. *Re: State of NV OR any of the dependents on Complaint*
Filed 19 Feb 2020
ALSO ATTACHED TO MOTION
- ☐ The date of service on the Default does not match the date of service on file.
- ☐ No date of service on the Default.
- ☐ Missing Filed Signed Order Granting Service by Publication Pursuant to NRCP 4.4 (c)(1)
- ☐ The Order for Service by Publication requires mailing of copy of summons and complaint. No proof of mailing has been file in the Clerk's office. Please file a certificate of mailing.
- ☐ Default not eligible to be issued until _____; base on Order Granting Service by Publication Pursuant to NRCP 4.4 (c)(4) (C)(ii) due to mailing completed on _____.
- ☐ Party Name(s) on Default or Dismissal do not match name(s) on the complaint.
- ☐ Court filed Order closing case on _____. Need to contact Department to find out what needs to be done to have case Re-opened.
- ☐ Default needs to also state: 1) Date answer was filed 2) Date Order striking answer was signed.
- ☐ Default /Dismissal has already been signed/filed on _____
- ☐ Default must state same documents and claim served as stated on filed proof of service.
- ☐ NRS 14.040 – Service upon Unknown Heirs/ Heirs need to have Order Granting Service by Publication and Affidavit of Publication filed

*** PLEASE BE ADVISED THAT ALL DEFAULT (S)/ DISMISSALS ISSUED BY DEPUTY CLERK CAN BE ELECTRONICALLY SUBMITTED TO BE ISSUED AND FILED ALL AT ONCE ***

*Pursuant to NRCP Rule ³ - 3rd party/
Non party must serve dependants:
Served by Sakob Dzyak, Borex #9685 - Carson City Sheriff's Office*

RETURN THIS DOCUMENT WHEN YOU RESUBMIT THE DEFAULT

If you have any questions, please contact Specialty Clerk at 671-0521

1 DFLT

2 (Your Name) Anthony Harris #1169848

3 (Address) H.D.S.P. P.O. Box 650

4 Indian Springs, NV 89070

5 (Telephone) 702-879-6789

6 (Email Address) _____

7 In Proper Person

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 Anthony Harris
11 Plaintiff,

12 vs.

13 The State of Nevada et al,
14 Defendant.

CASE NO.: A-19-805689-C

DEPT NO.: VIII

DEFAULT

15 It appearing from the files and records in the above entitled action that (name of
16 Defendant); THE STATE OF NEVADA et al Defendant herein, being duly served with a copy of
17 the Summons and Complaint on the 13th day of December, 2019; that more than 45
18 days, exclusive of the date of service, having expired since service upon the Defendant; that no
19 answer or other appearance having been filed and no further time having been granted, the default
20 of the above-named Defendant for failing to answer or otherwise plead to Plaintiff's Complaint is
21 hereby entered.

22 STEVEN D. GRIERSON, CLERK OF COURT

23 By: _____

24 Deputy Clerk

Date

25 Submitted By: Anthony Harris

26 (check one) ☒ Plaintiff ☐ Defendant in Proper Person

RECEIVED

FEB 19 2020

CLERK OF THE COURT Default RIGHTS RESERVED

1 Plaintiff moves for Judgment against the below named Defendants
2 who have failed to plead or otherwise defend in this action with no
3 further time having been granted by the court, and with more than
4 45 days, exclusive of the day of service of process, having expired
5 since service upon the Defendants. I further state:

6 1) I am the plaintiff in this action.

7 2) The Defendants were only served with a copy of the civil summons,
8 complaint, and fee waiver on the 13th day of December, 2019.

9 3) No Defendants named herein is currently engaged in active military
10 service.

11 4) The following amount is due and owing on plaintiff's claim as of
12 this date.

13 a. Complaint Amount \$1,307,500 per defendant 22nd of
14 the 23rd defendants disregarded and ignored this action, which
15 totals \$27,457,000⁰⁰ to date.

16 b. Less payments and credits - \$ 0

17 5) Total Costs: \$2208⁰⁰ (Copies, Mailing, phone credits, medical fees)

18 6) Total Attorney Fees \$ 0

19 This action arises under NRS Chapter 604A and the Plaintiff has complied
20 with the requirements of that chapter.

21 Defendants NV Dept of Corrections and Warden Brian Williams have responded
22 by run through their counsel, although late a response was received. Default
23 is requested upon all other defendants listed on the following page (SEE
24 EXHIBIT A)

1) The State of Nevada - Served on the 13th day of December, 2019;

2) Board of Prison Commissioners - Served on the 13th day of December, 2019;

3) Steve Sisulak - Served on the 13th day of December 2019;

4) Brian Sandoval - Served on the 13th day of December, 2019;

5) Aaron Ford - Served on the 13th day of December, 2019;

6) Adam Lixalt - Served on the 13th day of December, 2019;

7) Brachara Levaroghe - Served on the 13th day of December, 2019;

8) Romeo Arcanis - Served on the 13th day of December, 2019;

9) Michael Minen - Served on the 13th day of December, 2019;

10) Jeremy Bean - Served on the 13th day of December, 2019;

11) Julie Matousek - Served on the 13th day of December, 2019;

12) Mr. Faliszek - Served on the 13th day of December, 2019;

13) Mrs. Ennis - Served on the 13th day of December, 2019;

14) Naphcare, Inc. - Served on the 13th day of December, 2019;

15) Bob Fulkner - Served on the 13th day of December, 2019;

16) N. Peret - Served on the 13th day of December, 2019;

17) G. Worthy - Served on the 13th day of December, 2019;

18) G. Martin - Served on the 13th day of December, 2019;

19) G. Bryan - Served on the 13th day of December 2019;

20) Jane Doe I - Served on the 13th day of December, 2019;

21) James Tolman - Served on the 13th day of December, 2019.

DATED this 13th day of February, 2020.



Anthony Harris

Plaintiff / ~~RESPONDA~~ Personam

EXHIBIT A

Declaration of Service for:

- 1) STATE of NEVADA
- 2) BOARD of Prison Commissioners
- 3) Steve Sisdak
- 4) Brian SANDOVAL
- 5) Aaron FORD
- 6) Adam LAXATT
- 7) Barbara Cegauske
- 8) Michael MINEV
- 9) Romeo ARANAS
- 10) Jeremy Bean
- 11) Julie MATUSEK
- 12) Mr. Faliszek
- 13) Mrs. ERNIS
- 14) Naphcare, INC.
- 15) Bob Fowlkner
- 16) N. Peret
- 17) G. Worthy
- 18) G. Martin
- 19) G. BRYAN
- 20) JANE DOE I
- 21) JAMES TOLMAN

EXHIBIT A

Served at ~~5500 East Spring Avenue~~ 200 North Carson Street Carson City, NV 89701
at approx 0935 hrs on the 13th day of December, 2019.

3

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
) Civil File Number: 19003589
)
) CASE No.: A19805689C
)

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: BD Prison Commisioners by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

Anthony Harris #1169848
PLAINTIFF

State Of Nevada, et al
DEFENDANT

CASE No.: A19805689C

147

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

DECLARATION OF SERVICE

STATE OF NEVADA }
 } ss:
CARSON CITY }

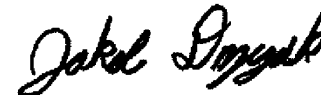
Jakob Dzyak, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

Sub-served: **Aaron Ford by serving BRANDON SALVERS, Authorized Individual**
Location: **100 North Carson Street Office of the Attorney General Carson City, NV 89701**
Date: **12/13/2019 Time: 9:35 AM**

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

| | | |
|-------------------------|---|-----------------------------|
| Anthony Harris #1169848 |) | Dated: 12/23/2019 |
| PLAINTIFF |) | |
| |) | Civil File Number: 19003589 |
| Vs |) | |
| State Of Nevada, et al |) | CASE No.: A19805689C |
| DEFENDANT |) | |

DECLARATION OF SERVICE

STATE OF NEVADA }
 } ss:
CARSON CITY }

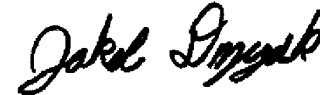
Jakob Dzyak, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

Sub-served: **Adam Laxalt by serving BRANDON SALVERS, Authorized Individual**
Location: **100 North Carson Street Office of the Attorney General Carson City, NV 89701**
Date: **12/13/2019** **Time: 9:35 AM**

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

 V_S

State Of Nevada, et al
DEFENDANT

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

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 BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 Time: 9:35 AM

The document(s) served were: Summons & 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

Jakob Dreyer

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

911 E. MUSSER STREET, CARSON CITY, NV 89701 (775) 887-2500

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

)
)
)
)
)
)

Dated: 12/23/2019
Civil File Number: 19003589
CASE No.: A19805689C

DECLARATION OF SERVICE

STATE OF NEVADA }
 } ss:
CARSON CITY }

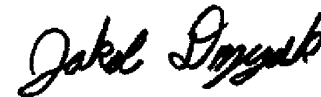
Jakob Dzyak, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

Sub-served: Michael Miner by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 Time: 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

 V_S

State Of Nevada, et al
DEFENDANT

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

DECLARATION OF SERVICE

STATE OF NEVADA }
 }
CARSON CITY } ss:

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: Romeo Aranas by serving **BRANDON SALVERS**, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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

Jakel Dwyer

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

153

154

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
) Civil File Number: 19003589
)
) CASE No.: A19805689C
)

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: Mr. Faliszek by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
) Civil File Number: 19003589
)
) CASE No.: A19805689C
)

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: Mrs. Ennis by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

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: Napcare, Inc by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 Time: 9:35 AM

The document(s) served were: Summons & 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

Jakel Pryor

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

911 E. MUSSER STREET, CARSON CITY, NV 89701 (775) 887-2500

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

| | | |
|-------------------------|---|-----------------------------|
| Anthony Harris #1169848 |) | Dated: 12/23/2019 |
| PLAINTIFF |) | |
| |) | Civil File Number: 19003589 |
| Vs |) | |
| State Of Nevada, et al |) | CASE No.: A19805689C |
| DEFENDANT |) | |

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: BB Faulkauer by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 Time: 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

 V_s

State Of Nevada, et al
DEFENDANT

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

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: N Peret by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 Time: 9:35 AM

The document(s) served were: Summons & 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

Jakob Dmytryk

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

Anthony Harris #1169848
PLAINTIFF

State Of Nevada, et al
DEFENDANT

CASE No.: A19805689C

STATE OF NEVADA }
 } ss:
CARSON CITY }

Sub-served: G. Martin by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 Time: 9:35 AM

Jakob Imyamb

911 E. MUSSER STREET, CARSON CITY, NV 89701 (775) 887-2500

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: **G. Bryan by serving BRANDON SALVERS, Authorized Individual**
Location: **100 North Carson Street Office of the Attorney General Carson City, NV 89701**
Date: **12/13/2019** **Time: 9:35 AM**

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

Anthony Harris #1169848
PLAINTIFF

Civil File Number: 19003589

CASE No.: A19805689C

Vs

State Of Nevada, et al
DEFENDANT

STATE OF NEVADA }
 } ss:
CARSON CITY }

Sub-served: Jane Doe by serving BRANDON SALVERS, Authorized Individual

Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701

Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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

Jake Smyke

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

23

911 E. MUSSER STREET, CARSON CITY, NV 89701 (775) 887-2500

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: James Tulman by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 Time: 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

CERTIFICATE OF SERVICE BY MAILING

I, Anthony Harris, hereby certify, pursuant to NRCP 5(b), that on this 13th
day of February, 2020, I mailed a true and correct copy of the foregoing, "Motion
for Default"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:


THE STATE OF NEVADA (ALL DEFENDANTS INDIVIDUALLY)
200 North Carson Street
Carson City, NV 89701

CLERK OF THE COURT
STEVEN D. CORRESON
200 LEWIS AVENUE
LAS VEGAS, NV 89155

21 ENVELOPES (ONE TO EACH DEFENDANT)

CC: FILE

DATED: this 13th day of February, 2020.


Anthony Harris #11169845
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion

For Default

(Title of Document)

filed in District Court Case number A-19-8057689-C

☒ Does not contain the social security number of any person.

-OR-

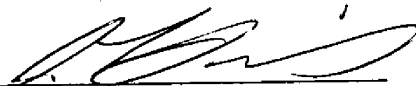
☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.


Signature

13 February 2020
Date

Anthony Harris
Print Name

Plaintiff
Title

89-1660766

Anthony Harris #1169848
H.D.S.P.
P.O. Box 450
Indian Springs, NV 89070



3762

Steven D. Grierson
Clerk of the Court
200 Lewis Avenue, 3rd Floor
Las Vegas, NV 89155

PRISON MAIL BOX FILE

RECEIVED
FBI LAS VEGAS
JUN 11 1989
002 008

LEGAL
AND
CONFIDENTIAL



ORDER

AARON D. FORD
Attorney General
Wade J. VanSickle (Bar No. 13604)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, NV 89101
(702) 486-3216 (phone)
(702) 486-3773 (fax)
wvansickle@ag.nv.gov

*Attorneys for Defendants Brian Williams
and Nevada Department of Corrections*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Anthony Harris,
Plaintiff,

Case No. A-19-805689-C
Dept. No. VIII

vs.

The State of Nevada, *et al.*,
Defendants.

**ORDER GRANTING DEFENDANTS STEVE SISOLAK, AARON FORD, ADAM
LAXALT, BRIAN SANDOVAL, AND BARBARA CEGAVSKE'S MOTION TO DISMISS
COMPLAINT WITH PREJUDICE**

This matter came on for hearing on Defendants Steve Sisolak, Aaron Ford, Adam Laxalt, Brian Sandoval, and Barbara Cegavske's Motion to Dismiss Complaint With Prejudice, on April 9, 2020, at 9:00am. This matter was submitted on the briefs without appearance by the parties or oral argument. Having reviewed the papers and pleadings on file herein, the Court hereby rules as follows:

I. FINDINGS OF FACT

1. On November 4, 2019, Harris filed his Complaint which names twenty-four (24) defendants and alleges an Eighth Amendment deliberate indifference to a serious medical condition claim. Complaint at IA, 12, 16;

Civil USJR Statistical Closure: Motion to Dismiss
by the Defendant(s) II

- 1 2. Harris’ Eighth Amendment deliberate indifference claim is premised upon the
2 allegation that Harris was not provided “proper medical treatment for [his]
3 seriously debilitating and potentially life threatening medical problem” which
4 resulted in “extreme chest pains” and “could have caused him to: (1) have a
5 stroke; (2) have a heart attack; or (3) dye (sic).” *Id.* at 16-17;
6 3. The Complaint names Defendants based solely upon their former role as
7 serving on the Nevada Board of Prison Commissioners. *Id.* at 2-4;
8 4. The Complaint also named all Defendants in their individuals and official
9 capacities. *Id.* at 17:17-19;
10 5. On March 8, 2020, Defendants Steve Sisolak, Aaron Ford, Adam Laxalt, Brian
11 Sandoval, and Barbara Cegavske (collectively “Defendants”) filed a Motion to
12 Dismiss Complaint With Prejudice (“Motion to Dismiss”) seeking dismissal all
13 of Harris’ claims against them with prejudice contending (1) there are no
14 allegations in the Complaint to establish “personal participation” of any
15 Defendant in an alleged constitutional violation required to maintain a claim
16 under 42 U.S.C. §1983 and (2) Defendants are entitled to qualified immunity;
17 6. The Motion to Dismiss also sought to dismiss Harris’ claims for monetary
18 damages brought against all Defendants in their personal capacity with
19 prejudice asserting the claim fails as a matter of law;
20 7. Harris did not file any response to Defendants’ Motion to Dismiss;

21 **II. CONCLUSIONS OF LAW**

22 1. NEV. R. CIV. P. 12(b)(5)

- 23 a. In considering a motion pursuant to NRCP 12(b)(5), the court “‘must
24 construe the pleading liberally and draw every fair intendment in favor of
25 the [non-moving party].’ ” *Squires v. Sierra Nev. Educational Found.*, 107
26 Nev. 902, 905, 823 P.2d 256, 257 (1991) (quoting *Merluzzi v. Larson*, 96 Nev.
27 409, 411, 610 P.2d 739, 741 (1980));
28

- 1 b. All factual allegations of the complaint must be accepted as true. *Capital*
2 *Mortgage Holding v. Hahn*, 101 Nev. 314, 315, 705 P.2d 126 (1985);
- 3 c. A complaint will not be dismissed for failure to state a claim “unless it
4 appears beyond a doubt that the plaintiff could prove no set of facts which, if
5 accepted by the trier of fact, would entitle him [or her] to relief.” *Edgar v.*
6 *Wagner*, 101 Nev. 226, 228, 699 P.2d 110, 112 (1985);
- 7 d. Leave to amend the complaint should not be granted if amendment would be
8 futile, *Halcrow, Inc. v. Eighth Judicial Dist. Court*, 129 Nev. 294, 398 (2013),
9 such that the claim would not survive a motion to dismiss under NRCP
10 12(b)(5). *Nutton v. Sunset Station, Inc.*, 131 Nev., Adv. Op. 34, 357 P.3d 966,
11 973 (Ct. App. 2015);
- 12 e. Failure by the non-moving party to oppose a motion may be construed as a
13 tacit admission that the motion is meritorious and consent to granting the
14 same. EDCR 2.20(e);
- 15 f. Plaintiff’s failure to Oppose Defendants’ Motion to Dismiss tacitly conceded
16 the Motion was meritorious and consented to granting the same. EDCR
17 2.20(e);

18 **2. 42 U.S.C. § 1983**

- 19 a. Title 42 U.S.C. § 1983 provides a cause of action for the “deprivation of any
20 rights, privileges, or immunities secured by the Constitution and laws” of
21 the United States. To state a claim under § 1983, a plaintiff must allege two
22 essential elements: (1) that a right secured by the Constitution or laws of the
23 United States was violated, and (2) that the alleged violation was committed
24 by a person acting under the color of State law. *Long v. Cty. of Los Angeles*,
25 442 F.3d 1178, 1185 (9th Cir. 2006) *citing West v. Atkins*, 487 U.S. 42, 48,
26 108 S.Ct. 2250, 101 L.Ed.2d 40 (1988);
- 27 b. Both federal and state courts have jurisdiction to hear claims brought under
28 § 1983. *Berry v. Feil*, 131 Nev. 339, 343, 357 P.3d 344, 346 (Nev. App. 2015);

1 **3. Claims Against Defendants**

- 2 a. The Complaint fails to assert facts that, if accepted as true by the trier of
3 fact, establish Defendants' "personal participation" in any alleged
4 constitutional violation, and therefore, no colorable claim has been alleged
5 against any Defendant;

6 **4. Qualified Immunity**

- 7 a. It is a long-standing principle that governmental officials are shielded from
8 civil liability under the doctrine of qualified immunity. *Harlow v. Fitzgerald*,
9 457 U.S. 800, 818 (1992);
- 10 b. When conducting the qualified immunity analysis, courts "ask (1) whether
11 the official violated a constitutional right and (2) whether the constitutional
12 right was clearly established." *C.B. v. City of Sonora*, 760 F.3d 1005, 1022
13 (9th Cir. 2015) (citing *Pearson v. Callahan*, 555 U.S. 223, 232, 236 (2009));
- 14 c. The second inquiry, whether the constitutional right in question was clearly
15 established, is an objective inquiry that turns on whether a reasonable
16 official in the position of the defendant knew or should have known at the
17 time of the events in question that his or her conduct was constitutionally
18 infirm. *Anderson v. Creighton*, 483 U.S. 635, 639-40 (1987); *Lacey v.*
19 *Maricopa Cty.*, 693 F.3d 896, 915 (9th Cir. 2012);
- 20 d. Only where a governmental official's belief as to the constitutionality of his
21 or her conduct is "plainly incompetent" is qualified immunity unavailable.
22 *Stanton v. Sims*, 134 S. Ct. 3, 5 (2013) (per curiam);
- 23 e. Governmental officials are entitled to high deference when making this
24 determination, *Anderson*, 483 U.S. at 640, requiring the Court to assess
25 whether qualified immunity is appropriate "in light of the specific context of
26 the case." *Tarabochia v. Adkins*, 766 F.3d 1115, 1121 (9th Cir. 2014)
27 (quoting *Robinson v. York*, 566 F.3d 817, 821 (9th Cir. 2009));
- 28

- 1 f. In determining “whether a [constitutional] right was clearly established,”
2 this Court is to survey the law within this Circuit and under Supreme Court
3 precedent “at the time of the alleged act.” *Perez v. United States*, 103 F.
4 Supp. 3d 1180, 1208 (S.D. Cal. 2015) (quoting *Cnty. House, Inc. v. City of*
5 *Boise*, 623 F.3d 945, 967 (2010);
- 6 g. Only in situations where there is no precedent regarding the qualified
7 immunity question at issue should this Court look to “other circuits and
8 district courts to ascertain whether the law is clearly established.” *Cnty.*
9 *House*, 623 F.3d at 967 (citing *Osolinski v. Kane*, 92 F.3d 934, 936 (9th Cir.
10 1996));
- 11 h. Whether governmental employees are entitled to qualified immunity is a
12 question of law subject to *de novo* review before this Court. *Devereaux v.*
13 *Perez*, 218 F.3d 1045, 1051 (9th Cir. 2000);
- 14 i. Defendants are entitled to qualified immunity because the Complaint does
15 not assert facts, that if accepted as true by the trier of fact, would establish
16 any Defendant violated Harris’ constitutional rights;
- 17 j. Defendants are entitled to qualified immunity because the Complaint fails to
18 assert facts, if accepted as true by the trier of fact, would establish any
19 Defendant should have been on clear notice that his alleged action or
20 inaction as a member of the Nevada Board of Prison Commissioners was
21 constitutionally infirm;

22 **5. Claims for Monetary Damages Against Defendants in Their Official Capacity**

- 23 a. “[A] state official may not be sued in an official capacity for damages under §
24 1983....” *Kille v. Calderin*, 440 P.3d 655 (Nev. 2019); *see also Will v. Mich.*
25 *Dep’t of State Police*, 491 U.S. 58, 66 (1989);
- 26 b. Harris’ claim for monetary damages against Defendants in their official
27 capacity fails as a matter of law.

28 **III. ORDER**

1 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendants
2 Steve Sisolak, Aaron Ford, Adam Laxalt, Brian Sandoval, and Barbara Cegavske's
3 Motion to Dismiss Complaint With Prejudice is GRANTED.

4 IT IS SO ORDERED.

5 DATED this 20th day of April, 2020.

6
7 
8 HON. TREVOR ATKIN 75

29

FILED

MAY 01 2020

John J. Blum
CLERK OF COURT

1 Anthony Harris ID NO. 1169848
2 HIGH DESERT STATE PRISON
3 22010 COLD CREEK ROAD
4 POST OFFICE BOX 650
5 INDIAN SPRINGS, NEVADA 89070

6 PLAINTIFF In Proper Person

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 Anthony Harris

10 PLAINTIFF

CASE NO.: A-19-805689-C

DEPT NO.: VIII

11 vs.

12 THE STATE OF NEVADA ET AL.

13 DEFENDANTS

DATE OF HEARING: N/A

TIME OF HEARING: N/A

14 NOTICE OF MOTION OF
15 INFORMAL NOTICE/INQUIRY

16 COMES NOW, PLAINTIFF Anthony Harris, In Proper Person and


17 PROSE TO BRING TO THE ATTENTION OF SAID INFORMAL NOTICE/INQUIRY
18 TO THIS HONORABLE COURT //

19 //

20 THIS NOTICE, is made and based upon the attached Memorandum of Points
21 and Authorities, all of the pleadings and other documents on file in this case, as well as
22 INFORMAL GRIEVANCE FILED ON TODAY'S DATE (10 APRIL 2020) AT H.D.S.P. //

23 DATED This 10th day of APRIL, 2020.

24 Respectfully submitted,

25 
26 ANTHONY HARRIS ID NO. 1169848
27 PLAINTIFF In Proper Person

RECEIVED

APR 13 2020

CLERK OF THE COURT

1) PLEASE TAKE NOTICE THAT THE FOLLOWING IS A 'WORD-FOR-WORD'
2) OF THE INFORMAL NOTICE/INQUIRY'. WE ARE DENIED LAW LIBRARY ACCESS,
3) AS I HAVE BEEN SINCE MY FILING OF THIS SUIT. ALL COPIES HAVE
4) TO BE SENT TO AN OUTSIDE SOURCE, FAMILY MEMBER, OR HAND-WITTEN
5) TO MAKE COPIES.

6) "ON APPROX. 2 APR 2020 I RECEIVED A CLEARLY-MARKED 'LEGAL AND CON-
7) FIDENTIAL' LETTER I SENT TO AN ATTORNEY REGARDING MY CIVIL LAWSUIT (CASE # A-19-
8) 805689-C) AGAINST THE STATE OF NEVADA, N.D.D.C., AND 22 OTHERS WAS RETURNED
9) TO ME OPENED, SCREENED, TORN, AND UNKNOWN WHAT ELSE. THIS IS CONTRARY TO TITLE
10) 15, SECTION 3144. //

11) I AM WRITING, FOLLOWING LEGAL ADVICE, TO ASK WHETHER ANY PRIVILEGED
12) INFORMATION WAS DISCLOSED THROUGH 'BACK-DOOR' CHANNELS REGARDING MY
13) CIVIL LAWSUIT (A-19-805689-C) AND/OR ANY OF THE ENCLOSED PURPOSES OF
14) THAT LETTER? //

15) I HAVE, AS OF 10 APRIL 2020 AT APPROXIMATELY 1740 HRS, FILED AN
16) INFORMAL GRIEVANCE REGARDING THIS ISSUE, INCLUDING THE MISHANDLING OF
17) 'PERSONAL' ALONG WITH 'LEGAL' MAIL PER ARS, OP's, AND FEDERAL LAW. //

18) DATED THE SAME DAY AS THIS MOTION. CC' SENT TO ATTORNEY GENERAL,
19) AARON D. FORD, WARDEN OF H.D.S.P., CALVIN JOHNSON (NEW WARDEN), IN ADDITION
20) TO THIS 'MOTION' TO NOTIFY THIS HONORABLE COURT OF CORRESPONDANCE
21) WITH DEFENDANT/ATTORNEY FOR SOME OF THE OTHER DEFENDANTS IN
22) THIS LITIGATION.

23) DATED THIS 10th DAY OF MARCH, 2020.

24)

BY:

25)

Anthony Harris #1169848

26)

PLAINTIFF IN PROPRIA PERSONAM

27)

P.O. BOX 650 [H.D.S.P.]

28)

INDIAN SPRINGS, NV 89070

3

CERTIFICATE OF SERVICE BY MAILING

I, Anthony Harris, hereby certify, pursuant to NRCP 5(b), that on this 10th
day of APRIL, 2020, I mailed a true and correct copy of the foregoing, "INFORMAL
NOTICE/INQUIRY //"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

STEVEN D. GRIFFIN
CLERK OF THE COURT
REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV 89155-1110

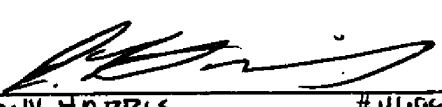
AARON D. FORD
ATTORNEY GENERAL STATE OF NV
OFFICE OF THE ATTORNEY GENERAL
555 E. WASHINGTON AVENUE, SUITE 3900
LAS VEGAS, NV 89101-1068

CALVIN JOHNSON
WARDEN, H.D.S.P.
HIGH DESERT STATE PRISON
22010 COLD CREEK ROAD
INDIAN SPRINGS, NV 89070

//

CC: FILE

DATED: this 10th day of APRIL, 2020.


ANTHONY HARRIS #1169848
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF MOTION

OF INFORMAL NOTICE/INQUIRY
(Title of Document)

filed in District Court Case number A-19-805689-C

☒ Does not contain the social security number of any person.

-OR-

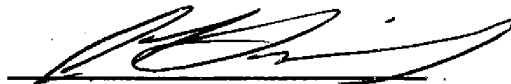
☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.


Signature

10 APRIL 2020
Date

Anthony Harris
Print Name

PLAINTIFF
Title

Anthony Harris #1161848
H.D.S.P.

P.O. Box 650

Indian Springs, NV 89470

LAS VEGAS NV 8900

30 APR 2020 PM 3 L



STEVEN D. GRIERSON
CLERK OF THE COURT
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV 89155-1160

89101-630000

IF GNL
AND
CONFIDENTIAL

SEALED

HIGH DESERT STATE PRISON

APR 6 9 2020

UNIT 11

IF GNL
AND
CONFIDENTIAL

FILED

MAY 01 2020

John J. [Signature]
CLERK OF COURT

1 ANTHONY HARRIS #1169848
2 PLAINTIFF/IN PROPRIA PERSONAM
3 POST OFFICE BOX 650 [HDSF]
4 INDIAN SPRINGS, NV 89070
5

DISTRICT COURT
CLARK COUNTY, NEVADA

6
7
8 ANTHONY HARRIS,

9 PLAINTIFF;

CASE NO. - A-19-805689-C

10 VS

DEPT. NO. - VIII

11 THE STATE OF NEVADA ET AL.,

12 DEFENDANTS.
13
14

15 PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL
16

17 COMES NOW, PLAINTIFF, ANTHONY HARRIS, IN PRO SE, HEREIN RESPECTFULLY
18 PURSUANT TO 28 U.S.C. § 1915(E)(1) MOVES THIS HONORABLE COURT FOR
19 AN ORDER APPOINTING COUNSEL TO REPRESENT PLAINTIFF IN THIS CASE. IN SUPPORT
20 OF THIS MOTION PLAINTIFF STATES:
21

22 1) PLAINTIFF IS UNABLE TO AFFORD COUNSEL AND HAS REQUESTED AND HAS
23 BEEN GRANTED TO PROCEED IN FORMA PAUPERIS.
24

25 2) PLAINTIFF'S IMPRISONMENT WILL GREATLY LIMIT HIS ABILITY TO
26 LITIGATE. THE ISSUES INVOLVED IN THIS CASE ARE COMPLEX, AND WILL
27 REQUIRE SIGNIFICANT RESEARCH AND INVESTIGATION. PLAINTIFF HAS
28 BEEN DENIED ACCESS TO THE LAW LIBRARY SINCE NOVEMBER OF 2019

RECEIVED

APR 20 2020

CLERK OF THE COURT

1 AND HAS LIMITED KNOWLEDGE OF THE LAW.

2

3 3) A TRIAL IN THIS CASE WILL LIKELY INVOLVE CONFLICTING TESTIMONY, AND
4 COUNSEL WOULD BETTER ENABLE PLAINTIFF TO PRESENT EVIDENCE AND CROSS
5 EXAMINE WITNESSES.

6

7 4) PLAINTIFF DESPARATELY NEEDS TO AMEND TO CORRECT ISSUES AND TO
8 ADD PERTINENT FACTS. PLAINTIFF'S CASE HAS GREAT MERIT AS IT STANDS,
9 BUT DUE TO NOT HAVING COUNSEL PLAINTIFF HAD TO USE THE HELP OF A
10 'SAILHOUSE LAWYER' AND MANY FACTS AS WELL AS COUNTS SHOULD HAVE BEEN
11 INCLUDED.

12

13 5) UPON INFORMATION AND BELIEF, PLAINTIFF IS BEING STRONGLY RETALIATED
14 UPON BY DEFENDANTS TO INCLUDE MALICIOUS AND SADISTIC CELL SEARCHES, TV
15 DAMAGED, TRIMMERS BROKEN, LEGAL WORK RUMMAGED THROUGH, CANTEEN SPILLED,
16 MOVED TO A MORE RESTRICTIVE HOUSING, WRITTEN-UP, LEGAL MAIL OPENED NOT
17 IN HIS PRESENCE, REMOVED FROM PAIN MANAGEMENT, ET CETERA. COUNSEL
18 WOULD GREATLY HELP WITH THESE AND ALL OTHER ACTIONS BEING VOICED IN
19 AN AMMENDOUS COMPLAINT, SUPPLEMENTAL COMPLAINT, PRELIMINARY AND/OR PERMANENT
20 INJUNCTIONS, TRO, ET CETERA. TO STOP ALL PAIN AND SUFFERING BEING
21 INFLICTED UPON PLAINTIFF BY SAID ACTIONS.

22

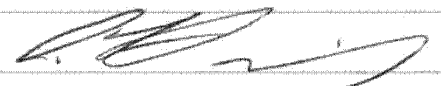
23 6) PLAINTIFF HAS MADE REPEATED EFFORTS TO OBTAIN A LAWYER BY
24 PHONE, POSTAL MAIL, AND E-MAIL (VIA FAMILY MEMBER). I HAVE RECEIVED
25 VERY FEW RESPONSES AND THE RESPONSES I HAVE RECEIVED TEND TO
26 STATE POSSIBLE CONFLICT OF INTEREST, OUTSIDE OF PRACTICE, OR CASE
27 LOAD TOO HIGH AT THE MOMENT. (I HAVE ATTACHED ONE REPLY AS
28 EXHIBIT 1)

2

1 7) WHEREFORE, PLAINTIFF REQUEST THAT THE COURT APPOINT COUNSEL TO
2 AIDE IN PLAINTIFFS LITIGATION. PLAINTIFF HAS REVIEWED REFERENCES TO
3 TOMMY BARRICH AND TRAVIS BARRICH BUT HAVE NOT BEEN ABLE TO CONTACT
4 THESE KNOWN AND TRUSTED LAWYERS THAT ARE MEMBERS OF THE NEVADA
5 BAR. PLAINTIFF REQUEST EITHER ONE OF THESE OR WHOMEVER THAT
6 THIS HONORABLE COURT SEEMS JUST AND PROPER, AS COUNSEL IN THIS
7 CASE.

8
9 DATED THIS 15TH DAY OF APRIL, 2020.

10
11 BY:



12 ANTHONY HARRIS #1169848

13 PLAINTIFF/IN PROPRIA PERSONAM
14
15
16
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24
25
26
27

28 PRISON MAIL BOX RULE

EXHIBIT "1"

**THE LAW OFFICES OF
ROBERT P. SPRETNAK
A PROFESSIONAL CORPORATION**

8275 S. EASTERN AVENUE
SUITE 200
LAS VEGAS, NEVADA 89123
TELEPHONE (702) 454-4900
FAX (702) 938-1055
WWW.SPRETNAKLAW.COM

April 1, 2020

Mr. Anthony Harris
#1169848
HDSP / P.O. Box 650
Indian Springs, NV 89070

Re: Case No. A-19-805689-C Department0 No. VIII

Dear Sir:

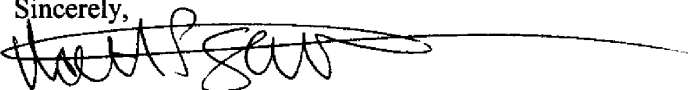
I am very sorry to hear about your situation. However, because I serve as a court-appointed mediator in cases involving prisoner's rights, it would be a conflict of interest for me to represent anyone in a case against the State of Nevada's prison system.

Also, I am an employment attorney and my civil rights practice is limited to employment issues.

You may want to contact the Legal Aid Center of Southern Nevada (LACSN) – <https://www.lacsn.org/> -- to see if they can be of any assistance. There is no cost to reach out to LACSN to see if they can provide some assistance.

I wish you all the best with this. I hope this helps at least somewhat.

Sincerely,



Robert P. Spretnak
Attorney at Law

Anthony Harris #1109848
H.D.S.P.
P.O. Box 650
Indian Springs, NV 89301

HIGH DESERT STATE PRISON

APR 18 2020

UNIT 11

STEVEN D. BRIGGS
CLERK OF THE COURT
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV 89155-1160

89101-630000



LEGAL
AND
CONFIDENTIAL

CLERK OF THE COURT

RECEIVED
APR 20 2020

13 APR 2020 PM 3

FOREVER / USA

LAS VEGAS NV 891



LEGAL
AND
CONFIDENTIAL



1 **NEOJ**
2 **AARON D. FORD**
3 **Attorney General**
4 **Wade J. VanSickle (Bar No. 13604)**
5 **Deputy Attorney General**
6 **State of Nevada**
7 **Office of the Attorney General**
8 **555 E. Washington Avenue, Suite 3900**
9 **Las Vegas, NV 89101**
10 **(702) 486-3216 (phone)**
11 **(702) 486-3773 (fax)**
12 **wvansickle@ag.nv.gov**

13 *Attorneys for Defendants Brian Williams*
14 *and Nevada Department of Corrections*

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 **Anthony Harris,**
18 **Plaintiff,**

19 **Case No. A-19-805689-C**
20 **Dept. No. VIII**

21 **vs.**

22 **The State of Nevada, et al.,**
23 **Defendants.**

24 **NOTICE OF ENTRY OF ORDER**

25 **TO: ALL INTERESTED PARTIES**

26 Please take notice that an **ORDER GRANTING DEFENDANTS STEVE**
27 **SISOLAK, AARON FORD, ADAM LAXALT, BRIAN SANDOVAL, AND BARBARA**
28 **CEGAVSKE'S MOTION TO DISMISS COMPLAINT WITH PREJUDICE,** was
entered in the above-entitled matter on the 27th day of April, 2020, a copy of which is
attached hereto.

DATED this 4th day of May, 2020.

AARON D. FORD
Attorney General

By: /s/ Wade J. VanSickle
Wade J. VanSickle (Bar No. 13604)
Deputy Attorney General
Attorneys for Defendants

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Office of the Attorney General,
3 and that on May 4, 2020, I electronically filed the foregoing **NOTICE OF ENTRY OF**
4 **ORDER**, via this Court's electronic filing system. Parties who are registered with this
5 Court's electronic filing system will be served electronically. For those parties not
6 registered, service was made by mailing a copy to the following:

7 Anthony Harris #1169848
8 High Desert State Prison
9 PO Box 650
Indian Springs, NV 89070
Plaintiff, Pro Se

10 /s/ Diane Resch
11 Diane Resch, an employee of the
Office of the Nevada Attorney General
12
13
14
15
16
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18
19
20
21
22
23
24
25
26
27
28



1 **ORDER**
2 AARON D. FORD
3 Attorney General
4 Wade J. VanSickle (Bar No. 13604)
5 Deputy Attorney General
6 State of Nevada
7 Office of the Attorney General
8 555 E. Washington Avenue, Suite 3900
9 Las Vegas, NV 89101
10 (702) 486-3216 (phone)
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12 wvansickle@ag.nv.gov

13 *Attorneys for Defendants Brian Williams*
14 *and Nevada Department of Corrections*

15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 Anthony Harris,
18 Plaintiff,

Case No. A-19-805689-C
Dept. No. VIII

19 vs.

20 The State of Nevada, *et al.*,
21 Defendants.

22 **ORDER GRANTING DEFENDANTS STEVE SISOLAK, AARON FORD, ADAM**
23 **LAXALT, BRIAN SANDOVAL, AND BARBARA CEGAVSKE'S MOTION TO DISMISS**
24 **COMPLAINT WITH PREJUDICE**

25 This matter came on for hearing on Defendants Steve Sisolak, Aaron Ford, Adam
26 Laxalt, Brian Sandoval, and Barbara Cegavske's Motion to Dismiss Complaint With
27 Prejudice, on April 9, 2020, at 9:00am. This matter was submitted on the briefs without
28 appearance by the parties or oral argument. Having reviewed the papers and pleadings
on file herein, the Court hereby rules as follows:

29 **I. FINDINGS OF FACT**

- 30 1. On November 4, 2019, Harris filed his Complaint which names twenty-four (24)
31 defendants and alleges an Eighth Amendment deliberate indifference to a
32 serious medical condition claim. Complaint at IA, 12, 16;

Civil USJR Statistical Closure: Motion to Dismiss
by the Defendant(s) II

Page 1 of 6

- 1 2. Harris' Eighth Amendment deliberate indifference claim is premised upon the
2 allegation that Harris was not provided "proper medical treatment for [his]
3 seriously debilitating and potentially life threatening medical problem" which
4 resulted in "extreme chest pains" and "could have caused him to: (1) have a
5 stroke; (2) have a heart attack; or (3) dye (sic)." *Id.* at 16-17;
- 6 3. The Complaint names Defendants based solely upon their former role as
7 serving on the Nevada Board of Prison Commissioners. *Id.* at 2-4;
- 8 4. The Complaint also named all Defendants in their individuals and official
9 capacities. *Id.* at 17:17-19;
- 10 5. On March 8, 2020, Defendants Steve Sisolak, Aaron Ford, Adam Laxalt, Brian
11 Sandoval, and Barbara Cegavske (collectively "Defendants") filed a Motion to
12 Dismiss Complaint With Prejudice ("Motion to Dismiss") seeking dismissal all
13 of Harris' claims against them with prejudice contending (1) there are no
14 allegations in the Complaint to establish "personal participation" of any
15 Defendant in an alleged constitutional violation required to maintain a claim
16 under 42 U.S.C. §1983 and (2) Defendants are entitled to qualified immunity;
- 17 6. The Motion to Dismiss also sought to dismiss Harris' claims for monetary
18 damages brought against all Defendants in their personal capacity with
19 prejudice asserting the claim fails as a matter of law;
- 20 7. Harris did not file any response to Defendants' Motion to Dismiss;

21 **II. CONCLUSIONS OF LAW**

22 **1. NEV. R. CIV. P. 12(b)(5)**

- 23 a. In considering a motion pursuant to NRCP 12(b)(5), the court "must
24 construe the pleading liberally and draw every fair intendment in favor of
25 the [non-moving party]." *Squires v. Sierra Nev. Educational Found.*, 107
26 Nev. 902, 905, 823 P.2d 256, 257 (1991) (quoting *Merluzzi v. Larson*, 96 Nev.
27 409, 411, 610 P.2d 739, 741 (1980));
- 28

- 1 b. All factual allegations of the complaint must be accepted as true. *Capital*
2 *Mortgage Holding v. Hahn*, 101 Nev. 314, 315, 705 P.2d 126 (1985);
- 3 c. A complaint will not be dismissed for failure to state a claim “unless it
4 appears beyond a doubt that the plaintiff could prove no set of facts which, if
5 accepted by the trier of fact, would entitle him [or her] to relief.” *Edgar v.*
6 *Wagner*, 101 Nev. 226, 228, 699 P.2d 110, 112 (1985);
- 7 d. Leave to amend the complaint should not be granted if amendment would be
8 futile, *Halcrow, Inc. v. Eighth Judicial Dist. Court*, 129 Nev. 294, 398 (2013),
9 such that the claim would not survive a motion to dismiss under NRCP
10 12(b)(5). *Nutton v. Sunset Station, Inc.*, 131 Nev., Adv. Op. 34, 357 P.3d 966,
11 973 (Ct. App. 2015);
- 12 e. Failure by the non-moving party to oppose a motion may be construed as a
13 tacit admission that the motion is meritorious and consent to granting the
14 same. EDCR 2.20(e);
- 15 f. Plaintiff's failure to Oppose Defendants' Motion to Dismiss tacitly conceded
16 the Motion was meritorious and consented to granting the same. EDCR
17 2.20(e);

18 2. 42 U.S.C. § 1983

- 19 a. Title 42 U.S.C. § 1983 provides a cause of action for the “deprivation of any
20 rights, privileges, or immunities secured by the Constitution and laws” of
21 the United States. To state a claim under § 1983, a plaintiff must allege two
22 essential elements: (1) that a right secured by the Constitution or laws of the
23 United States was violated, and (2) that the alleged violation was committed
24 by a person acting under the color of State law. *Long v. Cty. of Los Angeles*,
25 442 F.3d 1178, 1185 (9th Cir. 2006) citing *West v. Atkins*, 487 U.S. 42, 48,
26 108 S.Ct. 2250, 101 L.Ed.2d 40 (1988);
- 27 b. Both federal and state courts have jurisdiction to hear claims brought under
28 § 1983. *Berry v. Feil*, 131 Nev. 339, 343, 357 P.3d 344, 346 (Nev. App. 2015);

1 **3. Claims Against Defendants**

- 2 a. The Complaint fails to assert facts that, if accepted as true by the trier of
3 fact, establish Defendants' "personal participation" in any alleged
4 constitutional violation, and therefore, no colorable claim has been alleged
5 against any Defendant;

6 **4. Qualified Immunity**

- 7 a. It is a long-standing principle that governmental officials are shielded from
8 civil liability under the doctrine of qualified immunity. *Harlow v. Fitzgerald*,
9 457 U.S. 800, 818 (1992);
- 10 b. When conducting the qualified immunity analysis, courts "ask (1) whether
11 the official violated a constitutional right and (2) whether the constitutional
12 right was clearly established." *C.B. v. City of Sonora*, 760 F.3d 1005, 1022
13 (9th Cir. 2015) (citing *Pearson v. Callahan*, 555 U.S. 223, 232, 236 (2009));
- 14 c. The second inquiry, whether the constitutional right in question was clearly
15 established, is an objective inquiry that turns on whether a reasonable
16 official in the position of the defendant knew or should have known at the
17 time of the events in question that his or her conduct was constitutionally
18 infirm. *Anderson v. Creighton*, 483 U.S. 635, 639-40 (1987); *Lacey v.*
19 *Maricopa Cty.*, 693 F.3d 896, 915 (9th Cir. 2012);
- 20 d. Only where a governmental official's belief as to the constitutionality of his
21 or her conduct is "plainly incompetent" is qualified immunity unavailable.
22 *Stanton v. Sims*, 134 S. Ct. 3, 5 (2013) (per curiam);
- 23 e. Governmental officials are entitled to high deference when making this
24 determination, *Anderson*, 483 U.S. at 640, requiring the Court to assess
25 whether qualified immunity is appropriate "in light of the specific context of
26 the case." *Tarabochia v. Adkins*, 766 F.3d 1115, 1121 (9th Cir. 2014)
27 (quoting *Robinson v. York*, 566 F.3d 817, 821 (9th Cir. 2009));
- 28

- 1 f. In determining “whether a [constitutional] right was clearly established,”
2 this Court is to survey the law within this Circuit and under Supreme Court
3 precedent “at the time of the alleged act.” *Perez v. United States*, 103 F.
4 Supp. 3d 1180, 1208 (S.D. Cal. 2015) (quoting *Cnty. House, Inc. v. City of*
5 *Boise*, 623 F.3d 945, 967 (2010);
- 6 g. Only in situations where there is no precedent regarding the qualified
7 immunity question at issue should this Court look to “other circuits and
8 district courts to ascertain whether the law is clearly established.” *Cnty.*
9 *House*, 623 F.3d at 967 (citing *Osolinski v. Kane*, 92 F.3d 934, 936 (9th Cir.
10 1996));
- 11 h. Whether governmental employees are entitled to qualified immunity is a
12 question of law subject to *de novo* review before this Court. *Devereaux v.*
13 *Perez*, 218 F.3d 1045, 1051 (9th Cir. 2000);
- 14 i. Defendants are entitled to qualified immunity because the Complaint does
15 not assert facts, that if accepted as true by the trier of fact, would establish
16 any Defendant violated Harris’ constitutional rights;
- 17 j. Defendants are entitled to qualified immunity because the Complaint fails to
18 assert facts, if accepted as true by the trier of fact, would establish any
19 Defendant should have been on clear notice that his alleged action or
20 inaction as a member of the Nevada Board of Prison Commissioners was
21 constitutionally infirm;
- 22 5. Claims for Monetary Damages Against Defendants in Their Official Capacity
- 23 a. “[A] state official may not be sued in an official capacity for damages under §
24 1983....” *Kille v. Calderin*, 440 P.3d 655 (Nev. 2019); *see also Will v. Mich.*
25 *Dep’t of State Police*, 491 U.S. 58, 66 (1989);
- 26 b. Harris’ claim for monetary damages against Defendants in their official
27 capacity fails as a matter of law.

28 III. ORDER

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IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendants
Steve Sisolak, Aaron Ford, Adam Laxalt, Brian Sandoval, and Barbara Cegavske's
Motion to Dismiss Complaint With Prejudice is GRANTED.

IT IS SO ORDERED.

DATED this 20th day of April, 2020.


HON. TREVOR ATKIN 75

1 ANTHONY HARRIS #1169848
2 PLAINTIFF In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

FILED

MAY 08 2020

[Signature]
CLERK OF COURT

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 ANTHONY HARRIS

9 Plaintiff,

10 vs.

11 THE STATE OF NEVADA ETAL.
12 DEFENDANTS

Case No. A-19-805689-C

Dept. No. VIII

Docket _____

13
14 MOTION TO FILE ALL DECLARATIONS OF SERVICE/NON-
15 SERVICE

16
17
18
19 COMES NOW, ANTHONY HARRIS, PLAINTIFF, herein above respectfully
20 moves this Honorable Court for an MOTION TO FILE ALL DECLARATIONS OF
21 SERVICE/NON-SERVICE INTO CASE INTO THE ABOVE-ENTITLED CASE.
22 ATTACHED AS EXHIBIT A, B, C.

23 This Motion is made and based upon the accompanying Memorandum of Points and Authorities.
24

25 DATED: this 20th day of APRIL, 2020.

26 RECEIVED

27 APR 27 2020

28 CLERK OF THE COURT

BY: *[Signature]*

ANTHONY HARRIS #1169848
~~Defendant~~/In Propria Personam
PLAINTIFF

1

28

FILED

FEB 19 2020

CLERK OF COURT

1 Anthony Harris #1169848
2 / In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

8 Anthony Harris
9 Plaintiff,
10 vs.
11 The State of Nevada et al,
12
13

Case No. A-19-805689-C
Dept. No. VIII
Docket

14 Notice of Motion of Service

19 COMES NOW, Anthony Harris, Plaintiff, herein above respectfully
20 moves this Honorable Court for an Notice of Motion of Service.

23 This Motion is made and based upon the accompanying Memorandum of Points and Authorities.

24 DATED: this 9th day of February, 2020.

26 BY: [Signature]
27 Anthony Harris #1169848
28 Defendant/In Propria Personam
PLAINTIFF

A-19-805689-C
NOTM
Notice of Motion.
4897553



RECEIVED
FEB 19 2020
CLERK OF COURT

1 This motion is to inform the court that all defendants in
2 this matter have either been served or attempts have been
3 made by Carson City Sheriff's Office to serve. Service is as
4 listed:

5 On the 13th day of December 2019 the following defendants
6 were served; State of Nevada, Board of Prison Commissioners, Steve
7 Sisolak, Brian Sandowal, Aaron Ford, Adam Laxalt, Barbara
8 Coganishe, MICHAEL MINEV, Romeo Aranas, Jeremy Bean, Julie
9 Matousek, Mr. Faliszek, Mrs. Ennis, Naphcare Inc, Bob
10 Faulkner, N. Peret, G. Wordly, G. Martin, G. Bryan, Jane
11 Doe I, and James Tolman at approx. 0935hrs at 100
12 North Carson Street, Carson City, NV 89701. (SEE EXHIBIT A)

13 On the 11th day of December, 2019 the following
14 defendant's were served; NV Dept. of Corrections and
15 Brian Williams at approx. 1100hrs at 5500 East Snyder
16 Avenue, Carson City, NV 89701 (SEE EXHIBIT B)

17 After due search and diligent inquiry throughout Carson
18 City, Nevada the Carson City Sheriff's Office was unable to
19 locate one individual, James Dzurenda. Mr. Dzurenda
20 has recently resigned so they would not accept service on
21 his behalf. (SEE EXHIBIT C)

22 DATED this 11th day of February, 2020.

23
24 Anthony Harris #1169848
25 Plaintiff /ix/ PROPRIA PERSONAM
26
27
28

EXHIBIT A

Declaration of Service for:

- 1) State of NEVADA
- 2) Board of Prison Commissioners
- 3) Steve Sisolak
- 4) Brian Sandoval
- 5) Aaron Ford
- 6) Adam Laxalt
- 7) Barbara Coganke
- 8) Michael Minev
- 9) Romeo Arias
- 10) Jeremy Bean
- 11) Julie Matusek
- 12) Mr. Faliszek
- 13) Mrs. Ennis
- 14) Naphcare, INC.
- 15) Bob Fulkner
- 16) N. Perret
- 17) G. Worthy
- 18) G. Martin
- 19) G. Bryan
- 20) Jane Doe I
- 21) James Tolman

EXHIBIT A

Served at ~~5500 East Simpson Avenue~~ 100 North Carson Street Carson City, NV 89701
At approx 0935 hrs on the 13th day of December, 2019.
3

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

$$V_S$$

State Of Nevada, et al
DEFENDANT

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

DECLARATION OF SERVICE

STATE OF NEVADA }
 }
CARSON CITY } ss:

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: State Of Nevada by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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

Jacob Dymally

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

**Eighth Judicial District
Somewhere, NV**

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: BD Prison Commisioners by serving BRANDON SALVERS, Authorized Individual

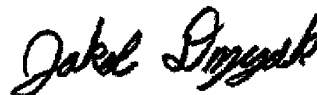
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Date: 12/13/2019 Time: 9:35 AM

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Ken Furlong, SHERIFF



By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
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)

) Civil File Number: 19003589
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)

DECLARATION OF SERVICE

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} ss:
CARSON CITY }

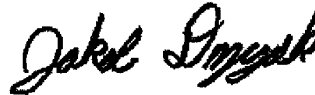
Jakob Dzyak, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

Sub-served: Steve Sisolak by serving **BRANDON SALVERS, Authorized Individual**
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & Complaint

I declare under penalty of perjury under the law provided of the State of Nevada that the foregoing is true and correct.
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Ken Furlong, SHERIFF



By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
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) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: Brian Sandoval by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019

) Civil File Number: 19003589

) CASE No.: A19805689C

DECLARATION OF SERVICE

STATE OF NEVADA }
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CARSON CITY }

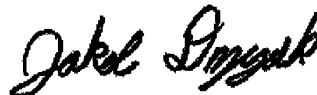
Jakob Dzyak, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

Sub-served: Aaron Ford by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & Complaint

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No notary is required per NRS 53.045.

Ken Furlong, SHERIFF



By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEPENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

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DECLARATION OF SERVICE

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} ss:
CARSON CITY }

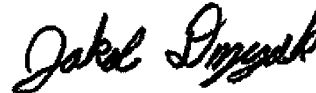
Jakob Dzyak, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

Sub-served: Adam Laxalt by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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 BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: Michael Miner by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: Romeo Aranas by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 Time: 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

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)

DECLARATION OF SERVICE

STATE OF NEVADA }
} ss:
CARSON CITY }

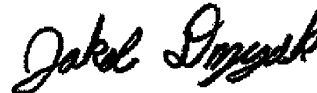
Jakob Dzyak, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

Sub-served: Jeremy Dean by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

**Anthony Harris #1169848
PLAINTIFF**

 V_s

State Of Nevada, et al
DEFENDANT

Dated: 12/23/2019

Civil File Number: 19003589

CASE No.: A19805689C

DECLARATION OF SERVICE

STATE OF NEVADA }
 }
CARSON CITY } ss:

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: Mr. Faliszek by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 Time: 9:35 AM

The document(s) served were: Summons & 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

Jakob Dreyer

By: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

**Eighth Judicial District
Somewhere, NV**

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: Naphcare, Inc by serving **BRANDON SALVERS**, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: BB Faulkauer by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

Anthony Harris #1169848
PLAINTIFF

Civil File Number: 19003589

Vs

DECLARATION OF SERVICE

55:

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:

Date: 12/13/2019 **Time:** 9:35 AM

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.

Jake Dwyer

**Eighth Judicial District
Somewhere, NV**

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: **G. Worthy by serving BRANDON SALVERS, Authorized Individual**
Location: **100 North Carson Street Office of the Attorney General Carson City, NV 89701**
Date: **12/13/2019 Time: 9:35 AM**

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: G. Martin by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

**Anthony Harris #1169848
PLAINTIFF**

CASE No.: A19805689C

 V_S

216

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

State Of Nevada, et al
DEFENDANT

) Dated: 12/23/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: Jane Doe by serving BRANDON SALVERS, Authorized Individual
Location: 100 North Carson Street Office of the Attorney General Carson City, NV 89701
Date: 12/13/2019 **Time:** 9:35 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

EXHIBIT B

Declaration Of Service For:

- 1) NV. Dept. of Corrections
- 2) Brian Williams

SERVED AT 5500 East Snyder Avenue Carson City, NV 89701
AT APPROX. 1100hrs on the 16th day of December, 2019.

EXHIBIT B

25

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

Steve Sisolak
DEFENDANT

) Dated: 12/16/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

DECLARATION OF SERVICE

STATE OF NEVADA }
 } ss:
CARSON CITY }

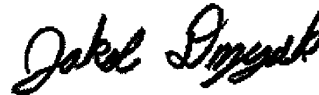
Jakob Dzyak, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

Sub-served: NDOC by serving NANCY SANDERS (AAII), Authorized Individual
Location: 5500 East Snyder Avenue Carson City, NV 89701
Date: 12/16/2019 **Time:** 11:00 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

Steve Sisolak
DEFENDANT

) Dated: 12/16/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

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: Brian Williams by serving NANCY SANDERS (AAII), Authorized Individual

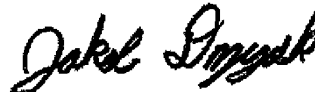
Location: 5500 East Snyder Avenue Carson City, NV 89701

Date: 12/16/2019 Time: 11:00 AM

The document(s) served were: Summons & 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: Jakob Dzyak Badge# 9685
Sheriff's Authorized Agent

Eighth Judicial District
Somewhere, NV

EXHIBIT C

³
Declaration of Non-Service For:
1) James D. DARRIN

Carson City Sheriff's Office was unable to serve due to recent resignation of this former Director of N.D.O.C.

EXHIBIT C

IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEVADA

Anthony Harris #1169848
PLAINTIFF

Vs

Steve Sisolak
DEFENDANT

) Dated: 12/16/2019
)
)

) Civil File Number: 19003589
)

) CASE No.: A19805689C
)

DECLARATION OF NON-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, is over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, that he/she received the within stated civil process.

That after due search and diligent inquiry throughout Carson City, Nevada, was unable to affect service upon the said James Dzurenda within Carson City, Nevada.

Attempts of Service:

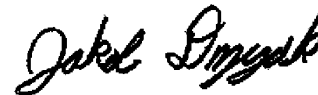
Date: 12/16/2019 @ 11:00 AM - 5500 East Snyder Avenue NDOC Director's Office Carson City, NV 89701

Date: 12/16/2019 Time: 11:00 AM
Service Note: DID NOT ACCEPT/FORMER EMPLOYEE

DOCUMENTS: Summons & 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: Jakob Dzyak Badge # 9685
Sheriff's Authorized Agent

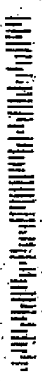
Eighth Judicial District
Somewhere, NV

ANTHONY HARRIS #1169848
HIGH DESERT STATE PRISON
P.O. BOX 1650
INDIAN SPRINGS, NV 89101

B# 11697286

STEVEN D. GIBBERSON, CEO
CLERK OF THE COURT
200 LEWIS AVE, 3RD FLOOR
LAS VEGAS, NEVADA 89155

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LEGAL
AND
CONFIDENTIAL

SEALED

Electronically Filed
05/21/2020

Heather S. Smith
CLERK OF THE COURT

1 NITD
2 Name: ANTHONY HARRIS #1169848
3 Address: P.O. Box 1050 [HDSF]
4 INDIAN SPRINGS, NV 89070
5 Telephone: 702-879-1889
6 Email Address: N/A
7 In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

8 ANTHONY HARRIS
9 Plaintiff,

CASE NO.: A-19-805689-C
DEPT: VIII

10 vs.

11 THE STATE OF NEVADA ET AL.
Defendant(s).

NOTICE OF INTENTION TO ENTER DEFAULT

12
13 TO: (Defendant's Name) THE STATE OF NEVADA, Defendant herein;

14 PLEASE TAKE NOTICE, that unless you answer or otherwise plead to Plaintiff's
15 Complaint on file within three (3) days of your receipt of this Notice of Intention to Enter
16 Default, the Plaintiff will enter default against the Defendant and request the Court to enter
17 judgment against the Defendant by default.

18
19 DATED this 30th day of APRIL, 2020

20 Submitted By: (Signature) ▶ *[Signature]*

21 Printed Name: ANTHONY HARRIS/PLAINTIFF
22
23

24
25 CLERK OF THE COURT

RECEIVED
MAY - 8 2020

CC: County Family Law Self-Help Center
September 2014


CERTIFICATE OF SERVICE BY MAILING

I, ANTHONY HARRIS, hereby certify, pursuant to NRCP 5(b), that on this 4TH
day of MAY, 2020 I mailed a true and correct copy of the foregoing, "NOTICE OF
INTENTION TO ENTER DEFAULT"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

STEVEN D. GRIERSON, CEO
CLERK OF THE COURT
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV 89155-1110

CC: FILE

DATED: this 4TH day of MAY, 2020.


ANTHONY HARRIS #111,9648
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Electronically Filed
05/21/2020

Steven S. Shuman
CLERK OF THE COURT

NITD

Name: ANTHONY HARRIS #1169848

Address: P.O. Box 1650 [HDSP]

INDIAN SPRINGS, NV 89070

Telephone: 702-879-1889

Email Address: N/A

In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

ANTHONY HARRIS
Plaintiff,

vs.

THE STATE OF NEVADA ET AL.
Defendant(s).

CASE NO. A-19-805189-C

DEPT: VIII

NOTICE OF INTENTION TO ENTER DEFAULT

TO: (Defendant's Name) BOARD OF PRISON COMMISSIONERS, Defendant herein;

PLEASE TAKE NOTICE, that unless you answer or otherwise plead to Plaintiff's Complaint on file within three (3) days of your receipt of this Notice of Intention to Enter Default, the Plaintiff will enter default against the Defendant and request the Court to enter judgment against the Defendant by default.

DATED this 30TH day of APRIL, 2020

Submitted By: (Signature) *[Signature]*

Printed Name: ANTHONY HARRIS / PLAINTIFF

CERTIFICATE OF SERVICE BY MAILING


I, ANTHONY HARKUS, hereby certify, pursuant to NRCP 5(b), that on this 30TH
day of APRIL, 2020, I mailed a true and correct copy of the foregoing, "NOTICE OF
INTENTION TO ENTER DEFAULT"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

(LISTED DEFENDANTS)
100 NORTH PARSON STREET
PARSON CITY, NV 89701

CC:FILE

DATED: this 30TH day of APRIL, 2020.


ANTHONY HARKUS #11109848
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Electronically Filed
05/21/2020

Heather J. Smith
CLERK OF THE COURT

NITD
Name: ANTHONY HARRIS #1169848
Address: P.O. Box 1050 [HDSF]
INDIAN SPRINGS, NV 89070
Telephone: 702-879-1878
Email Address: N/A
In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

ANTHONY HARRIS
Plaintiff,

vs.

CASE NO. A-19-805689-C
DEPT: VIII

THE STATE OF NEVADA ET AL.
Defendant(s).

NOTICE OF INTENTION TO ENTER DEFAULT

TO: (Defendant's Name) ROMEO ARANAS, Defendant herein;

PLEASE TAKE NOTICE, that unless you answer or otherwise plead to Plaintiff's Complaint on file within three (3) days of your receipt of this Notice of Intention to Enter Default, the Plaintiff will enter default against the Defendant and request the Court to enter judgment against the Defendant by default.

DATED this 30th day of APRIL, 2020

Submitted By: (Signature) *[Signature]*

Printed Name: ANTHONY HARRIS / PLAINTIFF

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF

INTENTION TO ENTER DEFAULT'
(Title of Document)

filed in District Court Case number A-19-805689-C

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.



Signature

4 MAY 2020
Date

ANTHONY HARRIS
Print Name

PLAINTIFF
Title

Heather Shuman
CLERK OF THE COURT

NITD

Name: ANTHONY HARRIS #1169848

Address: P.O. Box 1650 [HDSF]

INDIAN SPRINGS, NV 89070

Telephone: 702-879-1289

Email Address: N/A

In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

ANTHONY HARRIS
Plaintiff,

vs.

CASE NO.: A19-805689-C

DEPT: VIII

THE STATE OF NEVADA ET AL.
Defendant(s).

NOTICE OF INTENTION TO ENTER DEFAULT

TO: (Defendant's Name) MICHAEL MINEV, Defendant herein;

PLEASE TAKE NOTICE, that unless you answer or otherwise plead to Plaintiff's Complaint on file within three (3) days of your receipt of this Notice of Intention to Enter Default, the Plaintiff will enter default against the Defendant and request the Court to enter judgment against the Defendant by default.

DATED this 30th day of APRIL, 2020

Submitted By: (Signature) ▶ *[Signature]*

Printed Name: ANTHONY HARRIS / PLAINTIFF

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF

INTENTION TO ENTER DEFAULT'
(Title of Document)

filed in District Court Case number A-19-805689-C

☒ Does not contain the social security number of any person.

-OR-


☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.



Signature

4 MAY 2020
Date

ANTHONY HARRIS
Print Name

PLAINTIFF
Title

Alvin S. Shinn
CLERK OF THE COURT

NITD

Name: ANTHONY HARRIS #1169848

Address: P.O. Box 1050 [HDSF]

INDIAN SPRINGS, NV 89070

Telephone: 702-879-1878

Email Address: N/A

In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

ANTHONY HARRIS

Plaintiff,

vs.

CASE NO.: A-19-805689-C

DEPT: VIII

THE STATE OF NEVADA ET AL.

Defendant(s).

NOTICE OF INTENTION TO ENTER DEFAULT

TO: (Defendant's Name) SEKEMY BEAN, Defendant herein;

PLEASE TAKE NOTICE, that unless you answer or otherwise plead to Plaintiff's Complaint on file within three (3) days of your receipt of this Notice of Intention to Enter Default, the Plaintiff will enter default against the Defendant and request the Court to enter judgment against the Defendant by default.

DATED this 30th day of APRIL, 2020

Submitted By: (Signature) ▶ *[Signature]*

Printed Name: ANTHONY HARRIS / PLAINTIFF

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF

INTENTION TO ENTER DEFAULT'
(Title of Document)

filed in District Court Case number A-19-805689-C

☒ Does not contain the social security number of any person.

-OR-

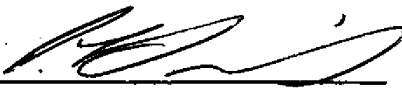
☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.



Signature

4 MAY 2020
Date

ANTHONY HARRIS
Print Name

PLAINTIFF
Title

Heather Shuman
CLERK OF THE COURT

1 NITD
2 Name: ANTHONY HARRIS #1169848
3 Address: P.O. Box 1050 CHDSPT
4 INDIAN SPRINGS, NV 89070
5 Telephone: 702-879-1878
6 Email Address: N/A
7 In Proper Person

8
9
10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

12
13 ANTHONY HARRIS
14 Plaintiff,

CASE NO. A-19-805689-C
DEPT: VIII

15 vs.

16 THE STATE OF NEVADA ET AL.
17 Defendant(s).

18
19 **NOTICE OF INTENTION TO ENTER DEFAULT**

20 TO: (Defendant's Name) JULIE MATCOSEK, Defendant herein;

21 PLEASE TAKE NOTICE, that unless you answer or otherwise plead to Plaintiff's
22 Complaint on file within three (3) days of your receipt of this Notice of Intention to Enter
23 Default, the Plaintiff will enter default against the Defendant and request the Court to enter
24 judgment against the Defendant by default.
25

DATED this 30th day of APRIL, 2020

Submitted By: (Signature) *Anthony Harris*

Printed Name: ANTHONY HARRIS / PLAINTIFF

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF

INTENTION TO ENTER DEFAULT'
(Title of Document)

filed in District Court Case number A-19-805689-C

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.



Signature

4 MAY 2020
Date

ANTHONY HARRIS
Print Name

PLAINTIFF
Title

Heather L. Smith
CLERK OF THE COURT

NITD

Name: ANTHONY HARRIS #1169848

Address: P.O. Box 1250 [HDSB]

INDIAN SPRINGS, NV 89070

Telephone: 702-879-1289

Email Address: N/A

In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

ANTHONY HARRIS
Plaintiff,

vs.

CASE NO. A-19-805689-C
DEPT: VIII

THE STATE OF NEVADA ET AL.
Defendant(s).

NOTICE OF INTENTION TO ENTER DEFAULT

TO: (Defendant's Name) MR. FALISZEK, Defendant herein;

PLEASE TAKE NOTICE, that unless you answer or otherwise plead to Plaintiff's Complaint on file within three (3) days of your receipt of this Notice of Intention to Enter Default, the Plaintiff will enter default against the Defendant and request the Court to enter judgment against the Defendant by default.

DATED this 30th day of APRIL, 2020

Submitted By: (Signature) ▶ *[Signature]*

Printed Name: ANTHONY HARRIS / PLAINTIFF

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF

INTENTION TO ENTER DEFAULT
(Title of Document)

filed in District Court Case number A-19-805689-C

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.



Signature

4 MAY 2020

Date

ANTHONY HARRIS

Print Name

PLAINTIFF

Title

Heather Shuman
CLERK OF THE COURT

1 NITD
2 Name: ANTHONY HARRIS #1169848
3 Address: P.O. Box 1050 [HDSP]
4 INDIAN SPRINGS, NV 89070
5 Telephone: 702-879-1889
6 Email Address: N/A
7 In Proper Person

8
9
10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

12
13 ANTHONY HARRIS
14 Plaintiff,

CASE NO.: A-19-805689-C
DEPT: VIII

15 vs.

16 THE STATE OF NEVADA ET AL.
17 Defendant(s).

18
19 **NOTICE OF INTENTION TO ENTER DEFAULT**

20 TO: (Defendant's Name) Ms. ENNIS, Defendant herein;

21 PLEASE TAKE NOTICE, that unless you answer or otherwise plead to Plaintiff's
22 Complaint on file within three (3) days of your receipt of this Notice of Intention to Enter
23 Default, the Plaintiff will enter default against the Defendant and request the Court to enter
24 judgment against the Defendant by default.

25 DATED this 30th day of APRIL, 2020

Submitted By: (Signature) ▶ *[Signature]*

Printed Name: ANTHONY HARRIS / PLAINTIFF

**PLEADING
CONTINUES
IN NEXT
VOLUME**