

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
Electronically Filed
Dec 01 2020 10:20 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

RECORD ON APPEAL VOLUME 3

ATTORNEY FOR APPELLANT
ANTHONY HARRIS # 1169848,
PROPER PERSON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
AARON D. FORD,
ATTORNEY GENERAL
555 E. WASHINGTON AVE., STE. 3900
LAS VEGAS, NV 89101-1068

I N D E X

<u>VOLUME:</u>	<u>PAGE NUMBER:</u>
1	1 - 240
2	241 - 480
3	481 - 653

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	11/04/2019	APPLICATION TO PROCEED INFORMA PAUPERIS (CONFIDENTIAL)	1 - 5
3	07/01/2020	CASE APPEAL STATEMENT	599 - 601
1	01/31/2020	CERTIFICATE OF SERVICE	40 - 41
1	03/11/2020	CERTIFICATE OF SERVICE	117 - 118
3	06/05/2020	CERTIFICATE OF SERVICE	513 - 514
3	12/01/2020	CERTIFICATION OF COPY AND TRANSMITTAL OF RECORD	
1	11/04/2019	COMPLAINT NEV. CONST. ART. 636; NRS CHAPTERS 14, 30, 33, 41, 42; U.S. CONST. 1,8 AND 14; CIVIL RIGHTS ACT'S OF 1871 AND 1991, ETC...	6 - 27
1	03/09/2020	DEFENDANTS STEVE SISOLAK, AARON FORD, ADAM LAXALT, BRIAN SANDOVAL, AND BARBARA CEGAVSKE'S MOTION TO DISMISS COMPLAINT WITH PREJUDICE	106 - 115
1	01/30/2020	DEFENDANTS' MOTION TO DISMISS	30 - 38
2	06/03/2020	DEFENDANTS' OPPOSITION TO RECONSIDERATION OF ORDER TO DISMISS COMPLAINT AGAINST SOME DEFENDANTS AND/OR AMEND/ALTER IT'S JUDGMENT(S)	402 - 433
1	02/26/2020	DEFENDANTS' REPLY BRIEF IN SUPPORT OF THEIR MOTION TO DISMISS	88 - 95
3	12/01/2020	DISTRICT COURT MINUTES	644 - 653
1	03/24/2020	MOTION AND ORDER FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE	128 - 134
3	06/24/2020	MOTION AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE	515 - 521
3	06/29/2020	MOTION AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE	555 - 560

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
3	06/29/2020	MOTION FOR APPOINTMENT OF COUNSEL; AND ORDER FOR THE APPOINTMENT OF COUNSEL.	524 - 554
1	02/19/2020	MOTION REQUESTING ORDER TO COMPEL ATTENDANCE BY PLAINTIFF VIA TELEPHONIC COURT	48 - 80
2	06/03/2020	MOTION TO DISMISS COMPLAINT PURSUANT TO NRCP 4	285 - 401
1	05/08/2020	MOTION TO FILE ALL DECLARATIONS OF SERVICE /NON-SERVICE	194 - 225
1	03/09/2020	NOTICE OF ACCEPTANCE SERVICE	104 - 105
3	06/30/2020	NOTICE OF APPEAL	588 - 591
1	05/04/2020	NOTICE OF ENTRY OF ORDER	186 - 193
2	06/01/2020	NOTICE OF ENTRY OF ORDER	276 - 284
3	07/07/2020	NOTICE OF ENTRY OF ORDER	619 - 625
3	07/14/2020	NOTICE OF ENTRY OF ORDER	634 - 643
1	01/31/2020	NOTICE OF HEARING	39 - 39
1	03/09/2020	NOTICE OF HEARING	116 - 116
1	03/31/2020	NOTICE OF HEARING	136 - 136
1	04/08/2020	NOTICE OF HEARING	137 - 137
2	06/03/2020	NOTICE OF HEARING	434 - 434
3	06/30/2020	NOTICE OF HEARING	587 - 587
3	06/30/2020	NOTICE OF HEARING	592 - 593
1	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	226 - 227
1	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	228 - 229
1	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	230 - 231

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	232 - 233
1	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	234 - 235
1	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	236 - 237
1	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	238 - 239
1	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT (CONTINUED)	240 - 240
2	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT (CONTINUATION)	241 - 241
2	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	242 - 243
2	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	244 - 245
2	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	246 - 247
2	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	248 - 249
2	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	250 - 251
2	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	252 - 253
2	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	254 - 255
2	05/21/2020	NOTICE OF INTENTION TO ENTER DEFAULT	256 - 257
1	03/24/2020	NOTICE OF MOTION	135 - 135
2	05/29/2020	NOTICE OF MOTION	267 - 267
3	06/24/2020	NOTICE OF MOTION	522 - 522
3	06/29/2020	NOTICE OF MOTION	561 - 561
3	06/29/2020	NOTICE OF MOTION	562 - 562
3	06/29/2020	NOTICE OF MOTION	585 - 585
3	06/29/2020	NOTICE OF MOTION	586 - 586

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	05/01/2020	NOTICE OF MOTION OF INFORMAL NOTICE INQUIRY	175 - 179
1	02/19/2020	NOTICE OF MOTION OF SERVICE	46 - 47
1	03/20/2020	NOTICE OF MOTION TO REMOVE DEFENDANT JAMES DZUENDA	119 - 121
3	07/02/2020	OPPOSITION TO PLAINTIFF'S MOTION OF COUNSEL AND ORDER FOR THE APPOINTMENT OF COUNSEL	602 - 613
2	05/29/2020	ORAL ARGUMENT REQUESTED RECONSIDERATION OF ORDER TO DISMISS COMPLAINT, AGAINST SOME DEFENDANTS, AND/OR AMEND/ALTER IT'S JUDGMENTS.	258 - 266
3	07/02/2020	ORDER DENYING PLAINTIFF'S RECONSIDERATION OF ORDER TO DISMISS COMPLAINT AGAINST SOME DEFENDANTS AND OR AMEND/ALTER IT'S JUDGMENT	614 - 618
2	05/29/2020	ORDER GRANTING DEFENDANT'S MOTION TO DISMISS	268 - 275
1	04/27/2020	ORDER GRANTING DEFENDANTS STEVE SISOLAK, AARON FORD, ADAM LAXALT, BRIAN SANDOVAL, AND BARBARA CEGAVKSE'S MOTION TO DISMISS COMPLAINT WITH PREJUDICE	169 - 174
3	07/10/2020	ORDER GRANTING MOTION TO DISMISS COMPLAINT PURSUANT TO NRCP4	626 - 633
1	11/19/2019	ORDER TO PROCEED IN FORMA PAUPERIS (CONFIDENTIAL)	28 - 29
1	05/01/2020	PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL	180 - 185
3	06/29/2020	PLAINTIFF'S REPLY BRIEF IN SUPPORT OF MOTION FOR RECONSIDERATION OF ORDER TO DISMISS COMPLAINT AGAINST SOME DEFENDANTS AND/OR AMEND/ALTER IT'S JUDGMENT(S). ORAL ARGUMENT REQUESTED	575 - 584
1	02/19/2020	PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS	42 - 45
1	03/24/2020	PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS	122 - 127

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
3	06/29/2020	PLAINTIFF'S RESPONSE/OPPOSITION TO DEFENDANT'S MOTION TO DISMISS ORAL ARGUMENT REQUESTED	563 - 574
3	06/30/2020	REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS COMPLAINT PURSUANT TO NRCP 4	594 - 598
1	02/24/2020	UNFILED DOCUMENT(S) DEFAULT REJECTION SLIP W/COPY OF UNSIGNED DEFAULT	81 - 87
1	03/06/2020	UNFILED DOCUMENT(S) DEFAULT REJECTION SLIP W/COPY OF UNSIGNED DEFAULT	96 - 103
1	04/10/2020	UNFILED DOCUMENT(S) DEFAULT REJECTION SLIP W/COPY OF UNSIGNED DEFAULT	138 - 168
2	06/04/2020	UNFILED DOCUMENT(S) DEFAULT REJECTION SLIP W/COPY OF UNSIGNED DEFAULT(S) (CONTINUED)	435 - 480
3	06/04/2020	UNFILED DOCUMENT(S) DEFAULT REJECTION SLIP W/COPY OF UNSIGNED DEFAULT(S) (CONTINUATION)	481 - 512
3	06/29/2020	UNSIGNED DOCUMENT(S) - ORDER	523 - 523

CERTIFICATE OF SERVICE BY MAILING

I, ANTHONY HARRIS/PLAINTIFF, hereby certify, pursuant to NRCP 5(b), that on this 5TH
day of MAY, 2020 I mailed a true and correct copy of the foregoing, "~~NOTICE OF~~

~~DEFERRED ENTRY OF~~ 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, NEVADA 89155-1100

NATHAN, INC
100 NORTH CARSON STREET
CARSON CITY, NEVADA 89701

CC: FILE

DATED: this 5TH day of MAY, 2020.

ANTHONY HARRIS #1109898
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS.

1 DFLT

2 (Your Name) ANTHONY HARRIS #1109818

3 (Address) P.O. Box 1050 [HDSF]

4 INDIAN SPRINGS, NV 89070

5 (Telephone) 702-879-6789

6 (Email Address) N/A

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(s).

CASE NO.: A-19-805689-C

DEPT NO.: VIII

15 **DEFAULT**

16 It appearing from the files and records in the above entitled action that (name of
17 Defendant), BOB FAULKNER, 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.
23

24 STEVEN D. GRIERSON, CLERK OF COURT

25 By: _____

26 Deputy Clerk

Date

27 Submitted By: ▶ [Signature]

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

1 PLAINTIFF, ANTHONY HARRIS, MOVES THIS HONORABLE COURT
2 FOR A JUDGMENT BY DEFAULT IN THIS ACTION AGAINST THE
3 AFOREMENTIONED DEFENDANT. THE COMPLAINT WAS FILED IN
4 THE ABOVE-ENTITLED CASE IN THIS COURT ON NOVEMBER 4, 2019.
5 THE COMPLAINT AND SUMMONS WERE DILY SERVED ON THE DEFENDANT,
6 BOB FAULKNER, ON THE 13TH DAY OF DECEMBER, 2019 AT 0935 HRS. NO
7 ANSWER OR OTHER DEFENSE HAS BEEN FILED BY THE DEFENDANT AND
8 NO FURTHER TIME HAVING BEEN GRANTED BY THE COURT AND WITH
9 MORE THAN 45 DAYS, EXCLUSIVE OF THE DAY OF SERVICE OF PROCESS, HAVING EXPIRED
10 SINCE SERVICE UPON THE DEFENDANTS. (139 AS OF TODAY'S DATE) I FURTHER STATE:
11
12

13 1) I AM THE PLAINTIFF IN THIS ACTION

14 2) BOB FAULKNER, DEFENDANT, IS NOT CURRENTLY ENGAGED IN ACTIVE
15 MILITARY SERVICE, IS NOT AN INFANT, OR INCOMPETENT.
16

17 WHEREFORE, PLAINTIFF MOVES THAT THIS HONORABLE COURT MAKE,
18 ENTER/ORDER A JUDGMENT OF DEFAULT ACCORDING TO PLAINTIFF'S
19 PRAYER FOR RELIEF (IN COMPLAINT PG. 19 LINES 2-19.) AS LISTED:

20 1) GENERAL DAMAGES IN THE AMOUNT OF \$100,000;

21 2) SPECIAL DAMAGES IN THE AMOUNT OF \$100,000;

22 3) PUNITIVE DAMAGES IN THE AMOUNT OF \$100,000;

23 4) INJUNCTIVE RELIEF: PLACED BACK ON CHRONIC CARE, PROPERLY TREATED BY AN
24 OUTSIDE DOCTOR, PROPER HEART MONITOR;

25 5) DECLARATORY JUDGMENT PER EACH DAY SINCE DENIED PROPER
26 MEDICAL TREATMENT, IN THE AMOUNT OF \$2500

27 6) HAVE NAFACARE AND NIDOC TO PROPERLY RETRAIN STAFF SO THAT
28

1 THIS DOES NOT HAPPEN AGAIN TO ANYONE;

2 7) PRO SE LITIGANTS TIME, COST, ET CETERA IN THE AMOUNT
3 OF \$2087.45.

4 8) FOR SUCH FURTHER RELIEF/PROTECTION AS THIS COURT MAY
5 DEEM MEET, EQUITABLE, AND PROPER.

6
7 THIS ACTION ARISES UNDER NRS CHAPTER 604A AND NRCP
8 AND THE PLAINTIFF HAS FULLY COMPLIED WITH THE REQUIREMENTS.

9
10 DATED THIS 30TH DAY OF APRIL, 2020.

11
12
13 BY: 

14 ANTHONY HARRIS

15 PLAINTIFF/IN PROPRIA PERSONA

CERTIFICATE OF SERVICE BY MAILING

I, ANTHONY HARRIS/PLAINTIFF, hereby certify, pursuant to NRCP 5(b), that on this 5TH
day of MAY, 2020, I mailed a true and correct copy of the foregoing, "MEMORANDUM"

IN RE: JAMES EARL RAY, JR. v. UNITED STATES OF AMERICA ON 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, NEVADA 89155-1100

BOB FAULKNER
100 NORTH CARSON STREET
CARSON CITY, NEVADA 89701

CC:FILE

DATED: this 5TH day of MAY, 2020.


ANTHONY HARRIS #1169648
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS

1 DFLT

2 (Your Name) ANTHONY HARRIS #1119818

3 (Address) P.O. Box 1050 [HDSF]

4 INDIAN SPRINGS, NV 89070

5 (Telephone) 702-879-6789

6 (Email Address) N/A

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 Defendants).

CASE NO.: A-19-805689-C

DEPT NO.: VIII

15 **DEFAULT**

16 It appearing from the files and records in the above entitled action that (name of
17 Defendant), N. PERET, 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: [Signature]

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

1 PLAINTIFF, ANTHONY HARRIS, MOVES THIS HONORABLE COURT
2 FOR A JUDGMENT BY DEFAULT IN THIS ACTION AGAINST THE
3 AFOREMENTIONED DEFENDANT. THE COMPLAINT WAS FILED IN
4 THE ABOVE-ENTITLED CASE IN THIS COURT ON NOVEMBER 4, 2019.
5 THE COMPLAINT AND SUMMONS WERE DULY SERVED ON THE DEFENDANT,
6 N. PERRET, ON THE 13TH DAY OF DECEMBER, 2019 AT 0935 HRS. NO
7 ANSWER OR OTHER DEFENSE HAS BEEN FILED BY THE DEFENDANT AND
8 NO FURTHER TIME HAVING BEEN GRANTED BY THE COURT AND WITH
9 MORE THAN 45 DAYS, EXCLUSIVE OF THE DAY OF SERVICE OF PROCESS, HAVING EXPIRED
10 SINCE SERVICE UPON THE DEFENDANTS. (139 AS OF TODAY'S DATE) I FURTHER STATE:

11
12
13 1) I AM THE PLAINTIFF IN THIS ACTION
14 2) N. PERRET, DEFENDANT, IS NOT CURRENTLY ENGAGED IN ACTIVE
15 MILITARY SERVICE, IS NOT AN INFANT, OR INCOMPETENT.

16
17 WHEREFORE, PLAINTIFF MOVES THAT THIS HONORABLE COURT MAKE,
18 ENTER/ORDER A JUDGMENT OF DEFAULT ACCORDING TO PLAINTIFF'S
19 PRAYER FOR RELIEF (IN COMPLAINT PG. 19 LINES 2-19.) AS LISTED:

20 1) GENERAL DAMAGES IN THE AMOUNT OF \$100,000;

21 2) SPECIAL DAMAGES IN THE AMOUNT OF \$100,000;

22 3) PUNITIVE DAMAGES IN THE AMOUNT OF \$100,000;

23 4) INJUNCTIVE RELIEF: PLACED BACK ON CHRONIC CARE, PROPERLY TREATED BY AN
24 OUTSIDE DOCTOR, PROPER HEART MONITOR;

25 5) DECLARATORY JUDGMENT PER EACH DAY SINCE DENIED PROPER
26 MEDICAL TREATMENT, IN THE AMOUNT OF \$2500

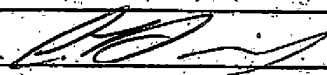
27 6) HAVE NAPHCARE AND NODOL TO PROPERLY RETRAIN STAFF SO THAT

1 THIS DOES NOT HAPPEN AGAIN TO ANYONE,
2 7) PRO SE LITIGANTS TIME, COST, ETC CETERA IN THE AMOUNT
3 OF \$2087.45.

4 8) FOR SUCH FURTHER RELIEF/PROTECTION AS THIS COURT MAY
5 DEEM MEET, EQUITABLE, AND PROPER.

6
7 THIS ACTION ARISES UNDER NRS CHAPTER 604A AND NRCP
8 AND THE PLAINTIFF HAS FULLY COMPLIED WITH THE REQUIREMENTS.

9
10 DATED THIS 30TH DAY OF APRIL, 2020.

11
12
13 BY: 
14 ANTHONY HARRIS
15 PLAINTIFF/IN PROPRIETORIAM
16
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28

CERTIFICATE OF SERVICE BY MAILING

I, ANTHONY HARRIS/PLAINTIFF, hereby certify, pursuant to NRCP 5(b), that on this 5th day of MAY, 2020, I mailed a true and correct copy of the foregoing, "~~NOTICE OF~~

~~INTENTIONAL BREACH OF CONTRACT~~; DEFAULT //

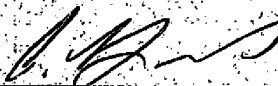
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

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

N. PERET
100 NORTH CARSON STREET
CARSON CITY, NEVADA 89701

CC FILE

DATED: this 5th day of MAY, 2020


ANTHONY HARRIS #11809848
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS

1 DFLT

2 (Your Name) ANTHONY HARRIS #1109818

3 (Address) P.O. Box 1050 [HDSF]

4 INDIAN SPRINGS, NV 89070

5 (Telephone) 702-879-6789

6 (Email Address) N/A

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 Defendants).

CASE NO.: A-19-805689-C

DEPT NO.: VIII

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28
DEFAULT

16 It appearing from the files and records in the above entitled action that (name of
17 Defendant), G. WORTHY, 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.

23 STEVEN D. GRIERSON, CLERK OF COURT

24 By:

25 Deputy Clerk

26 Date

27 Submitted By: 

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

1 PLAINTIFF ANTHONY HARRIS, MOVES THIS HONORABLE COURT
2 FOR A JUDGMENT BY DEFAULT IN THIS ACTION AGAINST THE
3 AFOREMENTIONED DEFENDANT. THE COMPLAINT WAS FILED IN
4 THE ABOVE ENTITLED CASE IN THIS COURT ON NOVEMBER 4, 2019.
5 THE COMPLAINT AND SUMMONS WERE DULY SERVED ON THE DEFENDANT,
6 G. WORTHY, ON THE 13TH DAY OF DECEMBER, 2019 AT 0935 HRS. A/O
7 ANSWER OR OTHER DEFENSE HAS BEEN FILED BY THE DEFENDANT AND
8 NO FURTHER TIME HAVING BEEN GRANTED BY THE COURT AND WITH
9 MORE THAN 45 DAYS, EXCLUDING OF THE DAY OF SERVICE OF PROCESS, HAVING EXPIRED
10 SINCE SERVICE UPON THE DEFENDANTS. (139 AS OF TODAY'S DATE) I FURTHER STATE:
11
12

13 1) I AM THE PLAINTIFF IN THIS ACTION

14 2) G. WORTHY, DEFENDANT, IS NOT CURRENTLY ENGAGED IN ACTIVE
15 MILITARY SERVICE, IS NOT AN INFANT, OR INCOMPETENT
16

17 WHEREFORE PLAINTIFF MOVES THAT THIS HONORABLE COURT MAKE
18 ENTER/ORDER A JUDGMENT OF DEFAULT ACCORDING TO PLAINTIFF'S
19 PRAYER FOR RELIEF (IN COMPLAINT PG. 19, LINES 2-19,) AS LISTED:

20 1) GENERAL DAMAGES IN THE AMOUNT OF \$100,000

21 2) SPECIAL DAMAGES IN THE AMOUNT OF \$100,000

22 3) PUNITIVE DAMAGES IN THE AMOUNT OF \$100,000

23 4) INJUNCTIVE RELIEF PLACED BACK ON CHRONIC CARE, PROPERLY TREATED BY AN
24 OUTSIDE DOCTOR, PROPER HEART MONITOR

25 5) DECLARATORY JUDGMENT PER EACH DAY SINCE DENIED PROPER
26 MEDICAL TREATMENT IN THE AMOUNT OF \$2500

27 6) HAVE NARICARE AND A/DOLC TO PROPERLY RETRAIN STAFF SO THAT
28

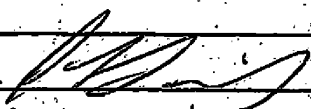
1 THIS DOES NOT HAPPEN AGAIN TO ANYONE;

2 7) PRO SE LITIGANTS TIME, COST, ETCETERA IN THE AMOUNT
3 OF \$2087.45.

4 8) FOR SUCH FURTHER RELIEF/PROTECTION AS THIS COURT MAY
5 DEEM MEET, EQUITABLE, AND PROPER.

6
7 THIS ACTION ARISES UNDER NRS CHAPTER 604A AND NRCP
8 AND THE PLAINTIFF HAS FULLY COMPLIED WITH THE REQUIREMENTS.

9
10 DATED THIS 30TH DAY OF APRIL, 2020.

11
12
13 BY: 
14 ANTHONY HARRIS
15 PLAINTIFF/IN PROPRIETORSHIP
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAILING

I, ANTHONY HARRIS/PLAINTIFF, hereby certify, pursuant to NRCP 5(b), that on this 5TH
day of MAY, 2020, I mailed a true and correct copy of the foregoing, "NOTICE OF

~~INTENTION TO ENTER DEFAULT~~ 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, NEVADA 89155-1100

C. Wozny
100 NORTH CARSON STREET
CARSON CITY, NEVADA 89701

CC:FILE

DATED: this 5th day of MAY, 2020.


ANTHONY HARRIS #11809848
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

1 DFLT

2 (Your Name) ANTHONY HARRIS #1119818

3 (Address) P.O. Box 1650 [HDSP]

4 INDIAN SPRINGS, NV 89070

5 (Telephone) 702-879-1678

6 (Email Address) N/A

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(s).

CASE NO.: A-19-805689-C

DEPT NO.: VIII

15 **DEFAULT**

16 It appearing from the files and records in the above entitled action that (name of
17 Defendant), G. MARTIN, 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.

23 STEVEN D. GRIERSON, CLERK OF COURT

24 By:

25 Deputy Clerk

26 Date

27 Submitted By: [Signature]

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

1 PLAINTIFF ANTHONY HARRIS MOVES THIS HONORABLE COURT
2 FOR A JUDGMENT BY DEFAULT IN THIS ACTION AGAINST THE
3 AFOREMENTIONED DEFENDANT. THE COMPLAINT WAS FILED IN
4 THE ABOVE-ENTITLED CASE IN THIS COURT ON NOVEMBER 4, 2019.
5 THE COMPLAINT AND SUMMONS WERE NILLY SERVED ON THE DEFENDANT,
6 G. MARTIN, ON THE 13TH DAY OF DECEMBER, 2019 AT 0935 HRS. NO
7 ANSWER OR OTHER DEFENSE HAS BEEN FILED BY THE DEFENDANT AND
8 NO FURTHER TIME HAVING BEEN GRANTED BY THE COURT AND WITH
9 MORE THAN 45 DAYS, EXCLUSIVE OF THE DAY OF SERVICE OF PROCESS, HAVING EXPIRED
10 SINCE SERVICE UPON THE DEFENDANTS. (39 AS OF TODAY'S DATE) I FURTHER STATE:
11
12

13 1) I AM THE PLAINTIFF IN THIS ACTION

14 2) G. MARTIN, DEFENDANT, IS NOT CURRENTLY ENGAGED IN ACTIVE
15 MILITARY SERVICE, IS NOT AN INFANT, OR INCOMPETENT.

16
17 WHEREFORE, PLAINTIFF MOVES THAT THIS HONORABLE COURT MAKE
18 ENTER/ORDER A JUDGMENT OF DEFAULT ACCORDING TO PLAINTIFF'S
19 PRAYER FOR RELIEF (IN COMPLAINT PG. 19, LINES 2-19.) AS LISTED:

20 1) GENERAL DAMAGES IN THE AMOUNT OF \$100,000

21 2) SPECIAL DAMAGES IN THE AMOUNT OF \$100,000

22 3) PUNITIVE DAMAGES IN THE AMOUNT OF \$100,000

23 4) INJUNCTIVE RELIEF PLACED BACK ON CHRONIC CARE, PROPERLY TREATED BY AN
24 OUTSIDE DOCTOR, PROPER HEART MONITOR,

25 5) DECLARATORY JUDGMENT PER EACH DAY SINCE DENIED PROPER
26 MEDICAL TREATMENT IN THE AMOUNT OF \$2500

27 6) HAVE NAFHCARE AND NIDOC TO PROPERLY RETRAIN STAFF SO THAT
28

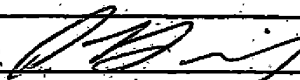
1 THIS DOES NOT HAPPEN AGAIN TO ANYONE;

2 7) PRO SE LITIGANTS TIME, COST, ETCETERA IN THE AMOUNT
3 OF \$2087.45.

4 8) FOR SUCH FURTHER RELIEF/PROTECTION AS THIS COURT MAY
5 DEEM MEET, EQUITABLE, AND PROPER.

6
7 THIS ACTION ARISES UNDER NRS CHAPTER 604A AND NRCP
8 AND THE PLAINTIFF HAS FULLY COMPLIED WITH THE REQUIREMENTS.

9
10 DATED THIS 30TH DAY OF APRIL, 2020.

11
12
13 BY: 

14 ANTHONY HARRIS

15 PLAINTIFF/IN PROPRIA PERSONA

CERTIFICATE OF SERVICE BY MAILING

I, ANTHONY HARRIS/PLAINTIFF, hereby certify, pursuant to NRCP 5(b), that on this 5TH
day of MAY, 2020, I mailed a true and correct copy of the foregoing, "~~SOME OF~~
DA
INFORMATION TO ENTER DEFAULT, 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, NEVADA 89155-1100

G. MARTIN
100 NORTH CARSON STREET
CARSON CITY, NEVADA 89701

CC:FILE

DATED: this 5TH day of MAY, 2020.

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

1 DFLT

2 (Your Name) ANTHONY HARRIS #1118918

3 (Address) P.O. Box 1050 [HDSF]

4 INDIAN SPRINGS, NV 89070

5 (Telephone) 702-879-6789

6 (Email Address) N/A

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 Defendants).

CASE NO.: A-19-805689-C

DEPT NO.: VIII

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DEFAULT

It appearing from the files and records in the above entitled action that (name of Defendant), JAMES TOLMAN, Defendant herein, being duly served with a copy of the Summons and Complaint on the 13TH day of DECEMBER, 2019; that more than 45 days, exclusive of the date of service, having expired since service upon the Defendant; that no answer or other appearance having been filed and no further time having been granted, the default of the above-named Defendant for failing to answer or otherwise plead to Plaintiff's Complaint is hereby entered.

STEVEN D. GRIERSON, CLERK OF COURT

By:

Deputy Clerk

Date

Submitted By: ▶ 

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

1 PLAINTIFF, ANTHONY HARRIS, MOVES THIS HONORABLE COURT
2 FOR A JUDGMENT BY DEFAULT IN THIS ACTION AGAINST THE
3 AFOREMENTIONED DEFENDANT. THE COMPLAINT WAS FILED IN
4 THE ABOVE-ENTITLED CASE IN THIS COURT ON NOVEMBER 4, 2019.
5 THE COMPLAINT AND SUMMONS WERE NILY SERVED ON THE DEFENDANT,
6 JAMES TOLMAN, ON THE 13TH DAY OF DECEMBER, 2019 AT 0935 HRS. NO
7 ANSWER OR OTHER DEFENSE HAS BEEN FILED BY THE DEFENDANT AND
8 NO FURTHER TIME HAVING BEEN GRANTED BY THE COURT AND WITH
9 MORE THAN 45 DAYS, EXCLUSIVE OF THE DAY OF SERVICE OF PROCESS, HAVING EXPIRED
10 SINCE SERVICE UPON THE DEFENDANTS. (139 AS OF TODAY'S DATE) I FURTHER STATE:

11
12
13 1) I AM THE PLAINTIFF IN THIS ACTION

14 2) JAMES TOLMAN, DEFENDANT, IS NOT CURRENTLY ENGAGED IN ACTIVE
15 MILITARY SERVICE, IS NOT AN INFANT, OR INCOMPETENT.

16
17 WHEREFORE, PLAINTIFF MOVES THAT THIS HONORABLE COURT MAKE,
18 ENTER/ORDER A JUDGMENT OF DEFAULT ACCORDING TO PLAINTIFF'S
19 PRAYER FOR RELIEF (IN COMPLAINT PG. 19, LINES 2-19,) AS LISTED:

20 1) GENERAL DAMAGES IN THE AMOUNT OF \$100,000.

21 2) SPECIAL DAMAGES IN THE AMOUNT OF \$100,000;

22 3) PUNITIVE DAMAGES IN THE AMOUNT OF \$100,000;

23 4) INJUNCTIVE RELIEF: PLACED BACK ON CHRONIC CARE, PROPERLY TREATED BY AN
24 OUTSIDE DOCTOR, PROPER HEART MONITOR;

25 5) DECLARATORY JUDGMENT PER EACH DAY SINCE DENIED PROPER
26 MEDICAL TREATMENT, IN THE AMOUNT OF \$2500

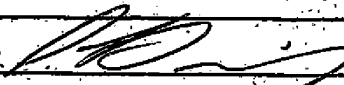
27 6) HAVE NAPHICARE AND NIDOC TO PROPERLY RETRAIN STAFF SO THAT

1 THIS DOES NOT HAPPEN AGAIN TO ANYONE;
2 7) PRO SE LITIGANTS TIME, COST, ETC CETERA IN THE AMOUNT
3 OF \$2087.45.

4 8) FOR SUCH FURTHER RELIEF/PROTECTION AS THIS COURT MAY
5 DEEM MEET, EQUITABLE, AND PROPER.

6
7 THIS ACTION ARISES UNDER NRS CHAPTER 604A AND NRCP
8 AND THE PLAINTIFF HAS FULLY COMPLIED WITH THE REQUIREMENTS.

9
10 DATED THIS 30TH DAY OF APRIL, 2020.

11
12
13
14 BY: 
15 ANTHONY HARRIS
16 PLAINTIFF/IN PROPRIA PERSONAM
17
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CERTIFICATE OF SERVICE BY MAILING

I, ANTHONY HARRIS/PLAINTIFF, hereby certify, pursuant to NRCP 5(b), that on this 5TH
day of MAY, 2020, I mailed a true and correct copy of the foregoing, "~~NOTICE OF~~
~~INVESTIGATION TO CHIEF CLERK~~ 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, NEVADA 89155-1160

JAMES TOLMAN
100 NORTH CARSON STREET
CARSON CITY, NEVADA 89701

CC:FILE

DATED: this 5TH day of MAY, 2020.


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

1 DFLT

2 (Your Name) ANTHONY HARRIS #1119818

3 (Address) P.O. Box 1050 [HDSF]

4 INDIAN SPRINGS, NV 89070

5 (Telephone) 702-879-6789

6 (Email Address) N/A

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(s).

CASE NO.: A-19-805689-C

DEPT NO.: VIII

15 **DEFAULT**

16 It appearing from the files and records in the above entitled action that (name of
17 Defendant), JANE DOE I, 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.
23

24 STEVEN D. GRIERSON, CLERK OF COURT

25 By:

26 Deputy Clerk

Date

27 Submitted By: [Signature]

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

1 PLAINTIFF ANTHONY HARRIS MOVES THIS HONORABLE COURT
2 FOR A JUDGMENT BY DEFAULT IN THIS ACTION AGAINST THE
3 AFOREMENTIONED DEFENDANT. THE COMPLAINT WAS FILED IN
4 THE ABOVE-ENTITLED CASE IN THIS COURT ON NOVEMBER 4, 2019.
5 THE COMPLAINT AND SUMMONS WERE DULY SERVED ON THE DEFENDANT,
6 JANE DOE 1, ON THE 13TH DAY OF DECEMBER, 2019 AT 0935 HRS. NO
7 ANSWER OR OTHER DEFENSE HAS BEEN FILED BY THE DEFENDANT AND
8 NO FURTHER TIME HAVING BEEN GRANTED BY THE COURT AND WITH
9 MORE THAN 45 DAYS, EXCLUSIVE OF THE DAY OF SERVICE OF PROCESS, HAVING EXPIRED
10 SINCE SERVICE UPON THE DEFENDANTS. (139 AS OF TODAY'S DATE) I FURTHER STATE:
11
12

13 1) I AM THE PLAINTIFF IN THIS ACTION

14 2) JANE DOE 1, DEFENDANT, IS NOT CURRENTLY ENGAGED IN ACTIVE
15 MILITARY SERVICE, IS NOT AN INFANT, OR INCOMPETENT.
16

17 WHEREFORE, PLAINTIFF MOVES THAT THIS HONORABLE COURT MAKE
18 ENTER/ORDER A JUDGMENT OF DEFAULT ACCORDING TO PLAINTIFF'S
19 PRAYER FOR RELIEF (IN COMPLAINT PG 19, LINES 2-19.) AS LISTED:

20 1) GENERAL DAMAGES IN THE AMOUNT OF \$100,000

21 2) SPECIAL DAMAGES IN THE AMOUNT OF \$100,000

22 3) PUNITIVE DAMAGES IN THE AMOUNT OF \$100,000

23 4) INJUNCTIVE RELIEF PLACED BACK ON CHRONIC CARE, PROPERLY TREATED BY AN
24 OUTSIDE DOCTOR, PROPER HEART MONITOR,

25 5) DECLARATORY JUDGMENT PER EACH DAY SINCE DENIED PROPER
26 MEDICAL TREATMENT IN THE AMOUNT OF \$2500

27 6) HAVE N/AHCARE AND N/AJOC TO PROPERLY RETRAIN STAFF SO THAT
28

1 THIS DOES NOT HAPPEN AGAIN TO ANYONE.

2 7) PRO SE LITIGANTS' TIME, COST, ETCETERA IN THE AMOUNT
3 OF \$2087.45.

4 8) FOR SUCH FURTHER RELIEF/PROTECTION AS THIS COURT MAY
5 DEEM MEET, EQUITABLE, AND PROPER.

6
7 THIS ACTION ARISES UNDER NRS CHAPTER 604A AND NRCP
8 AND THE PLAINTIFF HAS FULLY COMPLIED WITH THE REQUIREMENTS.

9
10 DATED THIS 30TH DAY OF APRIL, 2020.

11
12
13 BY 

14 ANTHONY HARTZIS

15 PLAINTIFF/IN PROPRIETORIAM
16
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CERTIFICATE OF SERVICE BY MAILING

I, ANTHONY HARRIS/PLAINTIFF, hereby certify, pursuant to NRCP 5(b), that on this 5TH
day of MAY, 2020, I mailed a true and correct copy of the foregoing, "~~NOTICE~~"

~~EXEMPTED TO ENTER DEFAULT~~ ON 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, NEVADA 89155-1100

JANE DOE 1
100 NORTH CARSON STREET
CARSON CITY, NEVADA 89701

CC: FILE

DATED: this 5TH day of MAY, 2020.


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

1 DFLT

2 (Your Name) ANTHONY HARRIS #1119818

3 (Address) P.O. Box 1650 [HDSF]

4 INDIAN SPRINGS, NV 89070

5 (Telephone) 702-879-6789

6 (Email Address) N/A

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 Defendants).

CASE NO.: A-19-805689-C

DEPT NO.: VIII

15 DEFAULT

16 It appearing from the files and records in the above entitled action that (name of
17 Defendant), G. BRYAN, 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.

23 STEVEN D. GRIERSON, CLERK OF COURT

24 By:

25 Deputy Clerk

26 Date

27 Submitted By: [Signature]

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

1 PLAINTIFF, ANTHONY HARRIS, MOVES THIS HONORABLE COURT
2 FOR A JUDGMENT BY DEFAULT IN THIS ACTION AGAINST THE
3 AFOREMENTIONED DEFENDANT. THE COMPLAINT WAS FILED IN
4 THE ABOVE-ENTITLED CASE IN THIS COURT ON NOVEMBER 4, 2019.
5 THE COMPLAINT AND SUMMONS WERE NILLY SERVED ON THE DEFENDANT,
6 C. BRYAN, ON THE 13TH DAY OF DECEMBER, 2019 AT 0935 HRS. NO
7 ANSWER OR OTHER DEFENSE HAS BEEN FILED BY THE DEFENDANT AND
8 NO FURTHER TIME HAVING BEEN GRANTED BY THE COURT AND WITH
9 MORE THAN 45 DAYS, EXCLUSIVE OF THE DAY OF SERVICE OF PROCESS, HAVING EXPIRED
10 SINCE SERVING UPON THE DEFENDANTS. (139 AS OF TODAY'S DATE) I FURTHER STATE:
11
12

13 1) I AM THE PLAINTIFF IN THIS ACTION

14 2) C. BRYAN, DEFENDANT, IS NOT CURRENTLY ENGAGED IN ACTIVE
15 MILITARY SERVICE, IS NOT AN INFANT, OR INCOMPETENT.
16

17 WHEREFORE, PLAINTIFF MOVES THAT THIS HONORABLE COURT MAKE,
18 ENTER/ORDER A JUDGMENT OF DEFAULT ACCORDING TO PLAINTIFF'S
19 PRAYER FOR RELIEF (IN COMPLAINT PG. 19 LINES 2-19.) AS LISTED:

20 1) GENERAL DAMAGES IN THE AMOUNT OF \$100,000.

21 2) SPECIAL DAMAGES IN THE AMOUNT OF \$100,000;

22 3) PUNITIVE DAMAGES IN THE AMOUNT OF \$100,000;

23 4) INJUNCTIVE RELIEF: PLACED BACK ON CHRONIC CARE, PROPERLY TREATED BY AN
24 OUTSIDE DOCTOR, PROPER HEART MONITOR;

25 5) DECLARATORY JUDGMENT PER EACH DAY SINCE DENIED PROPER
26 MEDICAL TREATMENT, IN THE AMOUNT OF \$2500

27 6) HAVE NAPH CARE AND NIDOC TO PROPERLY RETRAIN STAFF SO THAT
28

1 THIS DOES NOT HAPPEN AGAIN TO ANYONE;
2 7) PRO SE LITIGANTS TIME, COST, ETC CETERA IN THE AMOUNT
3 OF \$2087.45.

4 8) FOR SUCH FURTHER RELIEF/PROTECTION AS THIS COURT MAY
5 DEEM MEET, EQUITABLE, AND PROPER.

6
7 THIS ACTION ARISES UNDER NRS CHAPTER 604A AND NRCP
8 AND THE PLAINTIFF HAS FULLY COMPLIED WITH THE REQUIREMENTS.

9
10 DATED THIS 30TH DAY OF APRIL , 2020.

11
12
13 BY: 

14 ANTHONY HARRIS

15 PLAINTIFF/IN PROPRIETORAM
16
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CERTIFICATE OF SERVICE BY MAILING

I, ANTHONY HARRIS/PLAINTIFF, hereby certify, pursuant to NRCP 5(b), that on this 5TH
day of MAY, 2020, I mailed a true and correct copy of the foregoing, "~~NOTICE OF~~
~~DEFENDANT'S MOTION FOR SUMMARY JUDGMENT~~, 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, NEVADA 89155-1100

G. BRYAN
100 NORTH CARSON STREET
CARSON CITY, NEVADA 89701

CC: FILE

DATED: this 5TH day of MAY, 2020.


ANTHONY HARRIS #1109848
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 "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-

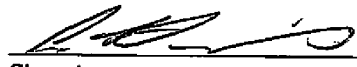
☐ Contains the social security number of a person as required by:

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

5 MAY 2020
Date

ANTHONY HARRIS
Print Name


PLAINTIFF
Title


INDIAN SPRINGS, NV 893010
H. DESERT STATE PRISON
P.O. Box 150

STEVEN D. ANDERSON, CEO
CLERK OF THE COURT
300 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV 89155-1100

PRISON/MAILBOX RULE

**LEGAL
PAID
COURT/DEPT**


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**LEGAL
AND
CONFIDENTIAL**



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*

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

17 Anthony Harris,
18 Plaintiff,

19 vs.

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

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

Date of Hearing: July 7, 2020
Time of Hearing: 9:00 a.m.

22 **CERTIFICATE OF SERVICE**

23 I hereby certify that I am an employee of the State of Nevada, Office of the
24 Attorney General and that on June 5, 2020, I served the **NOTICE OF HEARING**, by
25 causing a true and correct copy thereof to be emailed to the following:

26 Anthony Harris #1169848
27 High Desert State Prison
28 PO Box 650
Indian Springs, NV 89070
HDSP_LawLibrary@doc.nv.gov
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 Defendant's Motion to Dismiss Complaint Pursuant to NRCP 4 in the above-entitled matter is set for hearing as follows:

Date: July 07, 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

27
FILED

JUN 24 2020

CLERK OF COURT

1 ANTHONY HARRIS

2 NDOC No. 1169848

3 PLAINTIFF

4 In proper person

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

9
10 ANTHONY HARRIS,)

11)
12 Petitioner,)

13 v.)

14) Case No. A-19-8051089-2

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 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 July 7th 2020
29 at 9:00am.

RECEIVED

JUN 15 2020

CLERK OF THE COURT

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at HIGH DESERT STATE PRISON.

3 My mandatory release date is APRIL 29, 2027.

4
5 2. The Department of Corrections is required to transport offenders to and
6
7 from Court if an inmate is required or requests to appear before a Court in this state.

8
9 NRS 209.274 Transportation of Offender to Appear Before Court states:

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

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

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

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

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

29 3. My presence is required at the hearing because:

1 ☒ 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 ☒ 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*, 312 U.S. 275 (1941) (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 *Gebers 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 30-38 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: MONIQUE HUBBARD PICKETT, ASSOCIATE WARDEN,
12 whose telephone number is 702-879-16789

13
14 Dated this 17th day of JUNE, 2020

15
16 
17 ANTHONY HARRIS #1169846
18 PLAINTIFF / IN PROPRIA PERSONA
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CERTIFICATE OF SERVICE BY MAILING

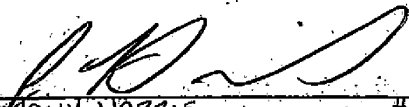
I, ANTHONY HARRIS, hereby certify, pursuant to NRCP 5(b), that on this 11th day of JUNE, 2020, I mailed a true and correct copy of the foregoing, "MOTION AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE." by depositing 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
300 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV 89155-1100

Harold D. Ford
OFFICE OF THE ATTORNEY GENERAL
STATE OF NEVADA
555 E. WASHINGTON AVENUE, SUITE 3900
LAS VEGAS, NV 89101-1018

CC: FILE

DATED: this 11th day of JUNE, 2020.


ANTHONY HARRIS #11129648
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 AND ORDER

~~FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE,~~
(Title of Document) ~~FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE.~~

filed in District Court Case number A-19-8057289-2

☒ 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

11JUNE2020

Date

ANTHONY HARRIS

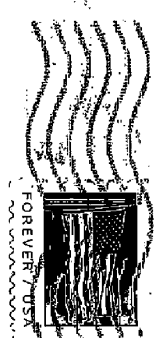
Print Name

PLAINTIFF

Title

ANTHONY HARRIS #1169848
HIGH DESERT STATE PRISON
P.O. Box 1550
Springdale, NV 89101

LAS VEGAS NV 890
12 JUN 2020 PM 5 L



STEVEN D. LARSON, LEO
CLERK OF THE COURT
300 LEWIS AVENUE, 3RD FLOOR
SPRINGDALE, NV 89101

LEGAL AND
CONFIDENTIAL

SEALS

UNIT 14
JUN 11 2020
HIGH DESERT STATE PRISON

LEGAL
AND
CONFIDENTIAL

27

FILED

JUN 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
8 ANTHONY HARRIS,
9 PLAINTIFF;
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 DEFENDANT'S MOTION TO DISMISS COMPLAINT
16 PURSUANT TO NRC 4
17 will come on for hearing before the above-entitled Court on the 7TH day of JULY, 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 11TH day of JUNE, 2020.

23
24 BY: 
25 ANTHONY HARRIS #1169848
26 PLAINTIFF /In Propria Personam

RECEIVED
JUN 15 2020
CLERK OF COURT

1 ANTHONY HARRIS #1169848
2 PRO SE PLAINTIFF
3 POST OFFICE BOX 650 [HDSP]
4 INDIAN SPRINGS, NV 89070

5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7 ANTHONY HARRIS,
8 PLAINTIFF;
9 VS.
10 THE STATE OF NEVADA ET AL.,
11 DEFENDANTS

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

13 ORDER

14
15
16 Upon reading the motion of the PLAINTIFF, ANTHONY HARRIS,
17 requesting appointment of counsel and good cause appearing;

18 IT IS HEREBY ORDERED that petitioner's motion for appointment
19 of counsel is granted.

20 The following named attorney has taken the appointment:

21
22
23 Attorney's Name

24 Dated this ____ day of _____, ____.

25
26
27 DISTRICT JUDGE

28 
IN PROPER PERSON

Steven D. Grierson

1 ANTHONY HARRIS #1169848
2 PLAINTIFF/IN PROPRIA PERSONAM
3 POST OFFICE BOX 650 [HOSP]
4 INDIAN SPRINGS, NV 89070
5
6
7
8

DISTRICT COURT
CLARK COUNTY, NEVADA

9 ANTHONY HARRIS,
10 PLAINTIFF;
11 VS.
12 THE STATE OF NEVADA ET AL.,
13 DEFENDANTS.

CASE No. A-19-805689-C

DEPT. No. VIII

ORAL ARGUMENT REQUESTED

14
15 MOTION FOR THE APPOINTMENT OF COUNSEL; AND
16 ORDER FOR THE APPOINTMENT OF COUNSEL.
17

18 COMES NOW, PLAINTIFF, ANTHONY HARRIS, RESPECTFULLY AND IN PRE
19 SE, PURSUANT TO 28 U.S.C. § 1915, REQUEST THIS COURT APPOINT
20 COUNSEL TO REPRESENT HIM IN THIS CASE.

21 THIS MOTION IS MADE AND BASED UPON ALL PAPERS AND PLEADINGS
22 ON FILE HEREIN, DECLARATION ATTACHED, EXHIBITS, AND MEMORANDUM
23 OF LAW ATTACHED HERETO.

RECEIVED

JUN 18 2020

CLERK OF THE COURT

24
25
26
27 PRISON MAILBOX RULE
28

RESPECTFULLY SUBMITTED,
[Signature] PLAINTIFF

1 1. INTRODUCTION

2 PLAINTIFF ASSERTS THAT COUNSEL IS NEEDED AND RESPECTFULLY
3 REQUEST APPOINTMENT BE MADE FOR, BUT NOT LIMITED TO, THE
4 FOLLOWING REASONS:

- 5 1) THE PLAINTIFF IS UNABLE TO AFFORD COUNSEL;
6 2) THE ISSUES INVOLVED IN THIS CASE ARE COMPLEX;
7 3) THE PLAINTIFF, AS AN INMATE ONLY AFFORDED 20-30 MINUTES
8 EVERY 72 HOURS, HAS EXTREMELY LIMITED ACCESS TO THE LAW LIBRARY
9 (NO PHYSICAL ACCESS WHATSOEVER), ACCESS TO THE PHONE FOR ANY
10 PERSONAL CALLS TO ASK FOR FAMILY TO RESEARCH FOR HIM, AND DENIED
11 LEGAL CALLS TO FURTHER ATTEMPTS TO OBTAIN COUNSEL OR AIDE;
12 4) OVER 60 DAYS AGO, THE PLAINTIFF SENT LETTERS TO A
13 TOTAL OF 30 LAWYERS, 18 VIA E-MAIL BY FAMILY MEMBER, 12 VIA
14 U.S. MAIL (ON MARCH 20, 2020), WITH ONE RETURNED STATING
15 ATTORNEY 'MOVED' (EXHIBIT C), ONE (E-MAIL RESPONSE) VIA LETTER) STATING
16 'CONFLICT OF INTEREST' (EXHIBIT D), AND ONE STATING THEY DO NOT HANDLE
17 PRISON CONDITION, CIVIL RIGHTS, PERSONAL INJURY, OR MEDICAL MALPRACTICE
18 MATTERS (EXHIBIT E), NO RESPONSES FOR ANY OF THE REMAINING 27, AND
19 5) THE PLAINTIFF HAS VERY LIMITED KNOWLEDGE OF THE LAW.

20 WHEREFORE, THIS HONORABLE COURT SHOULD APPOINT COUNSEL
21 TO REPRESENT THE PLAINTIFF IN THIS MATTER, WHERE AS GOOD
22 CAUSE EXIST.

23 //

24 //

25 //

26 //

27 //

28 //

1 II. MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION

2 FOR THE APPOINTMENT OF COUNSEL

3 A. STATEMENT OF THE CASE

4 THIS IS A 'CIVIL RIGHTS/TORT COMPLAINT' FILED UNDER 42 U.S.C.
5 §1983 AMONG OTHERS, COMPLAINT AT CAPTION 1:12-15 AND 10:19-24, BY A STATE
6 PRISONER AND ASSERTING CLAIMS FOR THE UNCONSTITUTIONAL AND UNLAWFUL
7 ACTIONS AND INACTIONS OF DEFENDANTS WITH EITHER DIRECT PAR-
8 TICIPATION AND/OR INDIRECT PARTICIPATION WITH THE CONSTITUTIONAL
9 RIGHTS, STATE AND FEDERAL LAW VIOLATIONS, DENIAL OF APPROPRIATE
10 MEDICAL CARE, INJURIES, AND SUBSEQUENT RETALIATORY ACTIONS. THE
11 PLAINTIFF SEEKS DAMAGES AS TO ALL CLAIMS AND INJUNCTIVE RELIEF
12 TO ENSURE PROPER MEDICAL CARE, EXPUNGEMENT OF DISCIPLINARY COM-
13 VICTIONS, TRO, ETC.

14 B. STATEMENT OF FACTS

15 THE COMPLAINT ALLEGES THAT THE PLAINTIFF WAS DENIED PROPER
16 MEDICAL CARE FOR A 'SERIOUS MEDICAL NEED' ON SEVERAL OCCASSIONS.
17 PLAINTIFF DID NOT SEEK TO FILE ANY ADMINISTRATIVE GRIEVANCES OR
18 SUBSEQUENT CIVIL RIGHTS/TORT SUIT UNTIL AFTER HIS 'SERIOUS MEDICAL
19 NEEDS' WENT UNADDRESSED AFTER THREE EPISODES (DECEMBER 6, 2018
20 (ATTN:), JANUARY 6, 2019, AND MARCH 27, 2019), WITH GRIEVANCE FILED
21 AFTER THE LAST (NEARLY 4 MONTHS AFTER FIRST EPISODE). PLAINTIFF STILL
22 DID NOT 'DEMAND' COMPENSATION IF THIS WAS FULLY RESOLVED. IT WAS
23 NOT FULFILLED AND WAS DENIED SO PLAINTIFF FILED JUNE 7, 2019 TO
24 PROCEED AND NOW 'DEMAND' DAMAGES/COMPENSATION IN ADDITION AFTER
25 APPROXIMATELY 41 DAYS OF GOOD FAITH GIVEN FOR AIDE IN ADDITION
26 TO 111 DAYS PRIOR TO GRIEVANCE, TOTAL OF 152 DAYS. PLAINTIFF HAS
27 ADDITIONAL CLAIMS AND SUPPLEMENTAL CLAIMS OF RETALIATION AS WELL.

1 III. LEGAL STANDARD

2 A. 28 U.S.C. § 1915(e)(1) (EMPHASIS SUPPLIED)

3 THE COUNSEL APPOINTMENT PROVISION STATES "THE COURT
4 MAY REQUEST AN ATTORNEY TO REPRESENT 'ANY PERSON' UNABLE
5 TO AFFORD COUNSEL."

6 B. WEIR V. POTTER 214 F.Supp. 2d 53,55 (D.Mass.2002)

7 THIS COURT HELD THAT A PERSON NOT INDIGENT ENOUGH TO
8 PROCEED INFORMA PAUPERIS IS STILL EVEN POSSIBLY ELIGIBLE FOR
9 APPOINTMENT OF COUNSEL.

10 C. KNIGHTON V. WATKINS, 616 F.2d 795, 799 (5th CIR.1980)

11 THIS COURT EXPLAINED THAT COUNSEL CAN

12 EXPLAIN THE APPLICABLE LEGAL PRINCIPLES TO THE COMPLAINANT
13 AND... LIMIT ~~THE~~ LITIGATION TO POTENTIALLY MERITORIOUS ISSUES. IN
14 ADDITION, APPOINTMENT OF A LAWYER PROVIDES THE UNLETTERED
15 INMATE WITH AN OPPORTUNITY TO OBTAIN REPRESENTATION EQUALLY
16 QUALIFIED WITH THE PROFESSIONAL COUNSEL USUALLY PROVIDED BY
17 THE STATE FOR DEFENDANTS. FREQUENTLY, AS IN THE PRESENT
18 INSTANCE, A LAWYER CAN NEGOTIATE THE SETTLEMENT OF A
19 MERITORIOUS CLAIM. IF THE CASE GOES TO TRIAL, COUNSEL
20 FOR THE PLAINTIFF CAN SHORTEN THE TRIAL AND LIMIT EVI-
21 DENCE TO RELEVANT ISSUES, BENEFITTING HIS CLIENT,
22 OPPOSING PARTIES, AND THE COURT.

23 D. ABDULLAH V. GUNTER, 949 F.2d 1032, 1035 (8th CIR.1991)

24 THIS COURT HAS STATED COURTS SHOULD CONSIDER "THE FACTUAL COMPLEXITY
25 OF THE CASE, THE ABILITY OF THE INDIGENT TO INVESTIGATE THE FACTS, THE EXIST-
26 ANCE OF CONFLICTING TESTIMONY, THE ABILITY OF THE INDIGENT TO PRESENT HIS
27 CLAIM, AND THE COMPLEXITY OF THE LEGAL ISSUES. *Id.*

28

1 IV. ARGUMENT

2 THE COURT SHOULD APPOINT COUNSEL FOR THE PLAINTIFF

3 IN DECIDING WHETHER TO APPOINT COUNSEL FOR AN INDIGENT LITI-
4 GIANT, THE COURT SHOULD CONSIDER "THE FACTUAL COMPLEXITY OF THE
5 CASE, THE ABILITY OF THE INDIGENT TO INVESTIGATE THE FACTS, THE
6 EXISTANCE OF CONFLICTING TESTIMONY, THE ABILITY OF THE INDIGENT
7 TO PRESENT HIS CLAIM, AND THE COMPLEXITY OF THE LEGAL ISSUES."
8 ABDULLAH V. GUNTER, 949 F.2d 1032, 1035 (8th CIR. 1991). IN ADDITION,
9 COURTS HAVE SUGGESTED THAT THE MOST IMPORTANT FACTOR IS WHETHER
10 THE CASE APPEARS TO HAVE MERIT. CARMONA V. U.S. BUREAU OF
11 PRISONS, 243 F.3d 629, 632 (2d CIR. 2001). EACH OF THESE FACTORS
12 WEIGHS IN FAVOR OF APPOINTMENT OF COUNSEL IN THIS CASE.

13 1. FACTUAL COMPLEXITY. THE PLAINTIFF ALLEGES THAT SEVERAL
14 CORRECTIONAL AND MEDICAL STAFF HAVE DENIED THE PLAINTIFF'S
15 MEDICAL, CONSTITUTIONAL, AND SUBSEQUENTLY HIS DUE PROCESS,
16 RELIGIOUS, ACCESS TO THE COURTS, AND OTHER RETALIATORY ACTIONS
17 (SOME ADMITTED OTHERS BASED ON INFORMATION AND BELIEF). PLAINTIFF ALSO
18 ASSERTS THAT CERTAIN PRISON SUPERVISORS WERE ON NOTICE OF THE
19 PROPENSITIES OF THE ACTIONS AND LACK THEREOF OF OTHER LISTED
20 DEFENDANTS AND DID NOTHING ABOUT THEM. HE CHALLENGES THE
21 DENIAL OF MEDICAL CARE AFTER NOT ONE, NOT TWO, BUT AFTER THREE
22 EPISODES OF A 'SERIOUS MEDICAL NEED' OF SEVERE CHEST PAIN THAT
23 CRIPPLED THE PLAINTIFF BY BRINGING HIM TO HIS KNEE IN PAIN AND
24 AGONY STRUGGLING TO BREATHE. THE SHEER NUMBER OF CLAIMS
25 (EVEN BEFORE AMENDMENT AND SUPPLEMENTAL COMPLAINTS BEING FILED) AND
26 DEFENDANTS MAKES THIS A FACTUALLY COMPLEX CASE.

27 IN ADDITION, ~~ONE~~^{SOME} OF THE PLAINTIFF'S CLAIMS INVOLVES THE DENIAL

28 5

1 OF MEDICAL CARE; IT WILL PROBABLY BE NECESSARY TO PRESENT A
2 MEDICAL EXPERT WITNESS OR TO CROSS-EXAMINE MEDICAL WITNESSES
3 CALLED BY THE DEFENDANTS, OR BOTH. THE PRESENCE OF MEDICAL
4 OR OTHER ISSUES REQUIRING EXPERT TESTIMONY SUPPORTS THE APPOINTMENT
5 OF COUNSEL. MONTGOMERY V. PINCHAK, 294 F.3d 492, 503-04 (3d Cir. 2002);
6 MOORE V. MABUS, 976 F.2d 268, 272 (5th Cir. 1992); JACKSON V. COUNTY OF
7 MCLEAN, 953 F.2d 1070, 1073 (7th Cir. 1992). THE FACT THAT THE
8 PLAINTIFF REQUEST A JURY TRIAL ALSO SUPPORTS THE APPOINTMENT
9 OF COUNSEL. SOLIS V. COUNTY OF LOS ANGELES, 514 F.3d 946, 958 (9th
10 Cir. 2008); ABDULLAH V. GUNTER, 949 F.2d 1032, 1036 (8th Cir. 1991).
11 THE DEFENSE FOR 'QUALIFIED IMMUNITY', WHICH HAS ALREADY ARISEN. VINES
12 V. HOWARD, 676 F.Supp. 608, 616 (E.D.Pa. 1987); LAFRANCE V. RAMPONE,
13 678 F.Supp. 72, 73 (D. Vt. 1988); CF. ANDERSON V. RECOIRE, 317 F.3d 194,
14 196 (2d Cir. 2003).

15 2. THE PLAINTIFF'S ABILITY TO INVESTIGATE. THE PLAINTIFF IS IN-
16 CARCERATED AND HAS NO ABILITY TO INVESTIGATE THE FACTS. ADDITION-
17 ALLY PLAINTIFF IS CURRENTLY ONLY ALLOTTED 20-30 MINUTES OUTSIDE
18 OF HIS CELL EVERY 72 HOURS FOR SHOWERS AND, IF STAFF PERMITS,
19 TO ORDER COMMISSARY ON THE KIOSK, AND A BRIEF PHONE CALL TO
20 SPEAK TO FAMILY AND CHILDREN. FOR EXAMPLE, PLAINTIFF UNABLE TO
21 IDENTIFY, LOCATE, AND INTERVIEW THE INMATES WHO WERE HOUSED IN
22 NEARBY CELLS AND WHO SAW SOME OF THE CLAIMS. HE IS IN THE
23 SAME SITUATION WITH REGARDS TO DEVELOPING THE FACTS AS AN
24 INMATE WHO HAS BEEN RELOCATED AND ANOTHER RELEASED, A
25 FACTOR THAT SEVERAL COURTS HAVE CITED IN APPOINTING COUNSEL.
26 TUCKER V. RANDALL, 948 F.2d 288, 391-92 (7th Cir. 1991); GATSON V.
27 COUGHLIN, 679 F.Supp. 270, 273 (W.D.N.Y. 1988). IN ADDITION, THIS

28

6

1 CASE WILL REQUIRE CONSIDERABLE DISCOVERY CONCERNING THE
2 IDENTITY OF WITNESSES, THE OFFICERS' REPORTS, AND STATEMENTS
3 ABOUT INCIDENTS, MEDICALS REPORTS AND STATEMENTS, ANY PRIOR HISTORY
4 OF CLAIMS, PLAINTIFF'S RECORDS, AND MEDICAL HISTORY. SEE, PARHAM
5 V. JOHNSON, 126 F.3d 454, 459 (3d CIR. 1997) (HOLDING COUNSEL SHOULD
6 HAVE BEEN APPOINTED BECAUSE "PRISONER'S LACK OF LEGAL EXPERIENCE
7 AND THE COMPLEX DISCOVERY RULES CLEARLY PUT HIM AT A DISADVANTAGE
8 IN COUNTERING THE DEFENDANT'S DISCOVERY TACTICS... THESE [DISCOVERY]
9 RULES PREVENTED [THE PLAINTIFF] FROM PRESENTING AN EFFECTIVE CASE
10 BELOW."). SEE ALSO, TABRON V. GRACE, 6 F.3d AT 156; HENDRICKS V.
11 COUGHLIN, 114 F.3d 390, 394 (2d CIR. 1997); ABDULLAH V. GUNTER, 949
12 F.2d AT 1036; AND JOHNSON V. HOWARD, 20 F.SUPP.2d 1128, 1129 (W.D.
13 MICH. 1998).

14 3. CONFLICTING TESTIMONY. THE PLAINTIFF'S ACCOUNTS OF HIS
15 MEDICAL CARE ALONG WITH SUBSEQUENT RETALIATORY ACTIONS MADE
16 AGAINST HIM IS SQUARELY IN CONFLICT WITH THE STATEMENTS OF THE
17 DEFENDANTS, EVEN IN THOSE ADMITTED IN SOME ASPECTS. THIS ASPECT
18 OF THE CASE WILL BE A CREDIBILITY CONTEST BETWEEN THE DEFENDANTS
19 AND THE PLAINTIFF (AND SUCH INMATE WITNESSES AS CAN BE LOCATED). THE
20 EXISTANCE OF THESE CREDIBILITY ISSUES SUPPORTS THE APPOINTMENT
21 OF COUNSEL. STEEL V. SHAW^{III}, 87 F.3d 1206, 1271 (11TH CIR. 1996); GATSON
22 V. COUGHLIN, 679 F.SUPP. AT 273. PLAINTIFF WHO ONLY ATTENDED
23 SCHOOL TO THE NINTH GRADE AND LATER RECEIVED ONLY A G.E.D. AND NO
24 LEGAL TRAINING WHATSOEVER IS ILL-SUITED TO CONDUCT A JURY TRIAL
25 WITHOUT COUNSEL. CF, SOLIS V. COUNTY OF LOS ANGELES, 514 F.3d 946, 958
26 (9TH CIR. 2008) (PRISONER WITH EIGHTH GRADE EDUCATION AND NO LEGAL TRAINING
27 IS ILL-SUITED TO CONDUCT A JURY TRIAL).

28..

7

1 4. THE ABILITY OF THE INDIGENT TO PRESENT HIS CLAIM. THE PLAINTIFF
2 IS AN INDIGENT PRISONER WITH NO LEGAL TRAINING, A FACTOR THAT
3 SUPPORTS THE APPOINTMENT OF COUNSEL. FORBES V. EDGAR, 112 F.3d
4 262, 264 (7TH CIR. 1997). IN ADDITION, HE IS CONFINED TO HIS CELL
5 AND ONLY PERMITTED 20-30 MINUTES ONCE EVERY THREE DAYS FOR SHOWERS,
6 POSSIBLY KIOSK USE, AND CALLING FAMILY AND CHILDREN, DENIED ANY
7 ADDITIONAL TIME FOR LEGAL CALLS, ILLEGALLY, AND VERY LIMITED ACCESS
8 TO LEGAL MATERIALS WITH ABSOLUTELY NO PHYSICAL ACCESS TO LAW LIB-
9 RARY. RAYES V. JOHNSON, 969 F.2d 700, 703-04 (8TH CIR. 1992) (CITING
10 LACK FOR READY ACCESS TO LAW LIBRARY AS A FACTOR SUPPORTING APPOINT-
11 MENT OF COUNSEL).

12 5. LEGAL COMPLEXITY. THE LARGE NUMBER OF DEFENDANTS,
13 SOME OF WHOM ARE SUPERVISORY OFFICIALS, PRESENTS COMPLEX LEGAL
14 ISSUES OF DETERMINING WHICH DEFENDANTS WERE SUFFICIENTLY
15 PERSONALLY INVOLVED IN THE CONSTITUTIONAL VIOLATIONS TO BE HELD
16 LIABLE. HENDRICKS V. COUGHLIN, 114 F.3d 390, 394 (2d CIR. 1997) (HOLDING
17 COMPLEXITY OF SUPERVISORY LIABILITY SUPPORTED APPOINTMENT OF COUN-
18 SEL). IN ADDITION, THE PLAINTIFF SEEKS A JURY TRIAL, WHICH REQUIRES
19 MUCH GREATER LEGAL SKILL AND OVERALL EDUCATION THAN THE PLAINTIFF
20 HAS OR CAN DEVELOP. SOLIS V. COUNTY OF LOS ANGELES, 514 F.3d 946,
21 958 (9TH CIR. 2008) (PRISONER WITH EIGHTH GRADE EDUCATION AND NO
22 LEGAL TRAINING IS "ILL-SUITED" TO CONDUCT A JURY TRIAL).

23 6. MERIT OF THE CASE. THE PLAINTIFF'S ALLEGATIONS, IF PROVED,
24 WOULD CLEARLY ESTABLISH A CONSTITUTION VIOLATION. THE INSURIOUS
25 MEDICAL DENIAL, NOW IN ADDITION, THE RETALIATORY ACTIONS ~~OF~~^{BY}
26 ALLEGED IN THE COMPLAINT CLEARLY STATES AN EIGHTH AMENDMENT VIOLATION.
27 SEE HUDSON V. MCMILLIAN, 503 U.S. 1, 112 S. CT. 995 (1992). THE ALLE-

1 GATIONS OF DENIAL OF MEDICAL CARE AMOUNT TO 'INTENTIONAL INTER-
2 FERANCE' WHICH THE SUPREME COURT HAS SPECIFICALLY CITED AS AN EX-
3 AMPLE OF UNCONSTITUTIONAL DELIBERATE INDIFFERENCE TO PRISON-
4 ERS' MEDICAL NEEDS. ESTELLE V. GAMBLE, 429 U.S. 97, 105, 97 S. Ct.
5 285(1976). ON ITS FACE, THEN, THIS IS A MERITORIOUS CASE.

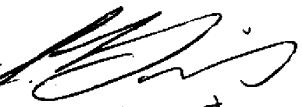
6 7. ATTEMPTS TO OBTAIN COUNSEL. ALTHOUGH NOT A LISTED FACTOR,
7 IT IS ALSO IMPORTANT AND HAS BEEN OBSERVED BY SOME COURTS AS
8 A DETERMINING FACTOR. PLAINTIFF DRAFTED A LETTER AND SENT IT
9 TO A RELATIVE TO TYPE, E-MAIL SOME ATTORNEYS(18), AND SEND PLAINTIFF
10 COPIES OF THE LETTER TO MAIL OUT. PLAINTIFF MAILED THIS LETTER TO
11 12 ATTORNEYS AND/OR ORGANIZATIONS LISTED ON A LIST RECEIVED FROM
12 NII-CURE PRESIDENT, JOHN WITHEROW, OF CIVIL RIGHTS ATTORNEYS. WITH
13 HIS MATERNAL AUNT E-MAILING THE OTHERS ON THIS LIST (EXHIBIT A) WITH
14 THE TOTAL BEING 30. PLAINTIFF RECEIVED THE LETTER COPIES ON APPROX-
15 IMATELY MARCH 18, 2020, WHICH SHE PRE-DATED FOR MARCH 20, 2020, AND
16 PLAINTIFF MAILED THIS LETTER ON THAT DATE (EXHIBIT B). ONE WAS
17 RETURNED STATING ATTORNEY MOVED (EXHIBIT C), ALTHOUGH CLEARLY
18 MARKED 'LEGAL AND CONFIDENTIAL' ON BOTH SIDES WAS OPENED NOT
19 IN PLAINTIFF'S PRESENCE, SCREENED, AND UNKNOWN WHAT ELSE; ONE
20 ATTORNEY RESPONDED THAT RECEIVED THE E-MAIL AND STATED 'CONFLICT
21 OF INTEREST' DUE TO BEING A COURT-APPOINTED MEDIATOR IN CASES
22 INVOLVING PRISONER'S RIGHTS (EXHIBIT D); ONE WAS DELIVERED AS
23 REGULAR MAIL, AGAIN, FROM THE LEGAL AID CENTER OF SOUTHERN NEVADA
24 (LACSN) OPENED, SCREENED, AND UNKNOWN WHAT ELSE. (EXHIBIT E);
25 WHILE THE OTHER LETTER FROM THE LEGAL AID CENTER OF SOUTHERN
26 NEVADA(LACSN) CONTAINING NO SENSITIVE MATERIAL AND ONLY FORMS
27 WAS DELIVERED THE NEXT DAY, AS LEGAL MAIL (EXHIBIT F), AS

1 BOTH SHOULD HAVE BEEN, ESPECIALLY THE ONE CONTAINING PLAINTIFF'S
2 LETTER TO THEM AND THEIR RESPONSE (EXHIBIT E), STATING THEY
3 DO NOT HANDLE PRISON CONDITION, CIVIL RIGHTS, PERSONAL INJURY,
4 OR MEDICAL MALPRACTICE MATTERS. PLAINTIFF RECEIVED NO OTHER
5 RESPONSES SINCE HIS MAILING OF THESE LETTERS OUTSIDE OF THESE
6 THREE OUT OF THIRTY. SHOWING PLAINTIFF ATTEMPTED BUT FAILED TO
7 PROCURE COUNSEL ON HIS OWN. GIL V. REED, 381 F.3d 649, 658 (7th
8 CIR. 2004); FLAKES V. FRANK, 322 F.Supp. 2d 981, 983 (W.D.Wis. 2004)
9 PLAINTIFF EVEN TRIED TO OFFER CONTINGENT PAYMENT WHEN THE CASE
10 SETTLES OR WINS. McDONALD V. HEAD CRIMINAL COURT SUPERVISOR OFFI-
11 CER, 850 F.2d 121, 124 (2d CIR. 1998).

12
13 V. CONCLUSION

14 FOR THE FOREGOING REASONS, THE COURT SHOULD GRANT THE PLAINTIFF'S
15 MOTION AND APPOINT COUNSEL IN THIS CASE.

16
17 DATED THIS 8TH DAY OF JUNE, 2020.


18
19
20 BY: 
21 ANTHONY HARRIS #1169548
22 PLAINTIFF/IN PROPRIA PERSONA
23
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAILING

I, ANTHONY HARRIS, hereby certify, pursuant to NRCP 5(b) that on this 8TH
day of JUNE, 2020, I mailed a true and correct copy of the foregoing "MOTION
TO APPOINT COUNSEL AND ORDER FOR THE APPOINTMENT OF COUNSEL"
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 89070

DATED: THIS 8TH day of JUNE, 2020.


PLAINTIFF /In Propria Persona
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada. 89018

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding MOTION TO
APPOINT COUNSEL AND ORDER FOR THE APPOINTMENT OF COUNSEL
(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

8 JUNE 2020
Date

ANTHONY HARRIS
Print Name

PLAINTIFF
Title

EXHIBIT A

EXHIBIT A

181108 NV-CURE LIST OF NV CIVIL RIGHTS ATTORNEYS

NV-CURE has compiled for prisoners a list of Nevada Attorneys purported to engage in civil rights litigation. NV-CURE suspects that very few of these attorneys have ever engaged in civil rights litigation on behalf of a prisoner, primarily because the vast majority of prisoners have no money with which to pay their fees and prisoners very seldom have large damage claims. You may want to contact these attorneys regarding your civil rights claims – and remind these attorneys of their duties and responsibilities under **Rule 6.1** (attached) of the NV Rules of Professional Conduct to provide pro bono public service to persons of limited financial resources. Remind these attorneys when you write to them that you are a person of limited means and that it is in the public interest that the NV prison system provide humane, fair and just treatment to all persons. You may be wasting your stamps, but the following is the NV-CURE List of Civil Rights Attorneys:

ACLU
601 S Rancho Dr. Ste B-11
Las Vegas NV 89106
702-366-1536
aclunv@aclunv.org

Michael P. Balaban
10726 Del Rudini Street
Las Vegas NV 89141
Phone: (702) 586-2964
Fax: (702) 586-3023
mbalaban@balaban-law.com

Anthony L. Barney
3317 W Charleston Blvd.
Las Vegas, NV 89102
Phone: 702-438-7878
office@anthonybarney.com

Travis N. Barrick
540 East St. Louis Ave.
Las Vegas NV 89104
702-892-3500
tbarrick@vegascase.com

✓ Kevin Benson Law
PO Box 4628
Carson City NV 89702
775-301-5115

Callister Law Group
330 E Charleston Blvd, #100
Las Vegas NV 89104

702-333-3334 jclv@callicallister.com
✓ Jack Campbell
4790 Caughlin Pkwy
Reno NV 89519
775-219-6699

Scott R. Daniel
The Daniel Firm
200 S Virginia St Fl 8
Reno, NV, 89501-2403
Office (202) 412-5544
scott.daniel@danielfirm.com

Nicolas R. Donath
871 Coronado Center DR Suite 200
Henderson NV 89052
702-460-0718
nick@nrdarelaw.com

✓ John Funk
428 S 4th ST
Las Vegas NV 89101
702-386-0000

Gentile Cristalli Miller Armeni Savarese
410 S. Rampart Blvd., Suite 420, Las
Vegas, NV 89145
(702) 880.0000
contact@gcmasslaw.com

Peter Goldstein
10795 West Twain Ave
Suite 110
Las Vegas, NV 89135

702-474-6400

peter@petergoldsteinlaw.com

Joseph Kaneda
1955 Village Center Dr
Las Vegas NV 89134
702-947-4900

kaneda@fentongrant.com

Kolesar and Leatham
400 W Rampart Ste. 400
Las Vegas, NV 89145
702-362-7800
702-869-9799

info@klnvada.com

✓ Brent Kolvet
6590 S McCarran Blvd, Ste B
Reno NV 89509
775-786-2882

Robert Langford
616 S 8th St
Las Vegas NV 89101
~~702-471-6565~~

robert@robertlangford.com

✓ Legal Aid Center of SN
725 E Charleston Blvd
Las Vegas NV 89104

Marquis Aurbach Coffing
1001 Park Run Drive
Las Vegas NV 89145
(702) 942-2136

info@maclaw.com

McLetchie Shell, LLC
701 E Bridger Ave #520
Las Vegas NV 89101
702-728-5300

admin@nvlitigation.com

✓ Hutchison & Steffen
10080 Alta Dr. #200
Peccole Professional Park

Las Vegas NV 89145
702-385-2500

✓ Suneel Nelson
1800 Calle de Vega
Las Vegas, NV 89102
702-710-5780

✓ Matthew Piccolo
8565 S Eastern Ave. Ste 150
Las Vegas NV 89123
702-630-5030

Brian Ramsey
5258 S Eastern Ave, Ste 202
Las Vegas NV 89119
702-936-4830
brianramseylaw@gmail.com

Theresa Ristenpart
464 S Sierra St.
Reno NV 89501
775-200-1699
theresa@ristenpartlaw.com

✓ William Routsis
1070 Monroe St.
Reno NV 89509

✓ Michael W Sanft
228 S 4th ST Fl 3
Las Vegas NV 89101
702-497-8008

✓ Ian Silverberg
227 Clay ST
Reno NV 89501
775-348-1836

Robert Spretnak
8275 S Eastern Ave, Ste 200
Las Vegas NV 89123
702-454-4900
bob@spretnak.com

✓
Thorndal, Armstrong, Delk, Balkenbush
and Eisinger
1100 E Bridger Ave
Las Vegas NV 89101
702-366-0622

Paul Wolfe
432 Court ST
Reno NV 89501
775-224-2194
Wolfepaul1@yahoo.com

PUBLIC SERVICE

Rule 6.1. Pro Bono Publico Service.

(a) **Professional responsibility.** Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least 20 hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(1) Provide a substantial majority of the 20 hours of legal services without compensation or expectation of compensation to:

(i) Persons of limited means; or
(ii) A public service, charitable group, or organization in matters that are designed primarily to address the needs of persons of limited means; and

(2) Provide any additional services through
(i) Delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;

(ii) Participation in activities for improving the law, the legal system, or the legal profession; or (iii) Delivery of services in connection with law-related education sponsored by the State Bar of Nevada, the Nevada Bar Foundation, a county bar association, or a court located in Nevada.

(3) As an alternative to rendering at least 20 hours of pro bono publico legal services per year as provided in subparagraphs (1) and (2), a lawyer may discharge the professional responsibility to provide legal services to those unable to pay by:

(i) Providing at least 60 hours of professional services per year at a substantially reduced fee to persons of limited means; or

(ii) Contributing at least \$500 per year to an organization or group that provides pro bono legal services to persons of limited means.

(4) When pro bono legal service is performed for an individual without compensation or at a substantially reduced fee, the fee shall be agreed to in writing at the inception of the representation and refer to this Rule.

(5) The following do not qualify as pro bono legal service under this Rule:

(i) Legal services written off as bad debts;
(ii) Legal services performed for family members; and
(iii) Activities that do not involve the provision of legal services, such as serving on the board of a charitable organization.

(b) **Reporting; discharge of professional responsibility.**

(1) All members shall complete an Annual Pro Bono Reporting Form, indicating services performed under this Rule, to be submitted to the state bar annually on a form to be provided by the state bar with the members' fee statements. If a member fails to file the report required by this Rule, the state bar shall notify the member that a fine of \$100 will be imposed unless the member files the report within a specified period of time not less than 30 days after the notice.

(2) The professional responsibility to provide pro bono services as established under this Rule is aspirational rather than mandatory in nature. Accordingly, the failure to render pro bono services will not subject a member to discipline.

(c) **Voluntary pro bono plan.** The purposes of the voluntary pro bono plan are to make available legal services to those Nevadans who cannot otherwise afford them and to expand the present pro bono programs. To accomplish these goals the following committees are hereby created.

(1) **District Court Pro Bono Committees.** In each judicial district, the Chief Judge of the District Court shall appoint a Pro Bono Committee consisting of representatives of various members of the bench and bar as well as pro bono services and community organizations of that judicial district. The responsibility of these committees is to determine and address the specific unmet legal needs of that jurisdiction by way of a plan to be submitted to the Supreme Court. Pursuant to paragraph (d) of this Rule, the Pro Bono Committee may establish a foundation. The foundations are authorized to receive funds paid in satisfaction of an order of any court entered in accordance with paragraph (e) of this Rule and to determine the allocation and use of such funds in a manner consistent with this Rule. If no foundation is established, the Pro Bono Committee is authorized to receive such funds and determine their allocation and use in a manner consistent with this Rule.

(2) **Access to Justice Section.** The board of governors shall have the power to establish a permanent Statewide Access to Justice Section that shall assist in the implementation of this Rule as well as facilitate and support local efforts to improve the public's access to justice. The initial officers of the Access to Justice Section shall be the currently serving officers of the Access to Justice Committee. Thereafter, elections for officers shall be held as provided in the Access to Justice Section's bylaws, as approved by the board of governors. The Access to Justice Section shall be composed of regular members who are licensed to practice law in Nevada and laypersons who may become auxiliary members.

(d) **Foundations.** A district court Pro Bono Committee may establish a local foundation to actively promote the provision of civil legal services to disadvantaged persons and households within the district. A foundation established pursuant to this Rule shall be created as a Nevada nonprofit corporation and is authorized to:

(1) Actively promote the observance of this Rule within the district;

(2) Receive donations from members of the State Bar of Nevada and monies from the courts as provided in this Rule;

(3) Distribute such funds to providers of pro bono and free or reduced fee civil legal services in the district and to public law libraries;

(4) Develop other new sources of funding and support for delivery of civil legal services;

(5) Support existing legal services and pro bono efforts and foster new projects to broaden the existing range of civil legal services; and

(6) Serve as an educational facilitator to make the community as a whole aware of the efforts being made to provide all Nevadans within the district with full access to the justice system.

(e) Payment of civil sanctions to fund pro bono programs or libraries. Subject to the limitations of this Rule, a court may direct that sanctions or fines imposed under NRS 1.210, NRAP 38, NRCP 11, JCRCP 11, or like authority be paid to a nonprofit entity or law library specified below. The court's discretion to direct payment of sanctions or fines to a nonprofit entity or law library, however, is limited to civil sanctions imposed against counsel, parties, witnesses or others appearing before the court and expressly excludes sanctions or fines imposed against a defendant in any criminal case. Payment may be directed only to the following:

(1) A nonprofit entity or committee designated pursuant to a voluntary pro bono plan described in paragraph (c) to serve the pro bono and access to justice needs either for the judicial district in which the judicial officer presides or, if serving outside his or her judicial district, where the case is heard; or

(2) A public law library or nonprofit entity associated with a public law library located either in the judicial district in which the judicial officer presides or, if serving outside his or her judicial district, where the case is heard; or

(3) To the Nevada Law Foundation or other statewide nonprofit entity designated by the state bar to serve pro bono and access to justice needs.

(4) The supreme court may also direct payment to such nonprofit entities or public law libraries located in the judicial district in which the matter before the supreme court originated or to any other public law library in the state.

(f) Limitation on authority to specify use of funds. A judicial officer who orders payment of a sanction or fine pursuant to paragraph (e) must not participate in the specific determination of which entity will receive the sanction or fine or of how that sanction or fine will be used by the nonprofit entity or law library designated to receive the funds. The judicial officer may, however, serve on the board or as an officer of a nonprofit entity created pursuant to this Rule, or of a law library or nonprofit entity associated with a law library, provided that he or she does not participate in specific decisions regarding the use of any sanction or fine directed to the nonprofit entity or library by that judicial officer.

[Added; effective May 1, 2006]

EXHIBIT B

EXHIBIT B

March 20,2020

To whom it may concern,

I recently filed a civil suit against the State of Nevada, NDOC, and 22 other defendants. It was already accepted by the courts, fee waiver ordered, services done and filed with only two of the defendants filing responses through counsel within the days allowed. I have filed a motion for default against 21 of the defendants. It has been 95 days, as of March 20, 2020 since service so my default should be granted against those that have still not responded. I am planning to remove one defendant due to the inability to serve a former NDOC director, James Dzurenda. The NDOC and Warden Brian Williams have requested dismissal which I have filed an opposition to already. I was "helped" by a "jailhouse lawyer" and a lot was left out and/or not explained which is why they requested a dismissal. Since my filing, they removed Warden Brian Williams and placed him in a different role within the NDOC. I need to amend to include a lot and need help.

I did not want anything from them originally other than being checked for my chest pain and after being ignored on three episodes I filed a grievance 111 days after the first one, was denied again so I then requested monetary in addition to medical attention.

After the full grievance process and then filing in court, they began retaliating by involuntarily removing me from pain management/chronic care medication, denied me access to the law library, my cell was hit maliciously sadistically and improperly (per NDOC AR's and OP's). I was level reduced, my tv was damaged, trimmers broken, among other items broken, damaged, and items seized. My legal mail is also being delivered late to impede on proper response times. I am getting some mail 7-11 days after the post marked, it's normally 2-4 days. I still have all evidence (kites, grievances, bills, etc.) with me, although I am afraid, they will take it. I can't really send it out to make copies. I was told they re-opened my packages I sent out even though they aren't supposed to. My only option is an attorney I can hand it to so he/she can make copies. I truly need help. I can't get case law, forms, use the computer, make copies, Nothing! They are doing everything they can to stop or impede on my civil rights.

I wrote and spoke to Mr. Witherow, ^{of} the Nevada CURE on the phone. He told me NDOC is very well known for retaliation and told me he would send me some information and wants me to keep him informed on my case against them. He sent me some articles, laws, rules, and a list of NV civil rights attorneys, which is how I received your contact information and was told to write or call and ask for help under rule 6.1 of the Nevada Rules of Professional Conduct for pro bono public service to persons of limited financial resources. I'm a person of limited means and it is in the public interest that the Nevada prison system provides humane, fair, and just treatment to all persons.

I am in dire need of help and am writing these few addresses for help, hopefully in entirety, but in the least in part with typing, copies, case law, and/or advise, etc. I am willing to pay with whatever we settle with them. Just please help me, PLEASE!

Below is my case information so you can look up the case if you need to.

Case number: A-19-805689-C Department Number: VIII

Please I beg for your compassion and help on this matter!

1 or 2

My methods of contact are Corrlinks Email on Corrlinks.com (fastest) and postal mail (legal).

Thank you greatly and respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Harris', with a stylized flourish at the end.

Anthony Harris #1169848

HDSP/P.O. Box 650

Indian Springs, NV 89070

2 of 2

EXHIBIT C

EXHIBIT C

Anthony Harris #1169848
H.D. ST.
22010 Cold Creek Road
Indian Springs, NV 89070

Return to
Sender
Noted

11B-10B

HIGH DESERT STATE PRISON

MAR 22 2020

11B 111111

LAS VEGAS NV 890

23 MAR 2020 PM 5.1

MAR 3 1 2020

MAIL ROOM
RECEIVED

Jan Silverberg

~~Anthony St~~

~~Anthony St~~ 8972

NIXIE

895 DE 1

0003/29/20

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

EC: 89070

*0879-00567-23-44

ANK

08501-170427

93243000515452

SEALED

LEGAL AND CONFIDENTIAL

EXHIBIT D

EXHIBIT D

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:

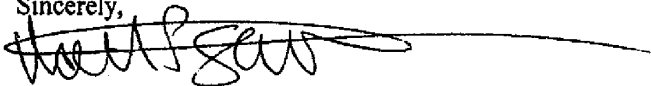
I am very sorry to hear about your situation. However, because I serve as a court-appointed mediator in cases involving prisoner's rights, it would be a conflict of interest for me to represent anyone in a case against the State of Nevada's prison system.

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

EXHIBIT E

EXHIBIT E

LEGAL AID CENTER

Since 1958

of Southern Nevada

725 E. Charleston Blvd.
Las Vegas, Nevada 89104

LAS VEGAS
NV 890
01 JUN 20
PM 5 L

118-10

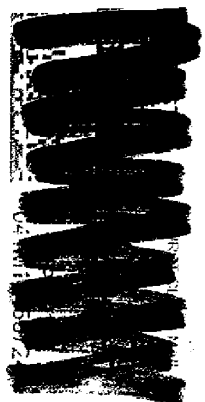
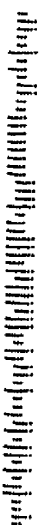
Anthony Harris #1169848
High Desert State Prison
P. O. Box 650
Indian Springs, NV 89070

RECEIVED

JUN 03 2020

MAIL ROOM
HIGH DESERT STATE PRISON

89070-



1958
LEGAL AID CENTER
■ ■ ■ ■ *of Southern Nevada*

RE: Response to Legal Inquiries

We received your correspondence. Below is our response.

☐ The information you requested is attached.

☐ We do not handle criminal matters, appeals, or writs. You may contact:

- The Public Defender's Office, 309 S. Third St., 2nd Floor, Las Vegas, Nevada 89101 or the State Bar Lawyer Referral Service at 3100 E. Charleston Blvd., Suite 100, Las Vegas, NV 89102.

☒ We do not handle Prison Condition or Civil Rights Matters. You may contact:

- The Public Defender's Office, 309 S. Third St., 2nd Floor, Las Vegas, Nevada 89101 or the ACLU of Nevada, Las Vegas Office, 601 S. Rancho Drive, Suite B-11, Las Vegas, Nevada 89106, or the State Bar Lawyer Referral Service at 3100 E. Charleston Blvd., Suite 100, Las Vegas, NV 89102.

☒ We do not handle Personal Injury / Medical Malpractice Matters. You may contact:

- The State Bar Lawyer Referral Service at 3100 E. Charleston Blvd., Suite 100, Las Vegas, NV 89102.

☐ We do not handle Parental Rights Matters on CPS cases. You may contact:

- Drew Christensen, Esq., 500 S. Grand Central Pkwy., 6th Floor, Las Vegas, NV 89155. He is in charge of appointing counsel to assist individuals in CPS matters.

☐ We do not handle Legal Research / Supplies

- Unfortunately, we cannot assist with legal research and cannot send supplies.

☐ We do not handle Social Security Matters (SSI & SSD)

- Both are stopped if inmate is incarcerated for longer than one month. Children may continue to receive dependent's benefits and Medicare continues provided inmate pays monthly premiums. When you are released you must notify SSA to see if SSA will simply restart benefits or require you to requalify for SSD. You can contact our office upon your release to apply for our services. Social Security does NOT pay for schooling and is NOT available during incarceration.

☐ We do not handle Federal Court litigation involving conditions or prisoner issues

- There is a limited pro bono program operating in Federal Court. A case is only accepted to the pro bono program if a judge refers it to the program. If the judge refers the case, then pro bono program attempts to find a lawyer. Please understand that the pool of attorneys is extremely limited as there are a small number of volunteers. You would need to ask the judge to refer your case to the pro bono program.

☐ We are unable to handle your immigration case

- We can handle U-Visa or T-Visa cases and some asylum cases. If you have such a case, please provide us with details so we can evaluate. In order to qualify for a U-Visa, you must have a police report. You must prove to USCIS that you were a victim of a qualifying crime and that you cooperated with the investigation of the crime. If a police report was never filed, you cannot apply for an immigration benefit under U-Visa.

☐ For other immigration cases, please contact

- The State Bar Lawyer Referral Service at 3100 E. Charleston Blvd., Suite 100, Las Vegas, NV 89102.
- Catholic Charities, 1501 Las Vegas Blvd. No., Las Vegas, NV 89101.

☐ We do not handle Criminal Record Sealing for someone in prison

- You CANNOT seal your records while you are incarcerated. You cannot seal partial criminal records. You must meet the statutory time limits on all criminal charges in order to seal your records. Upon release, consider attending the free record sealing class. Information on the schedule can be found at www.lacsn.org

☐ Other:

EXHIBIT F

EXHIBIT F

NEVADA DEPARTMENT OF CORRECTIONS

LEGAL MAIL

NAME: HARRIS, ANTHONY DOC#: 1169848 UNIT: 11B10

REPORT TO CONTROL AT ADMIN FOR THE FOLLOWING:

LEGAL MAIL: LEGAL AID CENTER OF SOUTHERN NEVADA

CERTIFIED MAIL: _____

REGISTERED MAIL: _____

DATE: _____

OFFICER: 2.0000

INMATE SIGNATURE: [Signature]

DOC#: 1169848

DATE: 1/5/14

DOC - 3020 (REV. 7/01)

11B10

LEGAL AID CENTER
Since 1958
725 E. CHARLESTON BLVD. ■ LAS VEGAS, NV 89104
www.lacsn.org
TO: Anthony Harris #1169848
High Desert State Prison
P. O. Box 650
Indian Springs, NV 89070

NEOPOST
FIRST CLASS MAIL
US POSTAGE \$001.80
ZIP 89104
04 JAN 14 5072

ANTHONY HARRIS #1169848
HIGH DESERT STATE PRISON
POST OFFICE BOX 1650
INDIAN SPRINGS, NEVADA 891010

B. No. 2533838

Hasler
06/15/2020
US POSTAL



RECEIVED
JUN 18 2020

CLERK OF THE COURT

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

16

Steven D. Grierson

1 ANTHONY HARRIS
2 NDOC No. 1169848
3 PLAINTIFF

4 In proper person

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)
15)
16 THE STATE OF NEVADA ET. AL.,)
17 Respondent.)
18)
19)

Case No. A-19-8051689-C

Dept. No. VIII

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 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 JUNE 30, 2020
29 at 9:00 A.M.

RECEIVED

JUN 18 2020

CLERK OF THE COURT

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at HIGH DESERT STATE PRISON.

3 My mandatory release date is APRIL 29, 2027.

4
5 2. The Department of Corrections is required to transport offenders to and
6
7 from Court if an inmate is required or requests to appear before a Court in this state.
8

9 NRS 209.274 Transportation of Offender to Appear Before Court states:

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

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

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

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

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

29 3. My presence is required at the hearing because:

1 ☒ 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 ☒ 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*, 312 U.S. 275 (1941) (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 Gebers 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 30-38 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: MONIQUE HUBBARD-PICHAULT, ASSOCIATE WARDEN
12 whose telephone number is 702-879-6789

13
14 Dated this 8TH day of JUNE, 2020.

15
16 BY: 
17 ANTHUAN HARRIS #116946
18 PLAINTIFF/IN PROPRIA PERSONA
19
20
21
22
23
24
25
26
27
28
29

CERTIFICATE OF SERVICE BY MAILING

I, ANTHONY HARRIS, hereby certify, pursuant to NRCP 5(b), that on this 8TH
day of JUNE, 2020, I mailed a true and correct copy of the foregoing, "MOTION AND
ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE, FOR
APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE."
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

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

HARUN D. FORD
OFFICE OF THE ATTORNEY GENERAL
555 E. WASHINGTON AVENUE, SUITE 900
LAS VEGAS, NV 89101-1018

CC: FILE

DATED: this 8TH day of JUNE, 2020.

ANTHONY HARRIS #116,0549
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89016
IN FORMA PAUPERIS: 39070

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding MOTION AND ORDER

FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE,
(Title of Document) FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE.

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

8/31/2020

Date

ANTHONY HARRIS

Print Name

PLAINTIFF

Title

Steven D. Grierson

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
8 ANTHONY HARRIS,

9 PLAINTIFF,

10 vs.

11 THE STATE OF NEVADA ET AL.,

12 DEFENDANTS.

Case No. A-19-805689-C

Dept No. VIII

Docket _____

13
14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE, that**

16 ~~MOTION AND ORDER FOR TRANSPORT OF INMATE~~
17 ~~FOR COURT APPEARANCE OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE,~~
18 will come on for hearing before the above-entitled Court on the ____ day of _____, 20____,
19 at the hour of ____ o'clock ____ M. In Department ____, of said Court.

20 CC:FILE

21
22 **DATED:** this 9TH day of JUNE, 2020.

23
24 BY:

25 ANTHONY HARRIS #1169848
26 PLAINTIFF /In Propria Personam
27
28

Steven D. Grierson

1 ANTHONY HARRIS #1169849
2 PLAINTIFF/ 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.
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 MOTION FOR THE APPOINTMENT OF COUNSEL;**
16 **AND ORDER FOR THE APPOINTMENT OF COUNSEL**
17 **will come on for hearing before the above-entitled Court on the _____ day of _____, 20____,**
18 **at the hour of _____ o'clock _____ M. In Department _____, of said Court.**

19
20 **CC:FILE**

21
22 **DATED: this 8TH day of JUNE, 2020.**

23
24 **BY: [Signature]**
25 **ANTHONY HARRIS #1169849**
26 **PLAINTIFF /In Propria Personam**
27
28

Steven D. Grierson

1 ANTHONY HARRIS #1169848
2 PLAINTIFF/IN PROPRIA PERSONAM
3 POST OFFICE BOX 650 [HDSP]
4 INDIAN SPRINGS, NV 89070
5
6
7

DISTRICT COURT
CLARK COUNTY, NEVADA

8 ANTHONY HARRIS,
9 PLAINTIFF;

CASE NO. - A-19-805689-C

10 VS

11 THE STATE OF NEVADA ET AL.,

DEPT. NO. - VIII

12 DEFENDANTS.

ORAL ARGUMENTS REQUESTED

13
14
15 PLAINTIFF'S RESPONSE/OPPOSITION TO DEFENDANT'S MOTION TO DISMISS

16
17 COMES NOW PLAINTIFF, ANTHONY HARRIS, IN PROSE AND RESPECTFULLY
18 MOVES THIS HONORABLE COURT FOR DISMISSAL OF DEFENDANT'S "MOTION TO
19 DISMISS COMPLAINT PURSUANT TO NRPC 4" AS IT FAILS AS A MATTER OF
20 FACT AND IS PROVEN FALSE BY FILED DOCUMENTS ON RECORD.

21 THIS RESPONSE/OPPOSITION IS MADE AND BASED UPON THE ACCOMPANYING
22 MEMORANDUM OF POINTS AND AUTHORITIES AS WELL AS ALL OTHER PAPERS AND
23 PLEADINGS ON FILE IN THIS CASE.

24 DATED THIS 8TH DAY OF JUNE, 2020.

25

26

27 PRISON MAILBOX RULE

28

RECEIVED

JUN 18 2020

CLERK OF THE COURT

RESPECTFULLY SUBMITTED,
[Signature] PLAINTIFF

I. INTRODUCTION

2 DEFENDANTS' MOTION TO DISMISS FAILS FACTUALLY AND IS SHOWN
3 IN PAPERS AND PLEADINGS ON FILE IN THIS CASE. DEFENDANTS'
4 CLAIM THAT DISMISSAL IS WARRANTED "BECAUSE PLAINTIFF HAS
5 FAILED TO PROPERLY SERVE THE REMAINING DEFENDANTS IN THIS MATTER
6 WITHIN THE 120-DAY PERIOD SET FORTH IN NRCP 4(e)." THEIR MOTION
7 ALSO CLAIMS "TO DATE, NONE OF THE DEFENDANTS REMAINING IN
8 THIS MATTER HAVE BEEN PROPERLY SERVED", AS OF THEIR MOTION DATED
9 3 JUNE 2020.

10. ADDITIONALLY, DEFENDANTS ALSO CLAIM PLAINTIFF DID NOT LIST THE
11. CURRENT ADMINISTRATIVE HEADS OF THE BOARD OF PRISON COMMISSIONERS,
12. NDOC DIRECTOR CHARLES DANIELS.

14 II. RELEVANT PROCEDURAL HISTORY

15 ON 4 NOVEMBER 20th 2020, PLAINTIFF FILED HIS CIVIL RIGHT/TORT COMPLAINT
16 (COMPLAINT) WHICH NAMED 24 DEFENDANTS.

17 ON 13 DECEMBER 2019, DEFENDANTS, STATE OF NEVADA, BOARD OF PRISON
18 COMMISSIONERS, STEVE SISOLAK, BRIAN SANDONAL, AARON FORD, ADAM LAVALT, BARBARA
19 CECANSHE, MICHAEL MINEV, ROMEO ARENAS, JEREMY BEAN, JULIE MATOUSEK, MR.
20 FAUSZEK, MRS. ENNIS, NAPHCARE INC., BOB FAULKNER, N. PERET, G. WORTHY, G. MARTIN,
21 G. BRIAN, JANE DOE 1, AND JAMES TOLMAN, WERE SERVED AT 0935HRS (9:35AM)
22 BY SAKOBS DEYAK, CARSON CITY SHERIFF'S OFFICE AUTHORIZED AGENT/PROCESS
23 SERVER FOR SHERIFF KEN FURLONG AT THE OFFICE OF THE ATTORNEY
24 GENERAL BY SERVING BRANDON SALVERS, THE ATTORNEY GENERAL'S AUTHORIZED
25 INDIVIDUAL. THIS PROCESS WAS DONE PROPERLY AND PURSUANT TO NRC
26 4.2(d).

27. ON 16 DECEMBER 2019, DEFENDANTS, NY DEPT. OF CORRECTIONS AND

1 BRIAN WILLIAMS, WERE SERVED AT 1100HRS (11 A.M.) BY JACOB DZ^{SR}YAK, CARSON
2 CITY SHERIFF'S OFFICE AUTHORIZED AGENT/PROCESS SERVER FOR SHERIFF
3 KEN FURLONG AT THE OFFICE OF THE ATTORNEY GENERAL BY SERVING
4 NANCY SANDERS (AA11), THE AUTHORIZED INDIVIDUAL. THIS PROCESS WAS
5 DONE PROPERLY AND PURSUANT TO NRCP 4.2(d).
6 ON 11 FEB 2020, PLAINTIFF FILED A MOTION (COURT FILED 19 FEBRUARY 2020)
7 OF SERVICE WITH ALL DECLARATIONS OF SERVICE AND ONE DECLARATION
8 OF NON-SERVICE.
9 IN MARCH/APRIL 2020, PLAINTIFF ATTEMPTED TO FILE A DEFAULT MOTION
10 WITH DECLARATIONS ATTACHED AND WAS NOTIFIED THEY WERE NOT FILED IN
11 THE CASE AS WAS SUPPOSED TO BE DONE IN MOTION FILED 19 FEBRUARY 2020.
12 ON 20 APRIL 2020, PLAINTIFF SENT ANOTHER MOTION WITH DECLARATIONS
13 ATTACHED TO BE FILED INTO CASE (FILED 8 MAY 2020).
14 ON ~~21~~²⁴ MAY 2020, PLAINTIFF SUBMITTED NOTICE OF INTENTION TO
15 ENTER DEFAULT TO THE COURT, WHICH WERE MAILED TO DEFENDANTS
16 ON 30 APRIL 2020 TO ALLOW TIME TO FILE A RESPONSE PRIOR TO FILING THIS.
17 PLAINTIFF ALLOWED 4 DAYS INSTEAD OF THE REQUIRED 3 DAYS, FOR ADDITIONAL
18 GOOD FAITH.
19 ON APPROXIMATELY 15 MAY 2020, NOW 15 DAYS HAVE PASSED SINCE MAILING
20 INTENT MOTION TO DEFENDANTS, 11 DAYS SINCE NOTICE SENT TO COURTS. THE
21 PLAINTIFF SENT DEFAULT MOTIONS AGAINST ALL DEFENDANTS WHOM
22 HAD BEEN SERVED BUT REFUSED TO FILE, PLEAD, ANSWER, OR TAKE ANY
23 OTHER ACTIONS ALTHOUGH PLAINTIFF HAD ALLOTTED MORE THAN FAIR
24 AMOUNT OF GOOD FAITH IN WAITING FOR RESPONSES (OVER THREE TIMES
25 WAS PERMITTED PAST THE 45-DAY PERIOD, INCLUSIVE).

26 //

27 //

28

1 III. LEGAL STANDARD

2 A. NRCP 4

3 NRCP 4(e) GOVERNS THE TIME PERIOD IN WHICH TO EFFECTUATE
4 SERVICE. THE RULE STATES IN RELEVANT PART:

5 (1) IN GENERAL. THE SUMMONS AND COMPLAINT MUST
6 BE SERVED UPON A DEFENDANT NO LATER THAN 120 DAYS
7 AFTER THE COMPLAINT IS FILED, UNLESS THE COURT GRANTS
8 AN EXTENSION OF TIME UNDER THIS RULE.

9 (2) DISMISSAL. IF SERVICE OF THE SUMMONS AND COMPLAINT
10 IS NOT MADE UPON A DEFENDANT BEFORE THE 120-DAY SERVICE
11 PERIOD — OR ANY EXTENSION THEREOF — EXPIRES, THE
12 COURT MUST DISMISS THE ACTION, WITHOUT PREJUDICE, AS TO
13 THAT DEFENDANT UPON MOTION OR UPON THE COURT'S OWN
14 ORDER TO SHOW CAUSE.

15 B. NRCP 4.2

16 NRCP 4.2 GOVERNS SERVICE OF THE STATE OF NEVADA, ITS PUBLIC
17 ENTITIES AND POLITICAL SUBDIVISIONS, AND THEIR OFFICERS AND EMPLOYEES.

18 NRCP 4.2(d) STATES IN RELEVANT PART:

19 (1) THE STATE AND ITS PUBLIC ENTITIES. THE STATE AND ANY
20 PUBLIC ENTITY OF THE STATE MUST BE SERVED BY DELIVERING
21 A COPY OF THE SUMMONS AND COMPLAINT TO:

22 (A) THE ATTORNEY GENERAL, OR A PERSON DESIGNATED
23 BY THE ATTORNEY GENERAL TO RECEIVE SERVICE OF
24 PROCESS, AT THE OFFICE OF THE ATTORNEY GENERAL
25 IN CARSON CITY; AND

26 (B) THE PERSON SERVING IN THE OFFICE OF ADMIN-
27 ISTRATIVE HEAD OF THE NAMED PUBLIC ENTITY, OR AN
28

1 AGENT DESIGNATED BY THE ADMINISTRATIVE HEAD TO
2 RECEIVE SERVICE OF PROCESS.

3 (2) STATE OFFICERS AND EMPLOYEES. ANY CURRENT OR
4 FORMER PUBLIC OFFICER OR EMPLOYEE OF THE STATE
5 WHO IS SUED IN HIS OR HER OFFICIAL CAPACITY OR HIS
6 OR HER INDIVIDUAL CAPACITY FOR AN ACT OR OMISSION
7 RELATING TO HIS OR HER PUBLIC DUTIES OR EMPLOY-
8 MENT MUST BE SERVED BY DELIVERING A COPY OF
9 THE SUMMONS AND COMPLAINT TO:

10 (A) THE ATTORNEY GENERAL, OR A PERSON DESIGNATED
11 BY THE ATTORNEY GENERAL TO RECEIVE SERVICE OF
12 PROCESS, AT THE OFFICE OF THE ATTORNEY GENERAL
13 IN CARSON CITY; AND

14 (B) THE CURRENT OR FORMER PUBLIC OFFICER OR
15 EMPLOYEE, OR AN AGENT DESIGNATED BY HIM OR HER
16 TO RECEIVE SERVICE OF PROCESS.

17
18 IV. LEGAL ARGUMENT

19 THIS MOTION WILL SHOW EXACTLY HOW FRIVOLOUS THE
20 MOTION TO DISMISS FILED BY DEFENDANTS' "SPECIAL APPEARING
21 PARTY" ~~IS~~ IS. IT IS CLEARLY INSUFFICIENT AND NOT SUPPORTED
22 BY ANY TRUE FACTS.

23 DEFENDANTS REQUEST DISMISSAL STATING THE SERVICE WAS
24 NOT EFFECTUATED WITHIN THE 120 DAY PERIOD BUT EVEN IN ITS
25 CONTENTS THEIR OWN EXHIBIT IS PLAINTIFF'S MOTION TO FILE
26 ALL DECLARATIONS OF SERVICE/NON-SERVICE' WITHIN SAID
27 MOTION'S CONTENTS ARE ALL DECLARATIONS PREPARED BY

1 THE CLARK COUNTY SHERIFF'S OFFICE AUTHORIZED AGENT JAKOB
2 DZYAK FOR SHERIFF KEN FURLONG.

3 THE SERVICE WAS COMPLETED 13 DECEMBER 20th 2019 AND THE
4 REST ON 16 DECEMBER 2019, SHOWING CLEARLY THAT SUMMONS
5 AND COMPLAINT WAS SERVED IN ONLY 39-42 DAYS MEETING THE
6 REQUIREMENTS SET FORTH IN NRCP 4(e) WHICH STATES "IN GENERAL,
7 THE SUMMONS AND COMPLAINT MUST BE SERVED UPON A DEFENDANT
8 NO LATER THAN 120 DAYS AFTER THE COMPLAINT IS FILED, UNLESS THE
9 COURT GRANTS AN EXTENSION OF TIME UNDER THIS RULE."

10 HERE, THERE IS NO NEED FOR ANY REQUEST FOR ADDITIONAL TIME
11 PURSUANT TO NRCP 4(e) BECAUSE THE TIME LIMIT WAS NOT EXCEEDED,
12 TIME BAR WAS NOT EVEN CLOSE TO BEING EXCEEDED. ALL DEFENDANTS
13 STILL PART OF THIS CASE WERE SERVED IN APPROXIMATELY ONE-THIRD
14 OF THE TIME LIMIT.

15 ALTHOUGH MOTION WAS NOT TARDY, PLAINTIFF ASSERTS THAT THE
16 ATTORNEY GENERAL'S KNOWLEDGE AND SERVICE WAS OBVIOUSLY
17 PROPER SINCE HE DEFENDED HIS NAME AND FILED FOR DISMISSAL
18 JUST AFTER THE 120 DAY DEADLINE WOULD HAVE EXPIRED, ON
19 9 MARCH 2020 WITH THE DEADLINE BEING 3 MARCH 2020. HIS
20 ~~PROPER~~ SERVICE SATISFIED BOTH NRCP 4.2(d)(1)(A) AND NRCP 4.2(d)(2)
21 (A), AND WAS ACCOMPANIED BY ALL UNRESPONDANT DEFENDANTS
22 SERVICES WHICH SATISFIED BOTH NRCP 4.2(d)(1)(B) AND NRCP 4.2(d)(2)(B).
23 THEREFORE, DUAL SERVICE WAS ACCOMPLISHED WITH OR WITHOUT
24 NECESSITY FOR IT.

25 ADDITIONALLY, PLAINTIFF WOULD LIKE TO ASSERT, BASED ON INFORM-
26 ATION AND BELIEF, THAT DEFENDANTS ARE ATTEMPTING TO "PEN-
27 WHIP" THE PLAINTIFF. PLAINTIFF CANNOT COPY/PASTE CASE LAW AND
28

1 RULES AS THEY CAN AND EVEN THOUGH THEIR ACTIONS, FACT, ARE
2 EFFECTIVELY KEEPING PLAINTIFF FROM LAW LIBRARY ACCESS EFFICIENTLY,
3 PLAINTIFF IS DOING HIS BEST TO LEARN MORE AND MORE OF THE
4 LAW IN BOOKS, DICTIONARIES, ETC. AS HIS CASE PROGRESSES.
5 PLAINTIFF WOULD ALSO LIKE TO POINT OUT THAT IF THE
6 DEFENDANTS DID SOMEHOW BELIEVE THAT THIS MAY PREVAIL THAT
7 THE DEFENDANTS TIMING OF ACCEPTANCE OF SERVICE AND DISMISSAL
8 MOTION ON ^{AM}9 MARCH 2020 SHOULD BE TAKEN INTO STRONG CONSIDERATION
9 IN DETERMINING "(2) THE DEFENDANTS EFFORTS AT EVADING SERVICE OR
10 CONCERNMENT OF IMPROPER SERVICE UNTIL AFTER THE 120-DAY
11 PERIOD HAS Lapsed.....AND (9) THE DEFENDANT'S KNOWLEDGE OF
12 THE EXISTANCE OF THE LAWSUIT." SAAYENRA-SANDOVAL, 126 N.E.V.
13 AT 597, 245 P.3d AT 1201 (CITING SCRIMER V. EIGHTH JUDICIAL DIST. COURT
14 EX. REL. CTY. OF CLARK, 116 N.E.V. 507, 516, 998 P.2d 1190, 1196 (2000)),
15 AND SHOULD BE MADE PART OF THE RECORD.

16 DEFENDANTS CLAIM DATE OF DEADLINE FOR PLAINTIFF TO TIMELY
17 EFFECTUATE SERVICE WAS 3 FEBRUARY 2020 (SEE MOTION AT 6:2-3) WHICH
18 IS FACTUALLY INCORRECT, BASED ON SIMPLE MATH, THAT IS ONLY 91
19 DAYS.

20 SIMILARLY, DEFENDANTS STATE "IT IS UNDISPUTED PLAINTIFF ALLEGEDLY
21 ATTEMPTED TO EFFECTUATE ~~AM~~ SERVICE UPON THE REMAINING DEFENDANTS..
22ON DECEMBER 19, 2019" ALLEGEDLY QUOTING THEIR EXHIBIT D
23 AT 4-25, WHICH CONTAINS THE DECLARATIONS OF SERVICE ON FILE.
24 ALTHOUGH, IT SHOULD BE DISPUTED BECAUSE, AGAIN, THIS DATE DOES
25 NOT EXIST ANYWHERE AND IS INACCURATE. (SEE MOTION AT 6:4-6).

26 DEFENDANTS CLAIM THAT PLAINTIFF DID NOT SERVE THE ADMINISTRATIVE
27 HEAD OF THE BOARD OF PRISON COMMISSIONERS, NIDOC DIRECTOR CHARLES

1 DANIELS. AS STATED PREVIOUSLY, NDOC DIRECTOR CHARLES DANIELS WAS
2 NOT IN THIS POSITION AT THE TIME OF FILING, THERE WAS NO HEAD
3 AT THE TIME SO HENCEFORTH PLAINTIFF ATTEMPTED TO SERVE THE FORMER
4 HEAD, JAMES DURENDA, AND DID EFFECTIVELY EFFECTUATE ^{W/ SERVICE UPON} THE REST
5 OF THE BOARD OF PRISON COMMISSIONERS OF WHICH AT THE TIME
6 WERE THE ONLY MEMBERS OF THE BOARD, WHICH WOULD DEEM ONE OR
7 ALL OF THEM TEMPORARY HEAD, SO SERVICE WAS PROPER. DEFENDANTS
8 KNOW SO WHICH IS WHY THEY ATTEMPTED TO INCLUDE AN ALTERNATIVE IN
9 THEIR MOTION (FOOTNOTE ³ AT 6) TO SIMPLY REMOVE THE BOARD. DEFENDANTS
10 CLAIM FOR DISMISSAL DUE TO HEAD OF THE BOARD NOT BEING SERVED ALSO
11 INCLUDED A ~~FOOTNOTE~~ ^{DM} FOOTNOTE STATING THAT THIS VERY ~~CLAIM~~ ^{DM} CLAIM
12 "WOULD HAVE FAILED BECAUSE IT IS AN ARM OF THE STATE OF NEVADA..."
13 ANYWAY, BASED ON THIS WHY WAS THIS FALSE CLAIM EVEN RELEVANT
14 THEN.

15 DEFENDANTS STATE THAT NRCP 4.2(d)(2)(B) REQUIRES FORMER AND
16 CURRENT PUBLIC EMPLOYEE BE "PERSONALLY" SERVED. (SEE MOTION AT 6:16)
17 WHICH APPEARS TO BE ANOTHER FALSELY MADE STATEMENT, NRCP 4.2(d)(2)(B)
18 AS QUOTED IN THIS MOTION (AT ~~4:16~~ ^{DM} 5:14-16) AND THEIR MOTION (AT 4:17-18)
19 DOES NOT STATE "PERSONALLY" ANYWHERE. ALTHOUGH, DEFENDANTS WERE
20 ALL "PERSONALLY" SERVED, LEGALLY, BY THE CARSON CITY SHERIFF'S OFFICE
21 PROCESS AGENT DUE TO PLAINTIFF INABILITY TO LEGALLY SERVE "PERSONALLY"
22 SINCE PLAINTIFF IS A PARTY. ADDITIONALLY, IN SCHROEDER V. MABELLOS,
23 823 F. SUPP. 906, 909-810 (D. HAW. 1993) HELD THAT ALTHOUGH SERVICE
24 OF PROCESS IS A FIRST AMENDMENT RIGHT BUT IT MAY BE RESTRICTED
25 FOR SECURITY REASONS, REVID ON OTHER GROUND, 29 F.3d 634 (9TH CIR. 1994).
26 PLAINTIFF ASSERTS THAT ALL STEPS WERE PROPERLY TAKEN BY THE
27 PROFESSIONAL SERVER, WHICH IS WHY PLAINTIFF CHOSE TO USE THEM

1 INSTEAD OF FRIENDS AND/OR FAMILY SO THERE IS NO NEED TO ESTAB-
2 LISH GOOD CAUSE OR MOVE THIS COURT FOR AN ENLARGEMENT OF TIME
3 ALTHOUGH THESE ARGUMENT CLEARLY SATISFIED THE BURDEN UNDER
4 SAAVEDRA-SANDOVAL, IF NEEDED (126 NEV. AT 597, 245 P.3d AT 1201),
5 THOUGH IT IS NOT BELIEVED TO BE NEEDED. ADDITIONALLY, IF THIS COURT
6 DEEMS THE 'PROFESSIONAL' PROCESS SERVER ERRED IT HAS BEEN RECOGN-
7 IZED BY THE 9TH CIRCUIT IN PUELT V. BLANDFORD, 912 F.2d 270, 275
8 (9TH CIR. 1990) THAT FAILURE BY GOVERNMENT SERVERS DO NOT WARRANT
9 DISMISSAL WHERE THE PLAINTIFF DID WHAT WAS REQUIRED OF HIM.
10 PLAINTIFF ASSERTS THIS IS AN ATTEMPT BY ~~PLAINTIFF~~^{WH} DEFENDANTS
11 SOLELY TO VOID DEFAULT FILED AGAINST THEM AS MENTIONED IN THEIR
12 MOTION (AT 7: FOOTNOTE 6).

13

14 VI. CONCLUSION

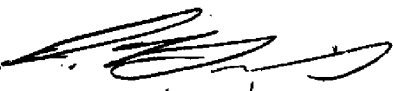
15 THE DEFENDANTS MOTION SHOULD BE DENIED IN ITS ENTIRETY AS
16 ALL GROUNDS HAVE BEEN DISPUTED AND EFFECTIVELY PROVEN FALSE AND
17 OTHERWISE 'DEBUNKED'. NO ENLARGEMENT OF TIME OR GOOD CAUSE
18 NEED BE ESTABLISHED (ALTHOUGH IT HAS BEEN) DUE TO ALL PROPER
19 STEPS WERE TAKEN, CONTRARY TO DEFENDANTS' CLAIMS, AND HAVE BEEN
20 PROVEN IN BLACK AND WHITE WITH PAPERS AND PLEADINGS ON FILE,
21 DECLARATIONS BY CLARK COUNTY SHERIFF'S OFFICE, THIS OPPOSITION, NRCP
22 4(e), AND NRCP 4.2(d). THUS, DISMISSAL IN ANY WAY IS NOT
23 PROPER.

24 THEREFORE, PLAINTIFF REQUEST THAT DISMISSAL MOTION
25 MADE BY DEFENDANTS IS DISMISSED ITSELF SINCE IT HOLDS
26 NO FACTUAL MERIT(S), WAS, BASE ON INFORMATION AND BELIEF, PURPOSELY
27 ATTEMPTED TO CONCEAL IMPROPER SERVICE UNTIL THE 120-DAY PERIOD.

28

1 HAD ELAPSED TO ATTEMPT, ALTHOUGH SERVICE WAS ALREADY PROPERLY
2 MADE, AND WAS A FAR REACH ONLY MADE DUE TO PLAINTIFF FINALLY
3 FILING FOR DEFAULT AFTER OVER TRIPLE ALLOTMENT OF 45-DAY TIME
4 TO RESPOND TO COMPLAINT. ADDITIONALLY, DEFAULT JUDGEMENT'S
5 SUBMITTED TO THIS COURT IN MAY SHOULD BE FILED/ENTERED, AN INQUEST
6 HEARING HELD, IF NEEDED, AND DEFAULT GRANTED.

7 DATED THIS 8TH DAY OF JUNE, 2020.

8
9 BY: 
10 ANTHONY HARRIS #1169848
11 PLAINTIFF/IN PROPRIETARY NAME
12
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14
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CERTIFICATE OF SERVICE BY MAILING

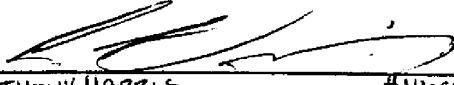
I, ANTHONY HARRIS, hereby certify, pursuant to NRCP 5(b), that on this 8TH day of JUNE, 2020, I mailed a true and correct copy of the foregoing, "PLAINTIFF'S RESPONSE/OPPOSITION TO DEFENDANT'S MOTION TO DISMISS" by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

STEVEN D. GRIERSON, CEO
CLERK OF THE COURT
300 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV 89155-1110

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

CC:FILE

DATED: this 8TH day of JUNE, 2020.


ANTHONY HARRIS #1166848
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018 89070
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding PLAINTIFF'S

RESPONSE/OPPOSITION TO DEFENDANT'S MOTION TO DISMISS
(Title of Document)

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

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

-OR-

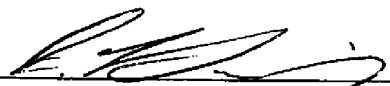
☐ Contains the social security number of a person as required by:

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

8 JUNE 2020
Date

ANTHONY HARRIS
Print Name

PLAINTIFF
Title

Steven D. Grierson

1 ANTHONY HARRIS #7169848
2 PLAINTIFF/IN PROPRIA PERSONAM
3 POST OFFICE BOX 650 [HDSP]
4 INDIAN SPRINGS, NV 89070
5

6 DISTRICT COURT
7 CLARK COUNTY, NEVADA
8

9 ANTHONY HARRIS,
10 PLAINTIFF;
11 VS.
12 THE STATE OF NEVADA ET. AL.,
13 DEFENDANTS.

CASE No. A-19-805689-C

DEPT. No. VIII

ORAL ARGUMENT REQUESTED

14
15 PLAINTIFF'S REPLY ~~W~~ BRIEF IN SUPPORT OF MOTION FOR RECONSIDERATION
16 OF ORDER TO DISMISS COMPLAINT AGAINST SOME DEFENDANTS AND/OR
17 AMEND/ALTER IT'S JUDGMENT(S)
18

19 COMES NOW PLAINTIFF, ANTHONY HARRIS, IN PRO SE AND DOES RESPECTFULLY
20 SUBMIT THIS REPLY BRIEF IN SUPPORT OF HIS MOTION FOR RECONSIDERATION
21 OF ORDER TO DISMISS COMPLAINT AGAINST SOME DEFENDANTS ~~AND/OR~~ AMEND/
22 ALTER IT'S JUDGMENT(S). THIS BRIEF IS BASED UPON FACTS ATTACHED
23 AS WELL AS ALL OTHER PAPERS AND PLEADINGS ON FILE IN THIS CASE.

24 DATED THIS 8TH DAY OF JUNE, 2020.
25

RECEIVED

JUN 18 2020

CLERK OF THE COURT

26
27 PRISON MAILBOX RULE
28

RESPECTFULLY SUBMITTED,
[Signature] PLAINTIFF

1 I. INTRODUCTION

2 DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR RECONSIDERATION
3 OF ORDER TO DISMISS COMPLAINT AGAINST SOME DEFENDANTS AND/OR AMEND/
4 ALTER ITS JUDGMENT(S) (HEREAFTER, PLAINTIFF'S RECONSIDERATION MOTION) FAILS
5 AS A MATTER OF FACT BASED UPON PAPERS AND PLEADINGS FILED INTO THIS
6 CASE ALREADY AS WELL AS PLAINTIFF'S KNOWN CIRCUMSTANCES OF HIS
7 CURRENT INCARCERATION.

8 DEFENDANTS CLAIM THAT THE PLAINTIFF IS NOT ENTITLED TO RELIEF
9 UNDER NRCP 60(b), THAT THE PLAINTIFF DID NOT APPEAR AT
10 EITHER MARCH 3, 2020 OR APRIL 9, 2020 HEARINGS AT HIS OWN
11 FAILURE TO ARRANGE AND APPEAR FOR THEM. ALTHOUGH, PLAINTIFF
12 PREPARED, SENT, AND FILE TRANSPORT ORDERS FOR BOTH HEARINGS.
13 ADDITIONALLY, PLAINTIFF ASSERTS HE IS ENTITLED TO RELIEF PURSUANT
14 TO NRCP 60(b) AND THAT DISMISSAL OF A PRO SE COMPLAINT, IF NECESSARY,
15 SHOULD BE DONE 'WITH LEAVE TO AMEND', PLAINTIFF CAN AND WILL
16 ESTABLISH THAT RECONSIDERATION IS WARRANTED IN THIS BRIEF AND
17 THROUGH ORAL ARGUMENTS, IF NECESSARY.

18

19 II. LEGAL STANDARDS

20 A. NRCP 60(b)

21 NRCP 60 GOVERNS RELIEF FROM A JUDGMENT OR ORDER. THE
22 RULE STATES IN RELEVANT PART:

23 (b) GROUNDS FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR
24 PROCEEDING. ON A MOTION AND JUST TERMS, THE COURT MAY RELIEVE
25 A PARTY OR ITS LEGAL REPRESENTATIVE FROM A FINAL JUDGMENT,
26 ORDER, OR PROCEEDING FOR THE FOLLOWING REASONS:

27 (1) MISTAKE, INADVERTENCE, SURPRISE, OR EXCUSABLE NEGLIGENCE;

28

- 1 (2) NEWLY DISCOVERED EVIDENCE THAT WITH REASONABLE
- 2 DILIGENCE COULD NOT HAVE BEEN DISCOVERED IN TIME TO
- 3 MOVE FOR A NEW TRIAL UNDER RULE 59(b);
- 4 (3) FRAUD (WHETHER PREVIOUSLY CALL INTRINSIC OR EXTRINSIC),
- 5 MISREPRESENTATION, OR MISCONDUCT BY AN OPPOSING PARTY;
- 6 (4) THE JUDGMENT IS VOID;
- 7 (5) THE JUDGMENT HAS BEEN SATISFIED, RELEASED, OR DISCHARGED;
- 8 IT IS BASED ON AN EARLIER JUDGMENT THAT HAS BEEN REVERSED
- 9 OR VACATED; OR APPLYING IT PROSPECTIVELY IS NO LONGER EQUIT-
- 10 ABLE; OR
- 11 (6) ANY OTHER REASON THAT JUSTIFIES RELIEF.

12 B. RESNICK V. HAVES, 213 F.3d 443, 446 (9TH CIR. 2000)

13 RELATES IN SHOWING THAT THE 9TH CIRCUIT COURT HAS AGREED TO

14 USE LIBERAL CONSTRUCTION OF PRO SE PLEADINGS AND HAS ORDERED THAT

15 THEY MUST BE READ LIBERALLY

16 C. LIRA V. HERRERA, 427 F.3d 1164, 1169-70 (9TH CIR. 2005)

17 RELATES IN SHOWING THAT THE 9TH CIRCUIT COURT HAS DEEMED IT

18 IMPROPER TO DENY LEAVE TO AMEND UNLESS IT IS CLEAR THAT COMPLAINT

19 COULD NOT BE SAVED BY AMENDMENT.

20 D. GOMEZ V. USBA FED. SAV. BANK 171 F.3d 794, 795-96 (2ND CIR. 1999)

21 RELATES AS THE 9TH CIRCUIT COURT WAS IN ACCORD WHEN THE 2ND CIRCUIT

22 HELD THAT DISMISSAL OF A PRO SE COMPLAINT SHOULD BE DONE 'WITH

23 LEAVE TO AMEND'. ACCORD, LOPEZ V. SMITH 203 F.3d 1122, 1124 (9TH CIR 2000)

24 (EN BANC).

25 //

26 //

27 //

1 III. LEGAL ARGUMENT

2 A. RECONSIDERATION OF FIRST DISMISSAL, ORDERED MAY 29, 2020.

3 PLAINTIFF REASSERTS RECONSIDERATION IS WARRANTED. THE HEARING
4 HELD ON MARCH 3, 2020 WAS CONDUCTED IN A WIDELY KNOWN IMPROPER
5 MANNER CONSTITUTING ~~AN~~ A PROHIBITED IMPROPER EX PARTE JUDICIAL
6 PROCEEDING (ONE BROUGHT FOR THE BENEFIT OF ONLY ONE PARTY), REGARDLESS
7 OF HOW MUCH OR HOW LITTLE WAS SAID THERE WAS COMMUNICATION BY ONE
8 PARTY IN THIS LITIGATION WITH THE COURT WITHOUT THE OTHER PARTY PRESENT.
9 ANY RELIEF OBTAINED IS LEGALLY SUBJECT TO SPEEDY REVIEW AND/OR
10 REVERSAL. THIS HEARING BY DEFINITION WAS EXACTLY THAT; BARRON'S
11 DICTIONARY OF ~~THE~~ LEGAL TERMS (5TH EDITION 2010) AT 206 (LIBRARY OF
12 CONGRESS CONTROL NUMBER: 2015009342) STATES:

13 "EX PARTE (EAS PAR -TA) LAT.: IN BEHALF OF OR ON THE APPLICATION
14 OF ONE PARTY; BY OR FOR ONE PARTY. AN EX PARTE JUDICIAL PROCEED-
15 ING IS ONE BROUGHT FOR THE BENEFIT OF ONE PARTY ONLY, WITHOUT
16 NOTICE OR CHALLENGE BY AN ADVERSE PARTY. THEREFORE, IN AN
17 EX PARTE PROCEEDING THE ADVERSE PARTY AND HIS OR HER EVIDENCE
18 ARE EXCLUDED. FOR THIS REASON, SUCH PROCEEDINGS ARE NOT
19 FAVORED, AND ANY RELIEF OBTAINED EX PARTE IS SUBJECT TO
20 SPEEDY REVIEW."

21 SHOWING THAT THIS PROCEEDING BY DICTIONARY DEFINITION STATES THAT
22 WITHOUT "NOTICE" OR "CHALLENGE" BY AN ADVERSE PARTY IS AN 'EX PARTE'
23 JUDICIAL PROCEEDING, SO ALTHOUGH PLAINTIFF WAS SERVED A 'NOTICE
24 OF HEARING' HE WAS NOT AFFORDED THE RIGHT TO CHALLENGE ANYTHING
25 SAID AND/OR REITERATED IN SAID HEARING.

26 DEFENDANTS STATE THAT THE PLAINTIFF DID NOT MAKE PROPER
27 ARRANGEMENTS TO APPEAR EITHER PERSONALLY OR TELEPHONICALLY, FOR
28

1 THE HEARING. OPPOSITION AT 5:9-10. CONTRARY TO THIS STATEMENT
2 PLAINTIFF FILED A MOTION REQUESTING AN ORDER TO COMPEL ATTENDANCE
3 BY PLAINTIFF, VIA TELEPHONIC COURT, SUBMITTED FEBRUARY 11, 2020 AND
4 FILED BY THIS COURT FEBRUARY 19, 2020. PROPER STEPS WERE TAKEN BY
5 THE PLAINTIFF TO PREVENT THIS ISSUE AND APPEAR. EITHER THE COURT
6 OR THE DEFENDANTS DID NOT ALLOW THE PLAINTIFF TO ATTEND FOR
7 WHATEVER REASON ALTHOUGH THIS MOTION WAS FILED IN A TIMELY
8 MANNER.

9 ADDITIONALLY, THIS COURT HAS BEEN MADE AWARE ON SEVERAL OCCASIONS
10 THAT PLAINTIFF COULD CORRECT ANY AND ALL ISSUES AND SHOW 'PERSONAL
11 INVOLVEMENT' AS NEEDED AND WAS DOING HIS BEST TO PREPARE AN
12 AMENDED COMPLAINT WHILE DEALING WITH MUCH HINDERANCE IN
13 HIS MAIL, LEGAL ASSISTANCE, LAW LIBRARY ACCESS, RULES, PROCEDURES,
14 AND FORMS UNACCESSIBLE OR DELAYED, CORRECTIONAL STAFF'S ADMITTED
15 RETALIATORY ACTIONS AND OTHER, BASED ON INFORMATION AND BELIEF,
16 RETALIATORY ACTIONS, ETC. DUE TO PLAINTIFF USED INADEQUATE LEGAL
17 AIDE, A JAILHOUSE LAWYER, THAT LEFT OUT NUMEROUS ACCOUNTS, COUNTS
18 AGAINST MEDICAL AND CORRECTIONAL STAFF, AND NOW 5 SUPPLEMENTAL
19 COUNTS OF RETALIATORY ACTION, WITH AT LEAST ONE ADMITTED.

20 PLAINTIFF HAS AND WILL CONTINUE TO DEMONSTRATE RECONSIDERATION
21 OF THE COURT'S ORDER TO DISMISS, THE FIRST, ~~ORDER~~^{ON} IS PROPER UNDER
22 RULE 60(b)(1) "MISTAKE, INADVERTENCE, ... OR EXCUSABLE NEGLIGENCE", RULE 60
23 (b)(3) "MISCONDUCT BY AN OPPOSING PARTY", AND/OR RULE 60(b)(6)
24 "ANY OTHER REASON THAT JUSTIFIES RELIEF" AS I HAVE DEMONSTRATED
25 NUMEROUS OTHER REASONS "LIBERAL CONSTRUCTION" IN *RESNICK V. HAYES*, 213
26 F.3d 443, 446 (9TH CIR. 2000); "IMPROPER TO DENY LEAVE TO AMEND" IN *LIRA*
27 *V. HERRERA*, 427 F.3d 1164, 1169-70 (9TH CIR. 2005); AND "DISMISSAL OF A

1 PRO SE COMPLAINT SHOULD BE DONE WITH 'LEAVE TO AMEND' IN GOMEZ V. USA
2 FED. SAV. BANK 171 F.3d 794,795-96 (2ND CIR. 1999), 9TH CIRCUIT ACCORD IN LOPEZ
3 V. SMITH 203 F.3d 1122,1124 (9TH CIR. 2000) (EN BANC). ACCORDINGLY, PLAINTIFFS
4 RECONSIDERATION MOTION SHOULD BE GRANTED AND THE ORDER VACATED
5 OR AMENDED/ALTERED TO ALLOW PLAINTIFF TO CORRECT ANY ISSUES IN
6 AN AMENDED COMPLAINT.

7 B. RECONSIDERATION OF SECOND DISMISSAL, ORDERED APRIL 20, 2020.

8 PLAINTIFF REASSERTS RECONSIDERATION IS WARRANTED, ALTHOUGH IT
9 HAS BEEN DISCOVERED THAT DEFENDANTS WERE NOT PRESENT AT THIS
10 HEARING, PLAINTIFF VACATES HIS CLAIM AS TO AN EX PARTE HEARING. (FOR
11 THIS HEARING ONLY), BUT STILL ASSERTS HIS APPEARANCE WAS WARRANTED.
12 IT IS UNDERSTOOD THAT THE COURT MAY CONSIDER THE MOTIONS ON
13 THEIR OWN MERITS WITH OR WITHOUT ORAL ARGUMENTS, AND GRANT
14 OR DENY IT, BUT PLAINTIFF REASSERTS THAT HIS NUMEROUS OCCASIONS
15 OF ALERTING THIS COURT THAT PLAINTIFF WAS WORKING TO CORRECT ANY
16 AND ALL ISSUES AND AMEND HIS COMPLAINT SHOULD HAVE BEEN STRONGLY
17 TAKEN INTO CONSIDERATION PRIOR TO ANY RELIEF BEING GRANTED TO
18 DEFENDANTS AND IF NECESSARY TO GRANT THE DEFENDANTS RELIEF IT
19 SHOULD HAVE BEEN 'WITH LEAVE TO AMEND' WITH KNOWING THIS.

20 FURTHERMORE, RULING WAS ORDERED WITHOUT EVEN CONSIDERATION
21 OF THE PLAINTIFF'S RESPONSE/OPPOSITION TO DISMISSAL. THE MAGISTRATE/
22 JUDGE, HONORABLE TREVOR ATKIN, CLAIMED IN HIS ORDER THAT PLAINTIFF "DID NOT
23 FILE ANY RESPONSE TO DEFENDANTS MOTION TO DISMISS", ORDER AT 2:20, ALSO
24 SEE 3:12-17. HONORABLE TREVOR ATKIN, ADMITTEDLY (INADVERTENTLY) IN HIS
25 ORDER THAT HE DID NOT EVEN VIEW AND/OR RENDER JUDGMENT WITH FULL
26 KNOWLEDGE AND EXAMINATION OF THE CASE OR, IN THE LEAST, THE MATTER
27 AT HAND IN THE HEARING IN QUESTION. THIS FACT WAS ALSO

1 USED AS A DETERMINING FACTOR, ORDER AT 3:12-17, STATING PLAINTIFF
2 "TACITLY CONCEDED THE MOTION WAS MERITORIOUS AND CONSENTED TO
3 GRANTING THE SAME. EDCR 2-20(c)", THIS IS FACTUALLY FALSE AND
4 CONTRARY TO PLAINTIFF'S RESPONSE SUBMITTED MARCH 18, 2020, FILED
5 MARCH 24, 2020 BY THIS COURT.

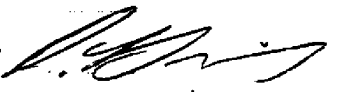
6 ACCORDINGLY, PLAINTIFF'S RECONSIDERATION MOTION SHOULD BE GRANTED
7 AND THE ORDER VACATED AND/OR AMENDED/ALTERED FOR ANY REASONS
8 LISTED IN THIS MOTION, AT 5:20-27-6:1-3, ANY ADDITIONAL RELIEF AS
9 DEEMED NECESSARY PURSUANT TO NRCP 60(b)(2), (4), OR (5)) NOT LISTED
10 AT 5:20-27-6:1-3, BUT CITED AT 2:19-27-3:1-11, HEREIN. IN ADDITION TO
11 ALL CLAIMS AND POINTS OF FACT ADDRESSED IN THIS MOTION, AT III (B),
12 INCLUDING THE INTRINSIC MOTION/OPPOSITION TO THIS SECOND DISMISSAL
13 THAT WAS MADE BY PLAINTIFF, SUBMITTED MARCH 18TH, 2020 AND FILED
14 INTO THIS CASE ON MARCH 24, 2020 (APPROXIMATELY 2 1/2 WEEKS PRIOR
15 TO HEARING) THAT WAS EXCLUDED SUBJECTING THE PLAINTIFF TO AN
16 EXTREMELY PRESUDICIAL HEARING TAKING PLACE WHICH WAS PARTIAL,
17 UNFAIR, ONE-SIDED, AND BIASED, BASED ON INFORMATION AND BELIEF, AND
18 PRESUDICIALLY DAMAGING AND DISADVANTAGEOUS.

19 20 IV. CONCLUSION

21 PLAINTIFF RESPECTFULLY REQUEST THIS HONORABLE COURT GRANTS
22 AND VACATES THE ORDER FOR BOTH THE FIRST AND SECOND DISMISSAL
23 BECAUSE PLAINTIFF IS ENTITLED TO RELIEF PURSUANT TO NRCP 60(b)
24 AND THE CITED CASES LISTED THROUGHOUT AND IN THE LEGAL STANDARD
25 (II). ALTERNATIVELY, ORDER SHOULD BE AMENDED/ALTERED TO
26 INCLUDE 'WITH LEAVE TO AMEND' TO AFFORD THE PLAINTIFF THE
27 OPPORTUNITY TO CORRECT ANY AND ALL ERRS, ADD MISSING ACCOUNTS,
28

1 DEFENDANTS, ETC. AND THEN SUBMIT HIS SUPPLEMENTAL WITH ALL
2 RETALIATORY ACTIONS AS THEY RELATE TO DEFENDANTS 'CHILLING'.
3 THE EXERCISE OF PLAINTIFF'S FIRST AMENDMENT RIGHTS. ACCORDINGLY,
4 PLAINTIFF'S MOTION, RECONSIDERATION OF ORDER[S] TO DISMISS
5 COMPLAINT AGAINST SOME DEFENDANTS AND/OR AMEND/ALTER
6 IT'S JUDGMENT(S) IS JUST AND PROPER AND SHOULD BE GRANTED.

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8 DATED THIS 8TH DAY OF JUNE, 2020.
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BY: 
ANTHONY HARRIS/PLAINTIFF

CERTIFICATE OF SERVICE BY MAILING

I, ANTHONY HARRIS, hereby certify, pursuant to NRCP 5(b), that on this 8TH
day of JUNE, 2020, I mailed a true and correct copy of the foregoing, "PLAINTIFF'S REPLY
BRIEF IN SUPPORT OF MOTION FOR RECONSIDERATION OF ORDER TO DISMISS COMPLAINT AKA..."
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 89155-1160

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

CC: FILE

DATED: this 8TH day of JUNE, 2020.

ANTHONY HARRIS #1160848
PLAINTIFF /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018 #89070
IN FORMA PAUPERIS

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding PLAINTIFF'S REPLY

BRIEF IN SUPPORT OF MOTION FOR RECONSIDERATION OF ORDER TO DISMISS...
(Title of Document)

filed in District Court Case number A-19-8051689-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

8/31/2021

Date

ANTHONY HARRIS

Print Name

PLAINTIFF

Title

Steven D. Grierson

1 ANTHONY HARRIS #11169848
2 PLAINTIFF / 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.

11 THE STATE OF NEVADA ET. AL;
12 DEFENDANTS.

Case No. A-19-805689-C

Dept No. VIII

Docket _____

13
14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE, that** PLAINTIFF'S REPLY BRIEF IN SUPPORT
16 OF MOTION FOR RECONSIDERATION OF ORDER TO DISMISS COMPLAINT AGAINST SOME DEFENDANTS AND/OR...
17 will come on for hearing before the above-entitled Court on the 30th day of JUNE, 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 8th day of JUNE, 2020.

23
24 BY: *Anthony Harris*

25 ANTHONY HARRIS #11169848
26 PLAINTIFF / In Propria Personam
27
28

Steven D. Grierson

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
8 ANTHONY HARRIS

9 PLAINTIFF;

10 vs.

11 THE STATE OF NEVADA ET AL.

12 DEFENDANTS.

Case No. A-19-805689-C

Dept No. VIII

Docket _____

14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE, that** ^{PLAINTIFF'S RM} RESPONSE/OPOSITION TO DEFENDANTS

16 MOTION TO DISMISS //

17 will come on for hearing before the above-entitled Court on the ____ day of _____, 20____
18 at the hour of ____ o'clock ____ M. In Department ____ of said Court.

20 CC:FILE

22 DATED: this 8TH day of JUNE, 2020.

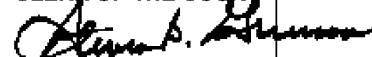
24 BY: *Anthony Harris*

25 ANTHONY HARRIS #1169848
26 PLAINTIFF / In Propria Personam

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DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
6/30/2020 11:20 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 Motion for Appointment of Counsel and Order for the Appointment of Counsel in the above-entitled matter is set for hearing as follows:

Date: August 04, 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/ Kadir Beckom
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/ Kadir Beckom
Deputy Clerk of the Court

Steven D. Grierson

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

6 DISTRICT COURT
7 CLARK COUNTY, NEVADA
8

9 ANTHONY HARRIS,
10 PLAINTIFF;
11 VS.
12 THE STATE OF NEVADA ET. AL.,
13 DEFENDANTS.

CASE No. A-19-805689-C

DEPT. No. VIII

14
15 NOTICE OF APPEAL
16

17 NOTICE IS HEREBY GIVEN THAT ANTHONY HARRIS, PLAINTIFF IN THE
18 ABOVE-ENTITLED MATTER, APPEALS TO THE UNITED STATES COURT OF
19 APPEALS FOR THE CIRCUIT FROM THE FINAL JUDGMENT ENTERED IN THIS
20 ACTION ON THE 29TH DAY OF MAY, 2020 OR APPROXIMATELY SAID
21 DATE.

22
23 DATED THIS 18TH DAY OF JUNE, 2020.

24
25 RECEIVED
26 JUN 24 2020
27 CLERK OF THE COURT
28 PRISON MAILBOX RULE

ANTHONY HARRIS #1169848
PLAINTIFF/IN PROPRIA PERSONAM
POST OFFICE BOX 650 [HDSP]
INDIAN SPRINGS, NV 89070

CERTIFICATE OF SERVICE BY MAILING


I, ANTHONY HARRIS, hereby certify, pursuant to NRCP 5(b), that on this 18th
day of JUNE, 2020, I mailed a true and correct copy of the foregoing, "NOTICE
OF APPEAL"

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

STEVEN D. GRIFFSON, CEO
CLERK OF THE COURT
200 LEWIS AVENUE, 3RD FLOOR
LAS VEGAS, NV 89155-1120

CC: FILE

DATED: this 18th day of JUNE, 2020.


ANTHONY HARRIS # 1160849
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 APPEAL
(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 JUNE 2020
Date

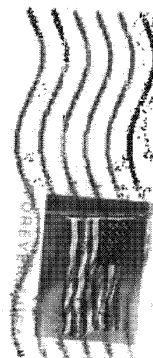
ANTHONY HARRIS
Print Name

PLAINTIFF
Title

ANTHONY HARRIS # 1169548
HIGH DESERT STATE PRISON
P.O. Box 1650
ANDRUS SPRINGS, NV 89100

HIGH DESERT STATE PRISON
JUN 21 2020
UNIT 11

LAS VEGAS NV 890
22 JUN 2020 PM 5 L



STEVEN D. MATTHESON, CEO
CLERK OF THE COURT
200 Lewis Avenue, 3rd Floor
LAS VEGAS, NV 89155-1160
8310135300 COTS

LEGAL AND
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**DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
6/30/2020 12:24 PM
Steven D. Grierson
CLERK OF THE COURT



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 Motion and Notice of Motion and Order for Transport of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference and Plaintiff's Motion and Notice of Motion and Order for Appointment of Counsel in the above-entitled matter is set for hearing as follows:

Date: August 04, 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

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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 Special Appearing
Party*

**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.

**REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS COMPLAINT
PURSUANT TO NRCP 4**

The Office of the Attorney, 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 Motion to Dismiss Pursuant to NRCP 4.¹

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¹ The Office of The Attorney General is making a special appearance and is not waiving the service requirements by filing this Reply.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiff's untimely Response/Opposition To Defendants' Motion to Dismiss
4 (Response) fails to demonstrate he timely and properly served the Board of Prison
5 Commissions, Michael Minev, Romeo Aranas, Jeremy Dean, Julie Matousek, Mr. Faliszczk,
6 Mrs. Ennis, BB Faulker, N Peret, G Worthy, G Martin, G Bryan, Jane Doe, James Tulman,
7 or James Dzurenda within the 120 days of filing the Complaint. It is undisputed that
8 Plaintiff did not comply with the dual service requirement set forth in NRCP 4.2, and he
9 never sought enlargement of time to do so. Thus, the Court should grant the Motion to
10 Dismiss without prejudice.

11 **II. LEGAL DISCUSSION**

12 In the Opposition, Plaintiff asserts that the remaining Defendants in this case were
13 properly served on "13December 2019" when a copy of the complaint and summons were
14 delivered to the Office of the Attorney General because Plaintiff believes the individual
15 Defendants do not need to be personally served. Opposition at 2: 17-26, 6: 3-22. Plaintiff's
16 legal position is directly contradictory to Nevada law.

17 In order to serve the Board of Prison Commissioners, Plaintiff was obligated to
18 deliver a copy of the Summons and the Complaint to the Attorney General's Office in
19 Carson City, Nevada, and to serve the person serving as the administrative head of the
20 public entity, i.e. Director Charles Daniels. NRCP 4.2(d)(1). Plaintiff concedes that he did
21 not do so within 120 days of filing the Complaint, and he did not request an extension of
22 time to do so.² Accordingly, it is undisputed Plaintiff did not properly and timely serve the

23 ² Plaintiff now asserts he could not serve Director Daniels because there was a vacancy at the time
24 he filed the Complaint. See Opposition at 7: 26-28, 9:1-8. Public record shows Harold Wickham served as
25 Acting Director following the resignation of Dzurenda, and Director Daniels assumed his employment as the
26 Director on December 10, 2019, well within the 120-day service period. *Breliant v. Preferred Equities Corp.*,
27 109 Nev. 842, 847, 858 P.2d 1258, 1261 (1993) (court may consider matters of public record in ruling on a
28 motion to dismiss). Furthermore, if Plaintiff faced difficulty serving Director Daniels, it was his obligation to
seek an enlargement of time from the Court. NRCP 4.2. He failed to do so and this after-the-fact argument
fails cure his mistake. *Saaverda-Sandoval*, 126 Nev. at 597-598, 245 P.3d at 1200-1201 (noting that dismissal
is proper if the plaintiff fails to demonstrate good cause for filing an untimely motion to seek an enlargement
of time).

1 Board of Prison Commissioners within the time period set forth in NRCP 4.2, and it should
2 be dismissed from this matter. *Saavedra-Sandoval v. Wal-Mart Stores*, 126 Nev. 592, 597,
3 245 P.3d 1198, 1201 (2010).

4 Likewise, in order to serve Michael Minev, Romeo Aranas, Jeremy Dean, Julie
5 Matousek, Mr. Faliszek, Mrs. Ennis, BB Faulker, N Peret, G Worthy, G Martin, G Bryan,
6 Jane Doe, James Tulman, or James Dzurenda, Plaintiff was required to serve the Attorney
7 General's Officer in Carson City, Nevada, and each individual Defendant. NRCP 4.2(d)(2).
8 Plaintiff concedes that none of these Defendants were personally served with a copy of the
9 Summons and Complaint. *See* Opposition at 8:19-22. Accordingly, it is undisputed that
10 Plaintiff did not comply with the dual service requirements of NRCP 4.2(d) within 120 days
11 of filing the complaint. As such, dismissal of this matter is proper.³

12 Additionally, in the Opposition Plaintiff, asserts that the Court should consider the
13 fact that on March 9, 2020, the Office of the Attorney General filed a Notice of Acceptance
14 of Service on behalf of former Defendants Steve Sisolak, Aaron Ford, Adam Laxalt, Brian
15 Sandoval, and Barbara Cegavske as a factor in determining whether "good cause" exists to
16 enlarge the service period. Opposition at 6:25-28-7:1-15. This argument is misplaced and a
17 merely a red herring.

18 Pursuant to NRCP 4(e)(4), Plaintiff was obligated to file a motion and demonstrate
19 "good cause" for his failure to timely seek an enlargement of time, and then demonstrate
20 "good cause" exists for the enlargement. NRCP 4(e)(4); *Saavedra-Sandoval v. Wal-Mart*
21 *Stores*, 126 Nev. 592, 597, 245 P.3d 1198, 1201 (2010). Plaintiff never filed a motion for an
22 enlargement of time or attempt to demonstrate "good cause" exists for an untimely motion.
23 Since Plaintiff did not meet the threshold requirement of demonstrating "good cause" exists
24 for his failure to seek an enlargement of time, the Court may not consider whether "good
25 cause" exists to enlarge and dismissal is proper.⁴ *Saaverda-Sandoval*, 126 Nev. at 597-598,

26 ³ In the Motion, Defendants inadvertently submitted the deadline to effectuate service was February
27 3, 2020. Motion at 6:1-3. Defendants wish to clarify that the actual deadline was March 3, 2020.

28 ⁴Furthermore, to the extent Plaintiff asserts that his mistaken belief that he satisfied NRCP 4.2(d)
by serving the Office of the Attorney General is "good cause," the Nevada Supreme Court has rejected a
similar argument and held "failure to properly serve [a defendant] by the statutorily prescribed means is not,

1 245 P.3d at 1200-1201(“Failure to demonstrate such good cause [for an untimely motion]
2 ends the district court’s inquiry.”). As such, the March 9, 2020, Notice of Acceptance of
3 Service is irrelevant to whether Plaintiff timely and properly served the Defendants
4 remaining in this matter. Since it is undisputed that Plaintiff did not satisfy the dual
5 service requirement within 120 days of filing the Complaint, dismissal is proper.

6 III. CONCLUSION

7 The present Motion to Dismiss should be granted pursuant to NRCP 4(e)(2). Plaintiff
8 failed to serve any of the remaining Defendants in this matter within 120 days of filing the
9 Complaint, he never moved the Court for an enlargement of time serve these Defendants,
10 and he did not demonstrate good cause for his failing to seek an enlargement of time to
11 effectuate service upon the remaining Defendants. Thus, dismissal pursuant to NRCP
12 4(e)(2) is proper.

13 DATED this 30th day of June, 2020.

14 AARON D. FORD
15 Attorney General

16 By: /s/ Wade J. VanSickle
17 Wade J. VanSickle (Bar No. 13604)
18 Deputy Attorney General

19 *Attorneys for Special Appearing*
20 *Party*

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by itself, good cause for granting an enlargement of time to serve process.” *Saaverda-Sandoval*, 126 Nev. at 598-599, 245 P.3d at 1201-1202.

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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 June 30, 2020, I electronically filed the foregoing **REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS COMPLAINT PURSUANT TO NRCP 4** 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



1 ASTA

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

9 ANTHONY HARRIS,

10 Plaintiff(s),

11 vs.

12
13 STATE OF NEVADA; BD. OF PRISON
14 COMMISSIONERS; NV. DEPT. OF
15 CORRECTIONS; JAMES DZURENDA; BRIAN
16 WILLIAMS; ROMEO ARANAS; MICHAEL
17 MINEV; JEREMY BEAN; JULIE MATOUSEK;
18 MR. FALISZEK; MRS. ENNIS; NAPH CARE
19 INC.; BOB FAULKNER; N. PERET; G.
20 WORTHY; G. MARTIN; G. BRYAN,

21 Defendant(s),

Case No: A-19-805689-C

Dept No: VIII

22 **CASE APPEAL STATEMENT**

23 1. Appellant(s): Anthony Harris

24 2. Judge: Trevor Atkin

25 3. Appellant(s): Anthony Harris

26 Counsel:

27 Anthony Harris #1169848
28 P.O. Box 650
Indian Springs, NV 89070

4. Respondent (s): State of Nevada; NV. Dept. of Corrections; Brian Williams

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Counsel:

Aaron D. Ford, Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101-1068

Respondent (s): Bd. of Prison Commissioners; James Dzurenda; Romeo Aranas; Michael Minev; Jeremy Bean; Julie Matousek; Mr. Faliszek; Mrs. Ennis; Naph Care Inc.; Bob Faulkner; N. Peret; G. Worthy; G. Martin; G. Bryan

Counsel:

Unknown

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A
- Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A
- Respondent(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A
6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
7. Appellant Represented by Appointed Counsel On Appeal: N/A
8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, November 19, 2019
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: N/A
Date Application(s) filed: N/A
9. Date Commenced in District Court: November 4, 2019
10. Brief Description of the Nature of the Action: Unknown
- Type of Judgment or Order Being Appealed: Dismissal
11. Previous Appeal: No
- Supreme Court Docket Number(s): N/A
12. Child Custody or Visitation: N/A
13. Possibility of Settlement: Unknown

Dated This 1 day of July 2020.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk

200 Lewis Ave

PO Box 551601

Las Vegas, Nevada 89155-1601

(702) 671-0512

A-19-805689-C

cc: Anthony Harris



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 Special Appearing Party

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ANTHONY HARRIS,
Plaintiff,

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

vs.

STATE OF NEVADA, *et al.*,
Defendants.

**OPPOSITION TO PLAINTIFF'S MOTION OF COUNSEL AND ORDER FOR THE
APPOINTMENT OF COUNSEL**

The Office of the Attorney General (OAG), by and through counsel, Aaron D. Ford, Nevada Attorney General, and Wade J. VanSickle, Deputy Attorney General, hereby submits this Opposition to Plaintiff's Motion For The Appointment of Counsel And Order For The Appointment of Counsel.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The Court should deny Plaintiff's Motion For The Appointment of Counsel and Order
4 For The Appointment of Counsel because (1) Plaintiff has no constitutional right to be
5 appointed counsel and (2) he has not satisfied his burden in demonstrating a likelihood of
6 success on the merits of his claims or that he is unable to articulate his claims *pro se* in due
7 to the complexity of the legal issues involved.

8 **II. PLAINTIFF'S CLAIMS**

9 On November 4, 2019, Plaintiff filed his "Civil Rights/Tort Complaint" (Complaint)
10 which names twenty-four (24) defendants and alleges claims pursuant to "Nev. Const. Art.
11 6§, NRS Chapters 14, 20, 22, 41, and 42" and an Eighth Amendment deliberate indifference
12 to a serious medical condition claim. *See*, Complaint at 1, 1A, 10-12. The claims are
13 premised upon allegations that Plaintiff suffered extreme chest pain on three occasions,
14 but the pill call nurses whom he allegedly informed instructed Plaintiff to submit a kite
15 (request) for medical treatment, rather than treating Plaintiff in his cell. *Id.* at 13-17. The
16 relevant allegations in the Complaint are as follows:

17 1. On the last week of December, 2018, the Plaintiff alerted the Pill Call
18 Nurse (Jane Doe 1), that he was having extreme chest pains. Jane Doe
19 1 told the Plaintiff to fill out a kite but did nothing else. Jane Doe 1
20 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 correctional staff. *Id.* at 12: 17-26.

21 2. On January 6th, 2019 ,the Plaintiff started to suffer extreme chest
22 pains again, and again, notified the same Pill Call Nurse (Jane Doe 1).
Again Jane Doe 1 told Plaintiff just to fill out a kite, but did nothing else.
23 Again Jane Doe 1 openly refused to give her name when asked. Clearly
showing that again the Plaintiff's extreme chest pains were openly
24 ignored by both the medical staff and the correctional staff. *Id.* at 13: 1-
10.

25 3. On March 27th, 2019, the Plaintiff had suffered such extreme chest
26 pains, that they actually brought him to his knees, and in front of a
different pill call nurse (James Tolman). James Tolman told Plaintiff to
27 drive lots of water and to stay off his feet, but did not hing else. James
Tolman also refused to give his name when asked by Plaintiff. Clearly
28 showing that Plaintiff's extreme chest pains were openly ignored by

1 medical staff and correctional staff (Received name in October, 2019).
2 *Id.* at 13: 12-23.

3 Additionally, Plaintiff asserts that he was seen by medical providers following these
4 purported episodes of chest pains, but there are no allegations in the Complaint that
5 suggest he was diagnosed with a serious medical condition or that he continued to suffer
6 from any symptoms after March 27, 2019. The relevant allegations are as follows:

7 7. On June 14th, 2019, Plaintiff was taken to the Nevada Heart and
8 Vascular Center, just to find out that the actual appointment was for
9 June 12, 2019, Two (2) days early. Which shows that the Defendants
10 actual incompetence and both their deliver indifference and intentional
11 interference in the Plaintiff's serious medical needs *Id.* at 14: 8-15.

12 10. On July 23, 2019, Plaintiff was finally taken to see Cardiologist and
13 was told to return in 30 days. *Id.* at 14: 25-27
14 The Plaintiff's extreme chest pains have caused him to be layed (sic) in
15 bed and **could have cause him** to: (1) have a stroke; (2) have a heart
16 attack; or (3) die. *Id.* at 14:25-27 (emphasis added).

17 11. On October 4th, 2019, Plaintiff was finally taken back to the
18 cardiologist. This was 48 days past the 30 days set by Cardiologist. *Id.*
19 at 15: 1-3.

20 III. LEGAL DISCUSSION

21 A litigant does not have a constitutional right to appointed counsel in 42 U.S.C. §
22 1983 civil rights claims, and the court does not have lawyers to appoint in civil litigation
23 *Ellis v. Clark Cty. Det. Ctr. Med.*, No. 219CV00320JADEJY, 2019 WL 6828296, at *3 (D.
24 Nev. Dec. 12, 2019)(citing *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981)). The
25 Court does not have the power "to make coercive appointments of counsel." *Mallard v. U.*
26 *S. Dist. Ct.*, 490 US 296, 310 (1989). "At best it can 'request an attorney to represent any
27 person unable to afford counsel' on an unpaid (pro bono) basis." *Ellis*, 2019 WL 6828296 at
28 3 (quoting *Palmer v. Valdez*, 560 F.3d 956, 970 (9th Cir. 2009)).

29 A request for court-appointed counsel is rarely granted unless "exceptional
30 circumstances" exist. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v.*
31 *Housewright*, 900 F.2d 1332, 1335-1336 (9th Cir. 1990). The difficulties any litigant would
32 face in proceeding *pro se* do not qualify as exceptional circumstances for the appointment
33 of counsel. *Id.* at 1335-36; *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

1 A finding of “exceptional circumstances” requires an evaluation of both the likelihood
2 of success on the merits and the ability of the petitioner to articulate his claims *pro se* in
3 light of the complexity of the legal issues involved. *Terrell*, 935 F.2d at 1017. Neither of
4 these factors is dispositive and both must be reviewed together before reaching a decision.
5 *Id.* (citing *Wilborn*, 789 F.2d at 1331). It is the plaintiff’s burden to demonstrate the
6 existence of such exceptional circumstances. *Id.* Every *pro se* inmate-plaintiff in a civil
7 rights action has difficulties in litigating. Difficulty is not an exceptional circumstance
8 which creates a basis for court-appointed counsel. *Wood v. Housewright*, 900 F.2d 1332,
9 1336 (9th Cir. 1990).

10 **A. Plaintiff Is Not Likely To Succeed On The Merits of His Eighth**
11 **Amendment Claims**

12 To establish deliberate indifference under the Eighth Amendment, an inmate must
13 satisfy a two-part test: (1) that he has a “serious medical need” and “failure to treat [his]
14 condition could result in further significant injury or the ‘unnecessary and wanton infliction
15 of pain’,” and (2) the defendants’ response to the medical need was deliberately indifferent.”
16 *Jett v. Penner*, 439 F.3d 1091, 1096 (9th Cir. 2006). To determine whether the defendants’
17 response was deliberately indifferent, an inmate must show the following: (1) the
18 defendants’ purposefully acted or failed to respond to the inmate’s possible medical need;
19 and (2) the indifference caused harm. *Id.* Notably, the officials’ conduct must demonstrate
20 “unnecessary and wanton infliction of pain” before it violates the Eighth Amendment.
21 *Estelle*, 429 U.S. at 104.

22 Deliberate indifference is a high legal standard; a medical professional’s mistake,
23 negligence, or malpractice is not sufficient to constitute deliberate indifference. *Toguchi v.*
24 *Chung*, 391 F.3d 1051, 1060. Every claim by an inmate that he has not received adequate
25 medical treatment does not constitute an Eighth Amendment violation. *Estelle* at 105. An
26 inmate alleging deliberate indifference to serious medical need “must allege acts or
27 omissions sufficiently harmful” to the inmate. *Id.* at 106.

1 The holding in *Wood v. Housewright*, 900 F.2d 1332 (9th Cir. 1990), is instructive on
2 the issue. In *Wood*, the inmate had sustained a shoulder injury in early January 1983,
3 before he was admitted into the Nevada State Prison and underwent surgery which
4 included inserting two pins into the shoulder.¹ *Id.* at 1333. Upon entering the prison, two
5 months later, Wood's sling was confiscated due to security threat concerns. *Id.* Wood
6 immediately complained of his injury and saw the physician several days later who
7 prescribed anti-inflammatories and pain-killing medication, and recommended Wood be
8 referred to an outside orthopedic specialist. *Id.* at 1333-1334. No further action was taken
9 because the prison had not received Wood's medical records. *Id.* at 1334. On April 14, 1983,
10 Wood again complained to prison authorities about the shoulder pain. *Id.* On April 22,
11 1983, Wood saw the prison physician who took x-rays and again prescribed medication. *Id.*
12 On May 4, 1983, Wood saw an orthopedic specialist who performed a second surgery on
13 Wood's shoulder. *Id.* Wood filed suit under 42 U.S.C. §1983 alleging an Eighth Amendment
14 deliberate indifference claim and filed a motion for court appointed counsel. *Id.* The district
15 court refused to appoint counsel and ruled in favor of the defendants. *Id.*

16 On appeal, the *Wood Court* affirmed the district court's ruling on both issues. In
17 formulating its opinion, the *Wood Court* held that "[a]lthough Wood's treatment was not as
18 prompts or efficient as a free citizen might hope to receive, Wood was given medical care at
19 that the prison that addressed his needs" and "[n]or does the delay in treatment that Wood
20 suffered constitute an eighth amendment violation; the delay must have caused substantial
21 harm." *Id.* at 1334-1335. The *Wood Court* found that Wood was able to "get books and
22 supplies he needed to complete basic research, and that he received assistance from other
23 inmates in preparation his legal materials." The *Wood Court* held that Wood faced
24 "difficulties which any litigate would have in proceeding pro se; [and] they do not indicate
25 exceptional factors" that could warrant court appointed counsel. *Id.* at 1335-1336.

26 Here, Plaintiff has not demonstrated the likelihood of success on the merits of his
27 Eighth Amendment claim. Plaintiff's claims are premised upon allegations that on three

28 ¹ The Nevada State Prison is now referred to the Nevada Department of Corrections.

1 separate occasions, Plaintiff informed two pill call nurses that he experienced chest pains,
2 but the nurses instructed him to submit a kite rather than treat him in his cell. *Complaint*
3 at 12-13. Even if these allegations are accepted as true, they do not constitute an Eighth
4 Amendment violation. First, Plaintiff has failed to demonstrate that he suffered from a
5 serious medical condition. Although the Complaint concedes Plaintiff was seen on at least
6 two occasions by a cardiologist, there are no allegations that he has ever been diagnosed
7 with a condition that negatively affected his heart. Consequently, the allegations in the
8 Complaint fail to satisfy the first material element of a medical indifference claim.

9 Second, even if Plaintiff suffered from a serious medical condition, the Complaint
10 fails to demonstrate the nurses were deliberately indifferent. The alleged responses from
11 the nurses instructed Plaintiff of the proper procedure in which to obtain medical
12 treatment. Exhibit A, AR 617(stating “[s]ick call will generally be conducted on a first come,
13 first served basis” after “[a] Medical Kite [], requesting to be seen [has] be[en] completed
14 by the inmate....”)². Consequently, Plaintiff cannot demonstrate either Defendant failed to
15 respond to his potential medical condition.

16 Furthermore, like the situation in *Wood*, Plaintiff has not alleged he suffered any
17 harm because of the purported delay in medical treatment. The Complaint merely asserts
18 that Plaintiff suffered chest pains on three occasions and speculates that the chest pains
19 could have resulted in a stroke, heart attack, or death. *Complaint* at 14:25-27. The
20 Complaint also concedes a cardiologist subsequently saw Plaintiff on at least two occasions
21 and neither visit produced a diagnosis of a serious medical condition nor the
22 recommendation for further treatment. *Id.* at 14-15. Speculative harm from the alleged
23 conduct of the nurses is insufficient to state an Eighth Amendment claim. *Wood*, 900 F.2d.
24 at 1334-1335 (holding “the delay must have caused substantial harm.”). Consequently,
25

26 ² NDOC Administrative Regulations are public records of which the Court may take judicial notice.
27 *Niles v. Nat’l Default Servicing Corp.*, 126 Nev. 742, 367 P.3d 804 (2010)(citing *Lee v. City of Los Angeles*, 250
28 F.3d 668, 689 (9th Cir.2001)).

1 Plaintiff is not likely to prevail on his Eighth Amendment deliberate indifference claim.
2 Accordingly, the first factor does not favor appointing Plaintiff counsel.

3 **B. Plaintiff Has Demonstrated The Ability To Articulate His Claims In A**
4 ***Pro Se* Capacity**

5 In the Motion, Plaintiff fails to demonstrate that he is unable to articulate his claims
6 in a *pro se* capacity due to the complexity of the legal issues. Like the plaintiff in *Wood*,
7 Plaintiff's Complaint alleges a straightforward medical indifference claim. *Complaint*.
8 Plaintiff asserts his difficulties in litigating this case arise from being an incarcerated pro
9 se litigant without legal training or unfettered access to legal materials. Motion at 8: 1-11.
10 These are merely "difficulties which any litigant would have in proceeding pro se; [and]
11 they do not indicate exceptional factors" that authorize an appointment of counsel. *Wood*,
12 900 F.2d. at 1335-1336. Plaintiff also concedes that he has had the assistance of at least
13 one other inmate ("jailhouse lawyer") in preparing legal pleadings, and he has successfully
14 communicated with licensed attorneys about legal representation. Motion at 9: 6-27, 10: 1-
15 11. Consequently, Plaintiff has not adequate access to legal materials to litigate this
16 matter.

17 Furthermore, Plaintiff's position is belied by the myriad of pleadings he has filed in
18 this case. Specifically, Plaintiff has filed more than twenty (20) pleadings in this matter
19 which demonstrates his ability to litigate this case. *Ellis v. Benedetti*, No.
20 308CV00657LRHWGC, 2012 WL 13036254, at *1 (D. Nev. Oct. 26, 2012)(denying a motion
21 for counsel after finding that the "Plaintiff has shown an ability to articulate his claims, as
22 demonstrated by the multitude of motions he has filed herein in addition to his motions for
23 appointment of counsel"); *Mizzoni v. Nevada*, No. 311CV00358HDMWGC, 2013 WL
24 12178002, at *2 (D. Nev. Apr. 23, 2013)(denying Plaintiff's motion for appointment of
25 counsel because "[h]e has, however, shown an ability to articulate his claims in not only
26 this motion but in several others he has filed in the short duration of the case."); *Hill v.*
27 *Oakley*, No. 311CV00609RCJWGC, 2014 WL 12625580, at *2 (D. Nev. May 9,
28 2014)(denying motion for court appointed counsel because "[p]laintiff has, however, shown

1 an ability to articulate his claim in not only this motion but in several others he has filed
2 in the duration of the case.”).³ Consequently, Plaintiff cannot demonstrate that the issues
3 in this matter are of such a complexity that he is unable to articulate his claims pro se.
4 Accordingly, Plaintiff has failed to satisfy the second factor.

5 In sum, Plaintiff has failed to satisfy his burden in demonstrating either a likelihood
6 of success on the merits or that he is unable, as a pro se litigant, to articulate his claims
7 due to the complexity of the issues involved. As such, the present Motion should be denied.

8 IV. CONCLUSION

9 Based upon the foregoing, the Office of the Attorney General respectfully request the
10 Court deny Plaintiff’s Motion For The Appointment of Counsel and Order For The
11 Appointment of Counsel be denied.

12 DATED this 2nd day of July, 2020.

13 AARON D. FORD
14 Attorney General

15 By: /s/ Wade J. VanSickle
16 Wade J. VanSickle (Bar No. 13604)
17 Deputy Attorney General

18 *Attorneys for Special Appearing Party*
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26 ³Plaintiff’s reliance upon *Solis v. County of Los Angeles*, 514 F.3d 946 (9th Cir. 2008), is misplaced. In
27 *Solis*, the Court reversed the district court’s order denying the motion for appointment of counsel and
28 instructed the court on remand to reconsider the motion “because the district court failed to articulate its
reasons for denying Solis’s request” and the Court could not “determine on appellate review whether its denial
constituted an abuse of discretion.” *Id.* at 958.

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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 July 2, 2020, I electronically filed the foregoing **OPPOSITION TO PLAINTIFF'S MOTION FOR THE APPOINTMENT OF COUNSEL AND ORDER FOR THE APPOINTMENT OF COUNSEL** 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

EXHIBIT A

EXHIBIT A

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION**

617

INMATE SICK CALL

Supersedes (Temporary, 11/23/11); 06/17/12; (Temporary, 04/24/17)
Effective date: 05/16/17

AUTHORITY: NRS 209.131; NRS 209.381; NRS 209.246

PURPOSE

To ensure compliance with federal and state regulations ensuring offenders have access to health care services in a timely and efficient manner.

RESPONSIBILITY

The Medical Director is responsible to ensure compliance with this regulation.

The Medical Administrator is responsible to implement the regulation statewide.

All Medical Division staff and all Medical Officers are responsible for the compliance with this regulation.

617.01 INMATE SICK CALL

1. All inmates will be provided the opportunity to report a medical illness or other health problem.

A. Upon arrival at the facility, all offenders are informed about how to access health services.

B. No inmate will be refused sick call for financial reasons.

C. All inmates have the right to be seen by a physician or nurse as appropriate.

2. Only nursing and medical staff may develop inmate sick call lists.

3. Sick call will generally be conducted on a first come, first served basis. A Medical Kite and/or Service Report (Form DOC- 2500), requesting to be seen will be completed by the inmate and accounted for per institutional protocol.

4. Nurse triage of requests will determine the final order in which inmates are seen at sick call.

A. Inmates are required to present their identification card and to sign the Sign-In Sheet Form (DOC – 2544), provided by the medical staff before consultation, examination, or treatment. If an inmate refuses to sign the DOC 2544, non-compliance will be noted on the Sign-In Sheet, DOC-2544

B. If an inmate refuses to be seen by a medical practitioner, a Release of Liability form, (DOC – 2523), must be completed and signed by the inmate.

REFERENCES

ACA 4th Edition: 4-4345, 4-4346; 4-4352

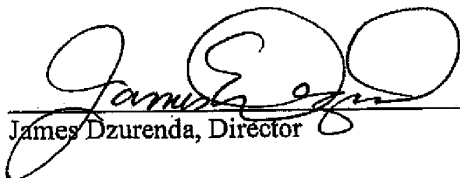
APPLICABILITY

1. This regulation requires a Medical Directive for Inmate Sick Call which applies to each institution, camp, or center.

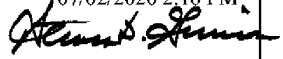
2. This regulation requires an audit.


Romeo Aranas, M.D., Medical Director

6/14/17
Date


James Dzurenda, Director

5/25/17
Date


CLERK OF THE COURT

ORDR

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,
Nevada Department of Corrections.
Steve Sisolak, Aaron Ford, Adam Laxalt,
Brian Sandoval, and Barbara Cegavske*

**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

**ORDER DENYING PLAINTIFF'S RECONSIDERATION OF ORDER TO DISMISS
COMPLAINT AGAINST SOME DEFENDANTS AND OR AMEND/ALTER IT'S
JUDGMENT**

This matter came on for hearing on Plaintiff's Reconsideration Of Order To Dismiss Complaint Against Some Defendants And Or Amend/Alter It's Judgments, on June 30, 2020, at 9:00am. Present at the hearing was Defendants, Brian Williams, Sr., the Nevada Department of Corrections, Steve Sisolak, Aaron Ford, Adam Laxalt, Brian Sandoval, and Barbara Cevagske (collectively "Defendants"), by and through counsel, Aaron D. Ford, Nevada Attorney General, and Wade J. VanSickle, Deputy Attorney General. Plaintiff Anthony Harris (Plaintiff) made no appearance before the Court. This matter was

submitted on the briefs without 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, Plaintiff filed his “Civil Rights/Tort Complaint” which named twenty-four (24) defendants and alleged claims pursuant to “Nev. Const. Art. 6§, NRS Chapters 14, 20, 22, 41, and 42” and an Eighth Amendment deliberate indifference to a serious medical condition claim.
2. On January 30, 2020, Defendants Williams and NDOC filed a Motion to Dismiss (First Motion to Dismiss).
3. The following day the Court issued its notice of hearing.
4. On February 19, 2020, Plaintiff filed a Response to Defendant’s Motion to Dismiss.
5. On February 26, 2020, Defendants filed their Reply Brief In Support of Their Motion To Dismiss.
6. The matter came for hearing on March 3, 2020. Plaintiff did not make proper arrangement to appear before the Court, and therefore, made no appearance. The Court permitted Defendants Williams and NDOC to submit oral argument limited to the issues presented in the briefs. The Court granted the First Motion to Dismiss.
7. On March 8, 2020, Defendants Steve Sisolak, Aaron Ford, Adam Laxalt, Brian Sandoval, and Barbara Cegavske filed a Motion to Dismiss Plaintiff’s claims against them with prejudice (Second Motion to Dismiss).
8. On March 24, 2020, Plaintiff filed a Response, but did not serve it upon the Defendants.
9. On April 9, 2020, the Court ruled on the Second Motion to Dismiss in chambers without oral argument or appearance by the parties.
10. The Order granting the Second Motion to Dismiss was entered on May 4, 2020.
11. On May 29, 2020, Plaintiff filed his Reconsideration Of Order To Dismiss Complaint Against Some Defendants And Or Amend/Alter It’s Judgment wherein Plaintiff alleged the orders granting the First Motion to Dismiss and Second Motion to

1 Dismiss were the product of ex parte communications because Plaintiff was not
2 present for, or able to submit oral argument at, the corresponding Court hearings.

3 12. The Order granting the First Motion to Dismiss was entered on June 1, 2020.

4 13. On June 3, 2020, Defendants filed their Opposition to Reconsideration Of Order To
5 Dismiss Complaint Against Defendants And/Or Amend/Alter It's Judgment.

6 14. On June 29, 2020, Plaintiff filed a Reply Brief In Support of Reconsideration Of
7 Order To Dismiss Complaint Against Defendants And/Or Amend/Alter It's
8 Judgment.

9 **II. CONCLUSIONS OF LAW**

10 1. Nev. R. Civ. P. 60 allows the Court, upon a motion and just terms, to relieve a party
11 or its legal representative from a final judgment, order, or proceeding for the
12 following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly
13 discovered evidence that, with reasonable diligence, could not have been discovered
14 in time to move for a new trial under rule 59(b); (3) fraud (whether previously called
15 intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4)
16 the judgment is void; (5) the judgment has been satisfied, released, or discharged; it
17 is based on an earlier judgment that has been reversed or vacated; or applying it
18 prospectively is no longer equitable; or (6) any other reason that justifies relief.

19 2. "Ex parte contacts [] are contacts between the adjudicator and an interested party,
20 of which the other party is unaware" *William Jefferson & Co. v. Bd. of Assessment &*
21 *Appeals No. 3 ex rel. Orange Cty.*, 695 F.3d 960, 965–66 (9th Cir. 2012)(citing Black's
22 Law Dictionary 657 (9th ed. 2009)); *Fed. Trade Comm'n v. AMG Servs., Inc.*, No.
23 212CV00536GMNVCF, 2014 WL 12788195, at *8 (D. Nev. July 16, 2014)(same).

24 3. Pursuant to EDCR 2.23(c), "[t]he judge may consider the motion on its merits at any
25 time with or without oral argument, and grant or deny it."

26 4. Plaintiff failed to demonstrate reconsideration is warranted under Nev. R. Civ. P.
27 60(b).
28

1 5. The hearing related to the First Motion to Dismiss did not constitute ex parte
2 communications with Defendants because all parties were provided timely notice
3 thereof.

4 6. The hearing related to the Second Motion to Dismiss did not constitute ex parte
5 communications with any parties because the Court issued its ruling from chambers
6 without oral argument.

7 7. Plaintiff was not entitled to submit oral argument at either the hearing related to
8 the First Motion to Dismiss or Second Motion to Dismiss pursuant to EDCR 2.23(c).

9 **III. ORDER**

10 **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Plaintiff's
11 Reconsideration Of Order To Dismiss Complaint Against Some Defendants And Or
12 Amend/Alter It's Judgments is **DENIED**.

13 IT IS SO ORDERED.

14 DATED this _____ day of _____, 2020. Dated this 2nd day of July, 2020

15 
16 _____
17 HON. TREVOR ATKIN

18 Respectfully submitted by:

CBA 43D 0894 72CA
Trevor Atkin

19 By: /s/ Wade J. VanSickle
AARON D. FORD
Attorney General
20 Wade J. VanSickle (Bar No. 13604)
Deputy Attorney General
21 State of Nevada
Office of the Attorney General
22 555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101
23 (702) 486-3216 (phone)
(702) 486-3773 (fax)
24 Email: wvansickle@ag.nv.gov

25 *Attorneys for Defendants Brian Williams,*
26 *Nevada Department of Corrections.*
27 *Steve Sisolak, Aaron Ford, Adam Laxalt,*
Brian Sandoval, and Barbara Cegavske

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Anthony Harris, Plaintiff(s) CASE NO: A-19-805689-C
7 vs. DEPT. NO. Department 8
8 Nevada State of, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Denying Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 7/2/2020

15 Diane Resch dresch@ag.nv.gov
16 Wade VanSickle wvansickle@ag.nv.gov
17 Sheri Regalado sregalado@ag.nv.gov
18
19
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21
22
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27
28



1 NEO
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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13 *Attorneys for Defendants Brian Williams,*
14 *Nevada Department of Corrections,*
15 *Steve Sisolak, Aaron Ford, Adam Laxalt,*
16 *Brian Sandoval, and Barbara Cegauske*

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 ENTRY OF ORDER

19 TO: ALL INTERESTED PARTIES

20 Please take notice that an ORDER DENYING PLAINTIFF'S
21 RECONSIDERATION OF ORDER TO DISMISS COMPLAINT AGAINST SOME
22 DEFENDANTS AND OR AMEND/ALTER IT'S JUDGMENT, was entered in the
23 above-entitled matter on the 2nd day of July, a copy of which is attached hereto.

24 DATED this 7th day of July, 2020.

25 AARON D. FORD
26 Attorney General

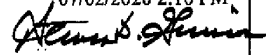
27 By: /s/ Wade J. VanSickle
28 Wade J. VanSickle (Bar No. 13604)
Deputy Attorney General
Attorneys Defendants

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 July 7, 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 depositing a copy for mailing in the United States Mail,
7 first-class postage prepaid, at Las Vegas, Nevada, addressed to the following:

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

11 /s/ Diane Resch
12 Diane Resch, an employee of the
13 Office of the Nevada Attorney General
14
15
16
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27
28


CLERK OF THE COURT

1 **ORDR**

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 *Nevada Department of Corrections.*
15 *Steve Sisolak, Aaron Ford, Adam Laxalt,*
16 *Brian Sandoval, and Barbara Cegavske*

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 **ORDER DENYING PLAINTIFF'S RECONSIDERATION OF ORDER TO DISMISS**
19 **COMPLAINT AGAINST SOME DEFENDANTS AND OR AMEND/ALTER ITS**
20 **JUDGMENT**

21 This matter came on for hearing on Plaintiff's Reconsideration Of Order To Dismiss
22 Complaint Against Some Defendants And Or Amend/Alter It's Judgments, on June 30,
23 2020, at 9:00am. Present at the hearing was Defendants, Brian Williams, Sr., the Nevada
24 Department of Corrections, Steve Sisolak, Aaron Ford, Adam Laxalt, Brian Sandoval, and
25 Barbara Cevagske (collectively "Defendants"), by and through counsel, Aaron D. Ford,
26 Nevada Attorney General, and Wade J. VanSickle, Deputy Attorney General. Plaintiff
27 Anthony Harris (Plaintiff) made no appearance before the Court. This matter was
28

1 submitted on the briefs without oral argument. Having reviewed the papers and pleadings
2 on file herein, the Court hereby rules as follows:

3 **I. FINDINGS OF FACT**

- 4 1. On November 4, 2019, Plaintiff filed his "Civil Rights/Tort Complaint" which named
5 twenty-four (24) defendants and alleged claims pursuant to "Nev. Const. Art. 6§,
6 NRS Chapters 14, 20, 22, 41, and 42" and an Eighth Amendment deliberate
7 indifference to a serious medical condition claim.
- 8 2. On January 30, 2020, Defendants Williams and NDOC filed a Motion to Dismiss
9 (First Motion to Dismiss).
- 10 3. The following day the Court issued its notice of hearing.
- 11 4. On February 19, 2020, Plaintiff filed a Response to Defendant's Motion to Dismiss.
- 12 5. On February 26, 2020, Defendants filed their Reply Brief In Support of Their Motion
13 To Dismiss.
- 14 6. The matter came for hearing on March 3, 2020. Plaintiff did not make proper
15 arrangement to appear before the Court, and therefore, made no appearance. The
16 Court permitted Defendants Williams and NDOC to submit oral argument limited
17 to the issues presented in the briefs. The Court granted the First Motion to Dismiss.
- 18 7. On March 8, 2020, Defendants Steve Sisolak, Aaron Ford, Adam Laxalt, Brian
19 Sandoval, and Barbara Cegavske filed a Motion to Dismiss Plaintiff's claims against
20 them with prejudice (Second Motion to Dismiss).
- 21 8. On March 24, 2020, Plaintiff filed a Response, but did not serve it upon the
22 Defendants.
- 23 9. On April 9, 2020, the Court ruled on the Second Motion to Dismiss in chambers
24 without oral argument or appearance by the parties.
- 25 10. The Order granting the Second Motion to Dismiss was entered on May 4, 2020.
- 26 11. On May 29, 2020, Plaintiff filed his Reconsideration Of Order To Dismiss Complaint
27 Against Some Defendants And Or Amend/Alter It's Judgment wherein Plaintiff
28 alleged the orders granting the First Motion to Dismiss and Second Motion to

1 Dismiss were the product of ex parte communications because Plaintiff was not
2 present for, or able to submit oral argument at, the corresponding Court hearings.
3 12. The Order granting the First Motion to Dismiss was entered on June 1, 2020.
4 13. On June 3, 2020, Defendants filed their Opposition to Reconsideration Of Order To
5 Dismiss Complaint Against Defendants And/Or Amend/Alter It's Judgment.
6 14. On June 29, 2020, Plaintiff filed a Reply Brief In Support of Reconsideration Of
7 Order To Dismiss Complaint Against Defendants And/Or Amend/Alter It's
8 Judgment.

9 **II. CONCLUSIONS OF LAW**

- 10 1. Nev. R. Civ. P. 60 allows the Court, upon a motion and just terms, to relieve a party
11 or its legal representative from a final judgment, order, or proceeding for the
12 following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly
13 discovered evidence that, with reasonable diligence, could not have been discovered
14 in time to move for a new trial under rule 59(b); (3) fraud (whether previously called
15 intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4)
16 the judgment is void; (5) the judgment has been satisfied, released, or discharged; it
17 is based on an earlier judgment that has been reversed or vacated; or applying it
18 prospectively is no longer equitable; or (6) any other reason that justifies relief.
19 2. "Ex parte contacts [] are contacts between the adjudicator and an interested party,
20 of which the other party is unaware" *William Jefferson & Co. v. Bd. of Assessment &*
21 *Appeals No. 3 ex rel. Orange Cty.*, 695 F.3d 960, 965–66 (9th Cir. 2012)(citing Black's
22 Law Dictionary 657 (9th ed. 2009)); *Fed. Trade Comm'n v. AMG Servs., Inc.*, No.
23 212CV00536GMNVCF, 2014 WL 12788195, at *8 (D. Nev. July 16, 2014)(same).
24 3. Pursuant to EDCR 2.23(c), "[t]he judge may consider the motion on its merits at any
25 time with or without oral argument, and grant or deny it."
26 4. Plaintiff failed to demonstrate reconsideration is warranted under Nev. R. Civ. P.
27 60(b).
28

1 5. The hearing related to the First Motion to Dismiss did not constitute ex parte
2 communications with Defendants because all parties were provided timely notice
3 thereof.

4 6. The hearing related to the Second Motion to Dismiss did not constitute ex parte
5 communications with any parties because the Court issued its ruling from chambers
6 without oral argument.

7 7. Plaintiff was not entitled to submit oral argument at either the hearing related to
8 the First Motion to Dismiss or Second Motion to Dismiss pursuant to EDCR 2.23(c).

9 **III. ORDER**

10 **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Plaintiff's
11 Reconsideration Of Order To Dismiss Complaint Against Some Defendants And Or
12 Amend/Alter It's Judgments is **DENIED**.

13 IT IS SO ORDERED.

14 DATED this _____ day of _____, 2020. Dated this 2nd day of July, 2020

15
16 
HON. TREVOR ATKIN

17 Respectfully submitted by:

CBA 43D 0894 72CA
Trevor Atkin

18 By: /s/ Wade J. VanSickle
19 AARON D. FORD
Attorney General
20 Wade J. VanSickle (Bar No. 13604)
Deputy Attorney General
21 State of Nevada
Office of the Attorney General
22 555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101
23 (702) 486-3216 (phone)
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24 Email: wvansickle@ag.nv.gov

25 *Attorneys for Defendants Brian Williams,*
26 *Nevada Department of Corrections.*
27 *Steve Sisolak, Aaron Ford, Adam Laxalt,*
Brian Sandoval, and Barbara Cegavske

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Anthony Harris, Plaintiff(s)

CASE NO: A-19-805689-C

7 vs.

DEPT. NO. Department 8

8 Nevada State of, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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12 Court. The foregoing Order Denying Motion was served via the court's electronic eFile
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14 Service Date: 7/2/2020

15 Diane Resch

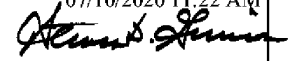
dresch@ag.nv.gov

16 Wade VanSickle

wvansickle@ag.nv.gov

17 Sheri Regalado

sregalado@ag.nv.gov
18
19
20
21
22
23
24
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26
27
28


CLERK OF THE COURT

ORDR

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 Special Appearing
Party*

**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

**ORDER GRANTING MOTION TO DISMISS COMPLAINT PURSUANT TO
NRCP4**

This matter came on for hearing on for the Motion to Dismiss Complaint Pursuant to NRCP 4 filed by the Office of the Attorney General (OAG), on July 7, 2020, at 9:00am. Present at the hearing was OAG, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Wade J. VanSickle, Deputy Attorney General. Plaintiff Anthony Harris (Plaintiff) made no appearance and did not request to make an appearance. This matter was submitted on the briefs without 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, Plaintiff filed his "Civil Rights/Tort Complaint" which named twenty-four (24) defendants and alleged claims pursuant to "Nev. Const.

1 Art. §6, NRS Chapters 14, 20, 22, 41, and 42” and an Eighth Amendment
2 deliberate indifference to a serious medical condition claim..

- 3 2. All individual Defendants were sued in their official and individual capacities.
- 4 3. Plaintiff also alleges the individual Defendants are current or former employees
5 the Nevada Department of Corrections (NDOC) or are current or former members
6 of the Board of Prison Commissioners.
- 7 4. The deadline to effectuate service upon the Defendants was March 3, 2020.
- 8 5. Plaintiff attempted to effectuate service upon Romeo Aranas, Michael Minev,
9 Jeremy Bean, Julie Matousek, Mr. Faliszek, Ms. Ennis, Bob Faulkner, N Peret,
10 G Worthy, G Martin, G Bryan, Jane Doe 1, and James Tolman. by delivering a
11 copy of the summons and complaint to an employee of the Office of the Attorney
12 General on December 19, 2019.
- 13 6. Plaintiff did not personally serve a copy of the summons or complaint upon Romeo
14 Aranas, Michael Minev, Jeremy Bean, Julie Matousek, Mr. Faliszek, Ms. Ennis,
15 Bob Faulkner, N Peret, G Worthy, G Martin, G Bryan, Jane Doe 1, and James
16 Tolman.
- 17 7. Plaintiff did not timely serve a copy of the summons or complaint upon the
18 administrative head of the Board of Prison Commissions, NDOC Director,
19 Charles Daniels.
- 20 8. On May 8, 2020, Plaintiff filed a Motion to File All Declaration of Service/Non-
21 service, but he did not serve it upon the Office of the Attorney General.
- 22 9. The Motion To File All Declaration of Service/Non-service asserted that on
23 December 13, 2019, the State of Nevada, “BD Prison Commissioners,” Michael
24 Minev, Romeo Aranas, Jeremy Dean, Julie Matousek, Mr. Faliszck, Mrs. Ennis,
25 BB Faulker, N Peret, G Worthy, G Martin, G Bryan, Jane Doe, and James
26 Tulman were served when a copy of the summons and complaint was delivered
27 to Brandon Salvors of the Office of the Attorney General at the Carson City,
28

1 Nevada Office. Plaintiff conceded that Defendant James Dzurenda was never
2 served.

3 10. On May 21, 2020, Plaintiff filed a Notice of Intent to Take Default with respect
4 to the State of Nevada, Board of Prison Commissioners, Romeo Aranas, Michael
5 Minev, Jeremy Bean, Julie Matousek, Mr. Faliszek, Ms. Ennis, Bob Faulkner, N
6 Peret, G Worthy, G Martin, G Bryan, Jane Doe 1, and James Tolman.

7 11. On June 3, 2020, the OAG filed a Motion to Dismiss Complaint Pursuant to
8 NRCP 4 asserting the Board of Prison Commissioners, Romeo Aranas, Michael
9 Minev, Jeremy Bean, Julie Matousek, Mr. Faliszek, Ms. Ennis, Bob Faulkner, N
10 Peret, G Worthy, G Martin, G Bryan, Jane Doe 1, and James Tolman should be
11 dismissed because Plaintiff did not timely effectuate proper service and entry of
12 default judgment against these Defendants is improper.

13 12. On June 29, 2020, Plaintiff filed a Response to Motion to Dismiss.

14 13. On June 30, 2020, OAG filed its Reply Brief In Support of Motion to Dismiss
15 Complaint Pursuant to NRCP 4.

16 14. Plaintiff did not request or attempt to appear for the hearing the Motion to
17 Dismiss Complaint Pursuant to NRCP 4.

18 **II. CONCLUSIONS OF LAW**

- 19 1. The summons and complaint must be served upon a defendant no later than 120
20 days after the complaint is filed, unless the court grants an extension of time under
21 NRCP 4. NRCP 4(1).
- 22 2. If service of the summons and complaint is not made upon a defendant before the
23 120-day service period – or any extension thereof – expires, the court must dismiss
24 the action, without prejudice, as to that defendant upon motion or upon court' sown
25 order to show cause. NRCP 4(2).
- 26 3. If a plaintiff files a motion for an extension of time before 120-day service period –
27 or any extension thereof, expires and shows that good cause exists for granting an
28

- 1 extension of the service period, the court must extend the service period and set a
2 reasonable date by which service should be made. NRCP 4(3).
- 3 4. If a plaintiff files a motion for an extension of time after the 120-day service period
4 – or any extension thereof – expires, the court must first determine whether good
5 cause exists for the plaintiff's failure to timely file the motion for an extension before
6 the court considers whether good cause exists for granting an extension of the service
7 period. If the plaintiff shows that good causes exists for the plaintiff's failure to
8 timely file the motion and for granting an extension of service period, the court must
9 extend the time for service and set a reasonable date by which service should be
10 made. NRCP 4(4).
- 11 5. To determine whether good cause exists for the plaintiff failing to file a motion for
12 an enlargement of time within the 120 day period, the Court should consider the
13 following factors:“(2) the defendant's efforts at evading service or concealment of
14 improper service until after the 120–day period has elapsed, (3) the plaintiff's
15 diligence in attempting to serve the defendant, ... and (9) the defendant's knowledge
16 of the existence of the lawsuit.” *Saavedra-Sandoval*, 126 Nev. at 597, 245 P.3d
17 at1201 (*citing Scrimmer v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 116 Nev.
18 507, 516, 998 P.2d 1190, 1196 (2000)).
- 19 6. “Failure to demonstrate such good cause [for the tardy motion] ends the district
20 court's inquiry.” *Id.*
- 21 7. If the Court determines good cause exists for the tardy motion, it then must consider
22 the following factors to determine whether good cause to extend time for service: “(1)
23 difficulties in locating the defendant, (2) the defendant's efforts at evading service or
24 concealment of improper service until after the 120–day period has lapsed, (3) the
25 plaintiff's diligence in attempting to serve the defendant, (4) difficulties encountered
26 by counsel, (5) the running of the applicable statute of limitations, (6) the parties'
27 good faith attempts to settle the litigation during the 120–day period, (7) the lapse
28 of time between the end of the 120–day period and the actual service of process on

1 the defendant, (8) the prejudice to the defendant caused by the plaintiff's delay in
2 serving process, (9) the defendant's knowledge of the existence of the lawsuit, and
3 (10) any extensions of time for service granted by the district court." *Id.* (citing
4 *Scrimmer*, 116 Nev. at 516, 998 P.2d at 1196); NRCP 4(e)(4).

5 8. NRCP 4.2 governs service of the State of Nevada, its public entities and political
6 subdivisions, and their officers and employees. NRCP 4.2(d).

7 9. The State and any public entity of the State must be served by delivering a copy of
8 the summons and the complaint to (A) the Attorney General or a person designated
9 by the Attorney General in Carson City; and (B) the person serving in the office of
10 the administrative head of the named public entity, or an agent designated by the
11 administrative head to receive service of process NRCP 4.2(d)(1).

12 10. Any current or former public officer or employee of the State who is sued in his or
13 her official capacity or his or her individual capacity for an act or omission relating
14 to his or her public duties or employment must be served by delivering a copy of the
15 summons and complaint to (A) the Attorney General, or a person designated by the
16 Attorney General to receive service of process, at the Office of the Attorney General
17 in Carson City; and (B) the current or former public officer or employee, or an agent
18 designated by him or her to receive service of process. NRCP 4.2(d)(2).

19 11. Plaintiff was subjected to the dual service requirements of NRCP 4.2(d)(1)(2) because
20 his complaint asserted state tort claims and a claim pursuant to 42 U.S.C. § 1983
21 against state entities and former and current state employees.

22 12. The deadline for Plaintiff to timely effectuate service was March 3, 2020.

23 13. Plaintiff did not effectuate service on behalf of the Board of Prison Commissioners
24 within the 120-day service period because he did not serve a copy of the summons
25 and complaint upon the NDOC administrative head, NDOC Director Charles
26 Daniels.

27 14. Plaintiff did not effectuate service on behalf of Romeo Aranas, Michael Minev,
28 Jeremy Bean, Julie Matousek, Mr. Faliszek, Ms. Ennis, Bob Faulkner, N Peret, G

1 Worthy, G Martin, G Bryan, Jane Doe 1, and James Tolman within the 120 day
2 service period because he did not personally serve any of the Defendants with a copy
3 of the summons and the complaint.

4 15. Plaintiff did not seek an extension of the 120-day service period to serve Board of
5 Prison Commissioners, Romeo Aranas, Michael Minev, Jeremy Bean, Julie
6 Matousek, Mr. Faliszek, Ms. Ennis, Bob Faulkner, N Peret, G Worthy, G Martin, G
7 Bryan, Jane Doe 1, and James Tolman.

8 16. Plaintiff did not establish good cause existed for his failure to seek an extension of
9 the 120-day service period to serve the Board of Prison Commissioners, Romeo
10 Aranas, Michael Minev, Jeremy Bean, Julie Matousek, Mr. Faliszek, Ms. Ennis, Bob
11 Faulkner, N Peret, G Worthy, G Martin, G Bryan, Jane Doe 1, and James Tolman.

12 17. The Board of Prison Commissioners, Romeo Aranas, Michael Minev, Jeremy Bean,
13 Julie Matousek, Mr. Faliszek, Ms. Ennis, Bob Faulkner, N Peret, G Worthy, G
14 Martin, G Bryan, Jane Doe 1, and James Tolman are to be dismissed from this
15 matter without prejudice pursuant to NRCP 4(2).

16 18. There are no Defendants remaining in this matter.

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1
2 **III. ORDER**

3 The Motion to Dismiss Complaint Pursuant To NRCP 4 is **GRANTED** without
4 prejudice.

5 IT IS SO ORDERED.

6 DATED this _____ day of _____, 2020. Dated this 10th day of July, 2020

7
8 
HON. TREVOR ATKIN

9 Respectfully submitted by:

01B 558 9C3C 9C3D
Trevor Atkin

10 By: /s/ Wade J. VanSickle
11 AARON D. FORD
12 Attorney General
13 Wade J. VanSickle (Bar No. 13604)
14 Deputy Attorney General
15 State of Nevada
16 Office of the Attorney General
17 555 E. Washington Ave., Ste. 3900
18 Las Vegas, Nevada 89101
19 (702) 486-3216 (phone)
20 (702) 486-3773 (fax)
21 Email: wvansickle@ag.nv.gov

22 *Attorneys for Special Appearing Party*
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Anthony Harris, Plaintiff(s) CASE NO: A-19-805689-C
7 vs. DEPT. NO. Department 8
8 Nevada State of, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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12 Court. The foregoing Order Granting Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 7/10/2020

15 Diane Resch	dresch@ag.nv.gov
16 Wade VanSickle	wvansickle@ag.nv.gov
17 Sheri Regalado	sregalado@ag.nv.gov



1 NEO
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
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13 *Attorneys for Defendants Brian Williams,*
14 *Nevada Department of Corrections,*
15 *Steve Sisolak, Aaron Ford, Adam Laxalt,*
16 *Brian Sandoval, and Barbara Cegavske*

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 ENTRY OF ORDER

19 TO: ALL INTERESTED PARTIES

20 Please take notice that an ORDER GRANTING MOTION TO DISMISS
21 COMPLAINT PURSUANT TO NRCP 4, was entered in the above-entitled matter on the
22 10th day of July, 2020, a copy of which is attached hereto.

23 DATED this 14th day of July, 2020.

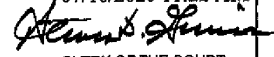
24 AARON D. FORD
25 Attorney General

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

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

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CLERK OF THE COURT

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)
11 (702) 486-3773 (fax)
12 wvansickle@ag.nv.gov

13 *Attorneys for Special Appearing*
14 *Party*

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

19 Anthony Harris,
20
21 Plaintiff,

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

22 vs.

23 The State of Nevada, *et al.*,
24
25 Defendants.

26 **ORDER GRANTING MOTION TO DISMISS COMPLAINT PURSUANT TO**
27 **NRCP4**

28 This matter came on for hearing on for the Motion to Dismiss Complaint Pursuant to NRCP 4 filed by the Office of the Attorney General (OAG), on July 7, 2020, at 9:00am. Present at the hearing was OAG, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Wade J. VanSickle, Deputy Attorney General. Plaintiff Anthony Harris (Plaintiff) made no appearance and did not request to make an appearance. This matter was submitted on the briefs without 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, Plaintiff filed his "Civil Rights/Tort Complaint" which named twenty-four (24) defendants and alleged claims pursuant to "Nev. Const.

1 Art. §6, NRS Chapters 14, 20, 22, 41, and 42” and an Eighth Amendment
2 deliberate indifference to a serious medical condition claim..

3 2. All individual Defendants were sued in their official and individual capacities.

4 3. Plaintiff also alleges the individual Defendants are current or former employees
5 the Nevada Department of Corrections (NDOC) or are current or former members
6 of the Board of Prison Commissioners.

7 4. The deadline to effectuate service upon the Defendants was March 3, 2020.

8 5. Plaintiff attempted to effectuate service upon Romeo Aranas, Michael Minev,
9 Jeremy Bean, Julie Matousek, Mr. Faliszek, Ms. Ennis, Bob Faulkner, N Peret,
10 G Worthy, G Martin, G Bryan, Jane Doe 1, and James Tolman. by delivering a
11 copy of the summons and complaint to an employee of the Office of the Attorney
12 General on December 19, 2019.

13 6. Plaintiff did not personally serve a copy of the summons or complaint upon Romeo
14 Aranas, Michael Minev, Jeremy Bean, Julie Matousek, Mr. Faliszek, Ms. Ennis,
15 Bob Faulkner, N Peret, G Worthy, G Martin, G Bryan, Jane Doe 1, and James
16 Tolman.

17 7. Plaintiff did not timely serve a copy of the summons or complaint upon the
18 administrative head of the Board of Prison Commissions, NDOC Director,
19 Charles Daniels.

20 8. On May 8, 2020, Plaintiff filed a Motion to File All Declaration of Service/Non-
21 service, but he did not serve it upon the Office of the Attorney General.

22 9. The Motion To File All Declaration of Service/Non-service asserted that on
23 December 13, 2019, the State of Nevada, “BD Prison Commissioners,” Michael
24 Minev, Romeo Aranas, Jeremy Dean, Julie Matousek, Mr. Faliszck, Mrs. Ennis,
25 BB Faulker, N Peret, G Worthy, G Martin, G Bryan, Jane Doe, and James
26 Tulman were served when a copy of the summons and complaint was delivered
27 to Brandon Salvors of the Office of the Attorney General at the Carson City,
28

1 Nevada Office. Plaintiff conceded that Defendant James Dzurenda was never
2 served.

3 10. On May 21, 2020, Plaintiff filed a Notice of Intent to Take Default with respect
4 to the State of Nevada, Board of Prison Commissioners, Romeo Aranas, Michael
5 Minev, Jeremy Bean, Julie Matousek, Mr. Faliszek, Ms. Ennis, Bob Faulkner, N
6 Peret, G Worthy, G Martin, G Bryan, Jane Doe 1, and James Tolman.

7 11. On June 3, 2020, the OAG filed a Motion to Dismiss Complaint Pursuant to
8 NRCP 4 asserting the Board of Prison Commissioners, Romeo Aranas, Michael
9 Minev, Jeremy Bean, Julie Matousek, Mr. Faliszek, Ms. Ennis, Bob Faulkner, N
10 Peret, G Worthy, G Martin, G Bryan, Jane Doe 1, and James Tolman should be
11 dismissed because Plaintiff did not timely effectuate proper service and entry of
12 default judgment against these Defendants is improper.

13 12. On June 29, 2020, Plaintiff filed a Response to Motion to Dismiss.

14 13. On June 30, 2020, OAG filed its Reply Brief In Support of Motion to Dismiss
15 Complaint Pursuant to NRCP 4.

16 14. Plaintiff did not request or attempt to appear for the hearing the Motion to
17 Dismiss Complaint Pursuant to NRCP 4.

18 II. CONCLUSIONS OF LAW

- 19 1. The summons and complaint must be served upon a defendant no later than 120
20 days after the complaint is filed, unless the court grants an extension of time under
21 NRCP 4. NRCP 4(1).
- 22 2. If service of the summons and complaint is not made upon a defendant before the
23 120-day service period – or any extension thereof – expires, the court must dismiss
24 the action, without prejudice, as to that defendant upon motion or upon court' sown
25 order to show cause. NRCP 4(2).
- 26 3. If a plaintiff files a motion for an extension of time before 120-day service period –
27 or any extension thereof, expires and shows that good cause exists for granting an
28

1 extension of the service period, the court must extend the service period and set a
2 reasonable date by which service should be made. NRCP 4(3).

3 4. If a plaintiff files a motion for an extension of time after the 120-day service period
4 – or any extension thereof – expires, the court must first determine whether good
5 cause exists for the plaintiff's failure to timely file the motion for an extension before
6 the court considers whether good cause exists for granting an extension of the service
7 period. If the plaintiff shows that good causes exists for the plaintiff's failure to
8 timely file the motion and for granting an extension of service period, the court must
9 extend the time for service and set a reasonable date by which service should be
10 made. NRCP 4(4).

11 5. To determine whether good cause exists for the plaintiff failing to file a motion for
12 an enlargement of time within the 120 day period, the Court should consider the
13 following factors:“(2) the defendant's efforts at evading service or concealment of
14 improper service until after the 120–day period has elapsed, (3) the plaintiff's
15 diligence in attempting to serve the defendant, ... and (9) the defendant's knowledge
16 of the existence of the lawsuit.” *Saavedra-Sandoval*, 126 Nev. at 597, 245 P.3d
17 at1201 (citing *Scrimmer v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 116 Nev.
18 507, 516, 998 P.2d 1190, 1196 (2000)).

19 6. “Failure to demonstrate such good cause [for the tardy motion] ends the district
20 court's inquiry.” *Id.*

21 7. If the Court determines good cause exists for the tardy motion, it then must consider
22 the following factors to determine whether good cause to extend time for service: “(1)
23 difficulties in locating the defendant, (2) the defendant's efforts at evading service or
24 concealment of improper service until after the 120–day period has lapsed, (3) the
25 plaintiff's diligence in attempting to serve the defendant, (4) difficulties encountered
26 by counsel, (5) the running of the applicable statute of limitations, (6) the parties'
27 good faith attempts to settle the litigation during the 120–day period, (7) the lapse
28 of time between the end of the 120–day period and the actual service of process on

1 the defendant, (8) the prejudice to the defendant caused by the plaintiff's delay in
2 serving process, (9) the defendant's knowledge of the existence of the lawsuit, and
3 (10) any extensions of time for service granted by the district court." *Id.* (citing
4 *Scrimmer*, 116 Nev. at 516, 998 P.2d at 1196); NRCP 4(e)(4).

5 8. NRCP 4.2 governs service of the State of Nevada, its public entities and political
6 subdivisions, and their officers and employees. NRCP 4.2(d).

7 9. The State and any public entity of the State must be served by delivering a copy of
8 the summons and the complaint to (A) the Attorney General or a person designated
9 by the Attorney General in Carson City; and (B) the person serving in the office of
10 the administrative head of the named public entity, or an agent designated by the
11 administrative head to receive service of process NRCP 4.2(d)(1).

12 10. Any current or former public officer or employee of the State who is sued in his or
13 her official capacity or his or her individual capacity for an act or omission relating
14 to his or her public duties or employment must be served by delivering a copy of the
15 summons and complaint to (A) the Attorney General, or a person designated by the
16 Attorney General to receive service of process, at the Office of the Attorney General
17 in Carson City; and (B) the current or former public officer or employee, or an agent
18 designated by him or her to receive service of process. NRCP 4.2(d)(2).

19 11. Plaintiff was subjected to the dual service requirements of NRCP 4.2(d)(1)(2) because
20 his complaint asserted state tort claims and a claim pursuant to 42. U.S.C. §1983
21 against state entities and former and current state employees.

22 12. The deadline for Plaintiff to timely effectuate service was March 3, 2020.

23 13. Plaintiff did not effectuate service on behalf of the Board of Prison Commissioners
24 within the 120-day service period because he did not serve a copy of the summons
25 and complaint upon the NDOC administrative head, NDOC Director Charles
26 Daniels.

27 14. Plaintiff did not effectuate service on behalf of Romeo Aranas, Michael Minev,
28 Jeremy Bean, Julie Matousek, Mr. Faliszek, Ms. Ennis, Bob Faulkner, N Peret, G

1 Worthy, G Martin, G Bryan, Jane Doe 1, and James Tolman within the 120 day
2 service period because he did not personally serve any of the Defendants with a copy
3 of the summons and the complaint.

4 15. Plaintiff did not seek an extension of the 120-day service period to serve Board of
5 Prison Commissioners, Romeo Aranas, Michael Minev, Jeremy Bean, Julie
6 Matousek, Mr. Faliszek, Ms. Ennis, Bob Faulkner, N Peret, G Worthy, G Martin, G
7 Bryan, Jane Doe 1, and James Tolman.

8 16. Plaintiff did not establish good cause existed for his failure to seek an extension of
9 the 120-day service period to serve the Board of Prison Commissioners, Romeo
10 Aranas, Michael Minev, Jeremy Bean, Julie Matousek, Mr. Faliszek, Ms. Ennis, Bob
11 Faulkner, N Peret, G Worthy, G Martin, G Bryan, Jane Doe 1, and James Tolman.

12 17. The Board of Prison Commissioners, Romeo Aranas, Michael Minev, Jeremy Bean,
13 Julie Matousek, Mr. Faliszek, Ms. Ennis, Bob Faulkner, N Peret, G Worthy, G
14 Martin, G Bryan, Jane Doe 1, and James Tolman are to be dismissed from this
15 matter without prejudice pursuant to NRCP 4(2).

16 18. There are no Defendants remaining in this matter.

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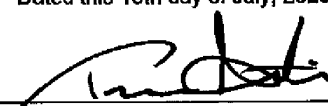
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1
2 **III. ORDER**

3 The Motion to Dismiss Complaint Pursuant To NRCP 4 is **GRANTED** without
4 prejudice.

5 IT IS SO ORDERED.

6 DATED this _____ day of _____, 2020. Dated this 10th day of July, 2020

7
8 
HON. TREVOR ATKIN

9 Respectfully submitted by:

01B 558 9C3C 9C3D
Trevor Atkin

10 By: /s/ Wade J. VanSickle
11 AARON D. FORD
12 Attorney General
13 Wade J. VanSickle (Bar No. 13604)
14 Deputy Attorney General
15 State of Nevada
16 Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101
(702) 486-3216 (phone)
(702) 486-3773 (fax)
Email: wvansickle@ag.nv.gov

17 *Attorneys for Special Appearing Party*
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1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Anthony Harris, Plaintiff(s)

CASE NO: A-19-805689-C

7 vs.

DEPT. NO. Department 8

8 Nevada State of, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Granting Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 7/10/2020

15 Diane Resch

dresch@ag.nv.gov

16 Wade VanSickle

wvansickle@ag.nv.gov

17 Sheri Regalado

sregalado@ag.nv.gov

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

March 03, 2020

A-19-805689-C Anthony Harris, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

March 03, 2020 9:00 AM Motion to Dismiss

HEARD BY: Atkin, Trevor **COURTROOM:** Phoenix Building 11th Floor
110

COURT CLERK: Alan Castle

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Van Sickle, Wade Attorney

JOURNAL ENTRIES

- Court noted Mr. Harris not present. Mr. Van Sickle stated Mr. Harris is incarcerated and he is not aware of any arrangement to appear by phone. Arguments by Mr. Van Sickle in support of his motion. Court stated it had reviewed the pleadings and ORDERED, Defendants' Motion to Dismiss GRANTED WITH PREJUDICE as to both of Mr. Harris' identified clients. Mr. Harris to prepare the order.

CLERK'S NOTE: Minute Order prepared by Nicole McDevitt via listening to JAVS recording. /nm
3/20/2020

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters**COURT MINUTES****April 09, 2020**

A-19-805689-C Anthony Harris, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

April 09, 2020	9:00 AM	Motion to Dismiss	Defendants Steve Sisolak, Aaron Ford, Adam Laxalt, Brian Sandoval, and Barbara Cegavske's Motion to Dismiss Complaint with Prejudice
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HEARD BY: Atkin, Trevor**COURTROOM:** Phoenix Building 11th Floor
110**COURT CLERK:** Alan Castle**RECORDER:** Jessica Kirkpatrick**REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Motion having been duly filed and served, no opposition having been filed, pursuant to EDCR 2.20 and for good cause shown, COURT FINDS based the legal reasoning set for in the motion and ORDERED, Defendants Steve Sisolak, Aaron Ford, Adam Laxalt, Brian Sandoval, and Barbara Cegavske's Motion to Dismiss Complaint with Prejudice is GRANTED. Defense counsel to prepare the order within 10 days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: The above minute order has been electronically distributed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

May 21, 2020

A-19-805689-C Anthony Harris, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

May 21, 2020 3:00 AM All Pending Motions

HEARD BY: Atkin, Trevor **COURTROOM:** Chambers

COURT CLERK: Alan Castle

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Motion to File All Declarations of Service /Non Service ... Plaintiff's Motion for Appointment of Attorney

Matters set on hearing calendar for decision.

CONTINUED TO:
08/04/20 9:00 a.m.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

June 25, 2020

A-19-805689-C Anthony Harris, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

June 25, 2020 3:00 AM Minute Order

HEARD BY: Atkin, Trevor **COURTROOM:** Chambers

COURT CLERK: Alan Castle

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- MINUTE ORDER RE: DEPT. 8, TUESDAY JUNE 30, 2020 PRE-TRIAL CONFERENCES AT 8:30 AM
AND LAW AND MOTION CALENDAR AT 9:00 AM

Department 8 Request to Appear Telephonically

Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants.

To use BlueJeans, please call in prior to the hearing at 1-888-748-9073.

To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #.

Your Meeting ID: 239 388 914 (NOTE: The meeting number will be different for each day s court session.)

For your hearing, PLEASE observe the following protocol:

PRINT DATE: 11/30/2020 Page 4 of 10 Minutes Date: March 03, 2020

Place your telephone on mute while waiting for your matter/case to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters**COURT MINUTES****June 30, 2020**

A-19-805689-C Anthony Harris, Plaintiff(s)
 vs.
 Nevada State of, Defendant(s)

June 30, 2020	9:00 AM	Motion to Reconsider	Plaintiff's Motion for Reconsideration of Order to Dismiss Complaint against some Defendants and or Amend/Alter it's Judgments
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HEARD BY: Atkin, Trevor**COURTROOM:** Phoenix Building 11th Floor
110**COURT CLERK:** Alan Castle**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

PRESENT:	Harris, Anthony	Plaintiff
	Nevada State of	Defendant
	Van Sickle, Wade	Attorney

JOURNAL ENTRIES

- COURT ORDERED, Plaintiff's Motion for Reconsideration of Order to Dismiss Complaint against some Defendants and or Amend/ Alter it's Judgments is DENIED for the reasons outlined in the Defendant's opposition. Mr. Van Sickle to prepare the order within 10 days and distribute a filed copy to all parties involved in this matter.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

July 02, 2020

A-19-805689-C Anthony Harris, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

July 02, 2020 3:00 AM Minute Order

HEARD BY: Atkin, Trevor **COURTROOM:** Chambers

COURT CLERK: Alan Castle

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- MINUTE ORDER BLUEJEANS NOTICE FOR DEPT. 8, TUESDAY JULY 7, 2020 AT 9:00 AM LAW
AND MOTION CALENDAR

Department 8 Request to Appear Telephonically

Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants.

To use BlueJeans, please call in prior to the hearing at 1-888-748-9073.

To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #.

Your Meeting ID: 429 904 546 (NOTE: The meeting number will be different for each day's court session.)

For your hearing, PLEASE observe the following protocol:

PRINT DATE: 11/30/2020 Page 7 of 10 Minutes Date: March 03, 2020

Place your telephone on mute while waiting for your matter/case to be called.
Do not place the conference on hold as it may play wait/hold music to others.
Identify yourself before speaking each time as a record is being made.
Please be mindful of sounds of rustling of papers or coughing.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

July 07, 2020

A-19-805689-C Anthony Harris, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

July 07, 2020 3:00 AM Minute Order

HEARD BY: Atkin, Trevor **COURTROOM:** Chambers

COURT CLERK: Alan Castle

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Having considered the pleadings without oral arguments, COURT ORDERS, Defendants Motion to Dismiss Complaint Pursuant to NRCP 4 is GRANTED Without Prejudice, as Plaintiff has not effectuated proper service of process upon Defendants as outlined in Defendants motion. Additionally, Plaintiff has never filed a motion to enlarge time to effectuate service of process. Mr. Van Sickle to prepare the order within 10 days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: The above minute order has been distributed to: Anthony Harris, Proper Person, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070; and, Aaron Ford, Nevada Attorney General.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

July 07, 2020

A-19-805689-C Anthony Harris, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

**July 07, 2020 9:00 AM Motion to Dismiss Defendant's Motion
to Dismiss Complaint
Pursuant to NRCP 4**

HEARD BY: Atkin, Trevor

COURTROOM: Phoenix Building 11th Floor
110

COURT CLERK: Alan Castle

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Nevada State of Defendant
Van Sickle, Wade Attorney

JOURNAL ENTRIES

- Matter submitted on the pleadings without oral arguments. Defendant's Motion to Dismiss Complaint Pursuant to NRCP 4 for Failure to Serve Remaining Defendants TAKEN UNDER ADVISEMENT and parties to be notified by Minute Order or written decision.

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated November 12, 2020, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises three volumes with pages numbered 1 through 653.

ANTHONY HARRIS,

Plaintiff(s),

vs.

STATE OF NEVADA; BD. OF PRISON
COMMISSIONERS; NV. DEPT. OF
CORRECTIONS; NV. DEPT. 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; G.
BRYAN,

Defendant(s),

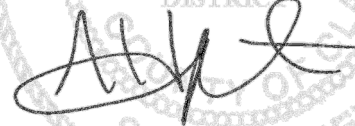
Case No: A-19-805689-C

Dept. No: VIII

now on file and of record in this office

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 1 day of December 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk