

1 Case No. 27CV-OTH-2020-0057

2 Dept No. 1

3

4 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

5 NEVADA IN AND FOR THE COUNTY OF PERSHING

6

7 Justin Odell Langford,

8 Plaintiff,

9

vs. NOTICE OF APPEAL

10 <sup>vs</sup> Smith Et al,

11 Defendants.

12

13 COMES Now Justin Odell Langford, In Prose, To file his Notice

14 of Appeal. This is to notify the Court and the Defendants that

15 I'm appealing the verbal order of denial of Default

16 Judgement against defendants "State of Nevada Ex rel NDOC" &

17 "Nevada Department of Corrections", this Order was made on

18 Oct. 2<sup>nd</sup>, 2020. The Denial is being appealed based on it

19 being erroneous and the judge being biased

20

21 DATED:

22 11/1

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28

Respectfully Submitted

*Justin Odell Langford*

Justin Odell Langford, #1159546

LCC, 1200 Prison Rd

Love Lock, Nev 89419

FILE STAMP COPY

Electronically Filed  
Nov 12 2020 4:31 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 Case No. 27CV-OTH-2020-0057

2 *Pursuant to NRS 239B.030, the undersigned affirms that this*  
3 *Document does not contain the social security numbers.*

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

9 Justin Odell Langford,

10 Petitioner,

11 vs.

12 C/O Smith; Renee Baker; Caseworker Lefleur;

13 C. Potter; P. Delorto; J. Borrowman; D. Baze;

14 T. Carpenter,

15 Respondent.  
16

17 **CASE APPEAL STATEMENT**

18 1. Name of appellant filing this case appeal statement:

19 Justin Odell Langford

20 2. Identify the judge issuing the decision, judgment or order appealed from:

21 Honorable Jim C. Shirley

22 3. Identify each appellant and the name and address of counsel for each  
23 appellant:

24 Justin Odell Langford #1159546

1 Pro Per  
2 1200 Prison Road  
3 Lovelock Correctional Center  
4 Lovelock, NV. 89419

- 5 4. Identify each respondent and the name and address of appellate counsel, if  
6 known, for each respondent (if the name of a respondent's appellate counsel  
7 is unknown, indicate as much and provide the name and address of that  
8 respondent's trial counsel):

9 C/O Smith; Renee Baker; Caseworker Lefleur; C. Potter; P. Delorto; J. Borrowman; D.  
10 Baze; T. Carpenter

11 Office of the Attorney General  
12 100 North Carson Street  
13 Carson City, NV. 89701-4717

- 14 5. Indicate whether any attorney identified above in response to question 3 or  
15 4 is not licensed to practice law in Nevada and, if so whether the district  
16 court granted that attorney permission to appear under SCR 42 (attach a  
17 copy of any district court order granting such permission):

18 N/A

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

21 No, Pro Per

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

24 No

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

An Order to Proceed in Forma Pauperis was filed on 03/17/20.

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

A Civil Rights Complaint Pursuant to 42 U.S.C §1983 was filed on  
03/17/20.

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

3 Petitioner filed a Civil Rights Complaint Pursuant to 42 U.S.C §1983.  
4 Petitioner filed a Notice of Appeal on a verbal order of denial of Default.  
There is no final order in this case.

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

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

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

9 13. If this is a civil case, indicate whether this appeal involves the possibility of  
10 settlement: Unknown, case is still ongoing.

11 Dated this 5<sup>th</sup> day of November 2020.

12  
13 /s/ Carol Elerick  
14 Carol Elerick  
15 Senior Court Clerk  
16 P.O. Box H  
17 Lovelock, NV. 89419  
18 (775) 273-2410  
19  
20  
21  
22  
23  
24

## **Case Snapshot:** Thu Nov 05 14:11:14 PST 2020

**Case Number:** 27CV-OTH-2020-0057

**Case Name:** JUSTIN ODELL LANGFORD VS C/O SMITH; RENEE BAKER; CASEWORKER LEFLEUR; C. POTTER; P DELORTO; J. BORROWMAN; D. BAZE; T. CARPENTER

**Date Filed:** 03-06-2020

**Disposition:** Active

### **Parties:**

**PL:** JUSTIN ODELL LANGFORD

**Address:** 1200 PRISON ROAD/ LCC, LOVELOCK NV 89419

**DF:** T. CARPENTER

**DF:** C/O SMITH

**DF:** RENEE BAKER

**Atty:** Andrea Dominguez

NEVADA ATTORNEY GENERAL'S OFFICE

**DF:** CASEWORKER LEFLEUR

**DF:** C. POTTER

**DF:** P. DELPORTO

**DF:** J. BORROWMAN

**DF:** D. BAZE

### **Hearings:**

10-02-2020 10:30 AM Case Management Conference

**Status:** Held

### **Dockets:**

11-05-2020 Case Appeal Statement

11-05-2020 51.1 Case Appeal Statement

11-02-2020 Notice of Appeal

11-02-2020 50.1 Notice of Appeal

10-22-2020 Request for Production of Documents Pursuant to Fed. R. Civ.P.34

10-22-2020 48.1 Request for Production of Documents Pursuant to Fed. R. Civ.P.34

10-22-2020 Interrogatory for Defendant John Borrowman Pursuant too Fed.R.Civ.P.37

10-22-2020 47.1 Interrogatory for Defendant John Borrowman Pursuant too Fed.R.Civ.P.37

10-22-2020 Interrogatory for Defendant Carter Potter Pursuant to Fed.R.Civ.p.37 "1st Request"  
 10-22-2020 46.1 Interrogatory for Defendant Carter Potter Pursuant to Fed.R.Civ.p.37 "1st Request"

10-22-2020 Request for Submission Re: Notice of Intent to Default  
 10-22-2020 45.1 Request for Submission Re: Notice of Intent to Default

10-22-2020 Notice of Intent to Default  
 10-22-2020 44.1 Notice of Intent to Default

10-22-2020 Application In Support of Default Judgement  
 10-22-2020 43.1 Application In Support of Default Judgement

10-01-2020 Answer/Response - Civil Joinder of Renee Baker, The State of Nevada, ex rel. NDOC, and The Nevada Department of Corrections  
 10-01-2020 39.1 Answer/Response - Civil Joinder of Renee Baker, The State of Nevada, ex rel. NDOC, and The Nevada Department of Corrections

09-28-2020 Certificate of Service  
 09-28-2020 38.1 Certificate of Service

09-28-2020 Affidavit in Support of Default  
 09-28-2020 37.1 Affidavit in Support of Default

09-28-2020 Application "Amended" Application in Support of Default Judgement  
 09-28-2020 36.1 Application "Amended" Application in Support of Default Judgement

09-28-2020 Notice "Amended" Notice of Intent to Default  
 09-28-2020 35.1 Notice "Amended" Notice of Intent to Default

09-25-2020 Request for Judicial Notice and Judicial Action to be Taken  
 09-25-2020 33.1 Request for Judicial Notice and Judicial Action to be Taken

09-15-2020 Notice of Entry of Order Re: Order Directing Service Upon the State  
 09-15-2020 32.1 Notice of Entry of Order Re: Order Directing Service Upon the State

09-11-2020 Order Directing Service Upon State of Nevada ex rel. NDOC and Nevada Department of Corrections and Directions to Clerk of Court Regarding Default Application  
 09-11-2020 31.1 Order Directing Service Upon State of Nevada ex rel. NDOC and Nevada Department of Corrections and Directions to Clerk of Court Regarding Default Application

08-26-2020 Notice of Substitution of Counsel Notice of Change of Attorney  
 08-26-2020 29.1 Notice of Substitution of Counsel Notice of Change of Attorney

08-25-2020 Notice of Entry of Order :Order Setting Hearing and to Produce Prisoner  
 08-25-2020 28.1 Notice of Entry of Order :Order Setting Hearing and to Produce Prisoner

08-24-2020 Order Setting Hearing and to Produce Prisoner  
08-24-2020 27.1 Order Setting Hearing and to Produce Prisoner

08-18-2020 Plaintiff's Opposition to Defendants Answer  
08-18-2020 26.1 Plaintiff's Opposition to Defendants Answer

08-18-2020 Application In Support of Default Judgement  
08-18-2020 25.1 Application In Support of Default Judgement

08-18-2020 Notice of Intent to Default  
08-18-2020 24.1 Notice of Intent to Default

07-31-2020 Answer/Response - Civil Defendants' Answer to Plaintiff's Civil Rights Complaint - Jury Trial Demanded  
07-31-2020 21.1 Answer/Response - Civil Defendants' Answer to Plaintiff's Civil Rights Complaint - Jury Trial Demanded

07-16-2020 Proof of Service Declaration of Service (Sanders)  
07-16-2020 20.1 Proof of Service Declaration of Service (Sanders)

07-16-2020 Proof of Service Declaration of Service (Sanders)  
07-16-2020 19.1 Proof of Service Declaration of Service (Sanders)

07-16-2020 Proof of Service Declaration of Service  
07-16-2020 18.1 Proof of Service Declaration of Service

07-16-2020 Motion for Requesting Status Check of Case and Copy of Court Docket Sheet  
07-16-2020 17.1 Motion for Requesting Status Check of Case and Copy of Court Docket Sheet

06-29-2020 Notice of Entry of Order- Order Granting Plaintiff's Request to Withdraw Amended Complaint  
06-29-2020 16.1 Notice of Entry of Order- Order Granting Plaintiff's Request to Withdraw Amended Complaint

06-29-2020 Request for Submission  
06-29-2020 15.1 Request for Submission

06-22-2020 Order Granting Plaintiff's Request to Withdraw Amended Complaint  
06-22-2020 14.1 Order Granting Plaintiff's Request to Withdraw Amended Complaint

06-03-2020 Notice of Entry of Order  
06-03-2020 13.1 Notice of Entry of Order

06-02-2020 Order - Decision  
06-02-2020 12.1 Order - Decision

06-02-2020Application for Default with exhibits

06-02-2020 10.1 Application for Default with exhibits

06-01-2020Request for Submission

06-01-2020 9.1 Request for Submission

06-01-2020Request for Dismissal of First Amended Complaint

06-01-2020 8.1 Request for Dismissal of First Amended Complaint

04-13-2020Complaint - Amended First Amended Civil Rights Complaint Pursuant to 42 U.S.C. 1983

04-13-2020 5.1 Complaint - Amended First Amended Civil Rights Complaint Pursuant to 42 U.S.C. 1983

03-17-2020Complaint - General Civil Rights Complaint Pursuant to 42 U.S.C. 1983

03-17-2020 4.1 Complaint - General Civil Rights Complaint Pursuant to 42 U.S.C. 1983

03-17-2020Order to Proceed in Forma Pauperis

03-17-2020 3.1 Order to Proceed in Forma Pauperis

03-06-2020Certificate of Inmate's Institutional Account

03-06-2020 2.1 Certificate of Inmate's Institutional Account

03-06-2020Application to Waive Fees & Costs Application to Proceed in Forma Pauperis

03-06-2020 1.1 Application to Waive Fees & Costs Application to Proceed in Forma Pauperis



1 COURT MINUTES. NOT AN OFFICIAL TRANSCRIPT OF ANY PROCEEDING.

2 \* \* \* \*

3 This document does not contain any  
4 social security numbers.

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

7 Justin Odell Langford

8 Plaintiff/Petitioner,

9 vs.

Case No. 27CV-OTH-2020-0057  
And 27CV-OTH-2019-0046

WEDNESDAY, October 02, 2020

10:21 a.m.

10 C/O Smith; Renee Baker; CaseWorker  
11 Lefleur; C. Potter; P Delporto; J.

11 Borrowman; D. Baze; T. Carpenter.

12 And

13 Barbara K. Cegavske

14 Defendant/Respondent.

15 PRESENT: Honorable Jim C. Shirley, presiding District Judge  
16 Candice Boyce, Court Clerk

17 **Case Management Conference:**

18 Plaintiff, Justin Odell Langford, appearing telephonically and representing himself.

19 Douglas Rands, Senior Deputy Attorney General, appearing telephonically on behalf of  
20 the Defendants. And Andrea M. Dominguez.

21 All parties give 2 party consent to the hearing being telephonic and to being reported.

22 The Court stated that we will cover both cases and will start with case ending in 0046.  
23 The Court canvassed Mr. Langford regarding service of a Motion and Mr. Langford admitted  
24 that he did not attach a certificate of service.

25 The Court addressed an issue with a Default from 2019 and had discussion with Mr.  
26 Rands and Mr. Langford.

27 The Court addressed the Motion to Amend.

28 Mr. Langford gave argument.

The Court canvassed Mr. Langford regarding his argument.

Mr. Rands gave argument.

The Court Grants the Motion and stated that Mr. Langford has 20 days to file an  
Amended Complaint. Once the Motion is sent Mr. Rands has 14 days to respond.

1 The Court now moves onto case ending in 0057

2 The Court canvassed Mr. Langford regarding his certificate of service and his amended  
3 application for default. The Court and Mr. Langford have discussion regarding the issues with  
4 these documents.

5 Mrs. Dominguez gave argument.

6 The Court stated that he default is moot and the prior default be stricken from the record  
7 so it doesn't hold any weight or validity.

8 The Court asked the parties how long they need for discovery and both parties agree they  
9 need 90 days.

10 The Court ordered 90 days to complete discovery and 30 days to file dispositive motions  
11 and oppositions due 30 days after that and any replies due within 14 days after.

12 The Court confirmed with Mr. Langford that he withdrew the Amended and we are going  
13 off the original and Mr. Langford confirmed.

14 Court is in recess 10:58 a.m.  
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1 Case No. 27CV-OTH-2020-0057

2 *Pursuant to NRS 239B.030, the undersigned affirms that this*  
3 *Document does not contain the social security numbers.*

4

5

6

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF PERSHING

8

Justin Odell Langford,

9

Petitioner,

10

vs.

11

C/O Smith; Renee Baker; Caseworker Lefleur;  
C. Potter; P. Delporto; J. Borrowman; D.  
Baze; T. Carpenter,

12

13

Respondent.

**CERTIFICATE**

14

State of Nevada )

15

County of Pershing ) : ss.

16

17

I, Carol Elerick, Deputy Court Clerk, do hereby certify that the following are  
true and correct copies of the original documents in the above-entitled case, which was  
18 appealed to the Supreme Court.

19

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the  
20 seal of said Court, at Lovelock, Nevada, this 5<sup>th</sup> day of November 2020.

21

Kate Martin  
Eleventh Judicial District Court Clerk

22

23

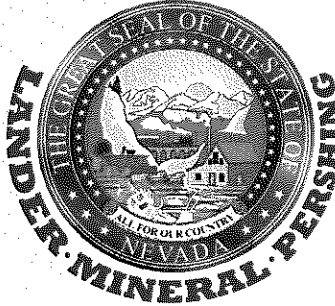
By: 

Deputy Clerk

24

# ELEVENTH JUDICIAL DISTRICT COURT

Jim C. Shirley  
District Judge



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

November 5, 2020

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

Re: Eleventh Judicial District – Pershing County  
Case No. 27CV-OTH-2020-0057  
Justin Odell Langford vs. C/O Smith; Renee Baker; Caseworker Lefleur; C. Potter;  
P. Delorto; J. Borrowman; D. Baze; T. Carpenter

Enclosed, please find the following documents as it relates to an Appeal filed on

November 2, 2020:

- Certification
- Exhibit List (if applicable)
- Minutes (if applicable)
- District Court Docket
- Case Appeal Statement
- Notice of Appeal

Should you have any questions or require additional information, please do not  
hesitate to contact the Court.

Kate Martin  
Eleventh Judicial District Court Clerk

By:   
Deputy Clerk

/ce  
Encl.

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

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

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