

# IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH PATTON,  
Appellant(s),

vs.

THE NEVADA BOARD IF PAROLE  
COMMISSIONERS; CHRISTOPHER  
DERICCO; SUSAN JACKSON; AND  
ADAM ENDEL,  
Respondent(s),

Electronically Filed  
Jun 01 2021 03:03 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: A-20-821300-W

Docket No: 82921

## RECORD ON APPEAL

**ATTORNEY FOR APPELLANT**  
KENNETH PATTON #1039982,  
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**

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**A-20-821300-W**

**Kenneth Patton, Plaintiff(s)**

**vs.**

**Nevada Board of Parole Commissioners, Defendant(s)**

**I N D E X**

<b><u>VOL</u></b>	<b><u>DATE</u></b>	<b><u>PLEADING</u></b>	<b><u>PAGE NUMBER:</u></b>
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8<sup>th</sup> State of Nevada Judicial District *John A. Johnson*

Kenneth Patton  
- VS - Petitioner

CASE NO: A-20-821300-W  
Department 22

The Nevada Board of Parole,  
Commissioners,  
Christopher Dericco - (Com.),  
Susan Jackson, (Com.),  
ADAM ENDEL, (Com.)  
Respondents

Pursuant to NRS 34.150, 34.170, 34.150 OR 34.185  
Petition for Writ of Mandamus

(Reconsideration)

Comes now, Petitioner Kenneth Patton Pro for,  
and respectfully moves this honorable Court to  
issue a writ of mandamus, being filed contemporaneously  
herewith, directing the board of Parole-Commissioners to  
and Vacate its order and or actions in denying  
Petitioner's Parole Based on the aggravating factors  
that this court ruled against using in Michael Anselmo  
vs. The Board of Parole-133 Nev advance opinion  
45-133 Nev at 346 P.3d - 848, 850 (2017). It appears  
that despite the S.Ct's —

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1. ruling in Michael Anselmo The Parole Board  
2. Commissioners ignores that ruling and or  
3. opinions of the Supreme Court and sua sponte  
4. Continues to use its powers arbitrarily and  
5. Capriciously, Acting in the Capacity of a  
6. Superior ~~or~~ inferior Court. This motion is made  
7. and based Pursuant to the supporting points  
8. and authorities attached hereto, NRS 34.150-  
9. as well as all papers, pleadings and documents  
10. on file herein.

11.

12. POINTS AND AUTHORITIES

13. STATEMENT OF FACTS

14. In/on (February 07/2013) Petitioner was  
15. denied Parole. The Board used the following  
16. Aggravating Factors, in the denial i.e. -  
17. (1) Prior Prison Term did not deter future criminal  
18. activities. (2) Prior Conviction for a violent offense.  
19. (3) Nature of criminal record is increasingly  
20. more serious. (4) Impact on victim and/or community.  
21. Since Petitioner's denial of Parole on (02/07/13)  
22. "Before and Since that denial", I have continued  
23. to Program, abide by all rules and regulations  
24. of the institution, and have no infractions of  
25. the institution. Thereafter, on (May 16/2018)-  
26. I was arbitrarily and capriciously denied  
27. again, the Board again used some of the  
28. same aggravating factors as before i.e., -

1 Did not deter from future criminal activity  
2 after prior prison term. (2) Nature of criminal  
3 Record is increasingly more serious. (3) Impact  
4 on victim and/or community. The Parole Board  
5 Commissioners position is plain and very  
6 clear, they obviously possess more power  
7 than any court, [How is it that a trial, [I  
x 8 and or a Superior Court sentence a person  
x 9 to prison after a conviction, and has been  
10 sentenced by that court after the court  
11 considered the prisoner's criminal history,  
12 type of crime, and alleged victims status,  
13 and the Parole Board gets to re-sentence  
14 that prisoner over and over as it pleases,  
15 violating the Constitution. The Parole  
16 board is and has violated my (5th) Amend  
17 right to be free from double jeopardy,  
18 my (14th) Amendment right to due process,  
19 and my (8th) Amendment rights to be free from  
20 deliberate indifference/cruel and unusual  
21 punishment. In Anselmo v. The Board of  
22 Parole Commissioners et al, the Supreme Ct.  
23 stated the the Board's denial of parole based  
24 on certain immutable characteristics, such-  
25 as the seriousness of the underlying offense,  
26 violates the due process clause. This is one  
27 of the factors used in petitioner's denial  
28 both times, displaying criminal history is

1 Increasingly more seriously, Impact on  
2 Victim and or Community and Prison term did  
3 not deter future criminal activity. These  
4 aggravating factors were used to deny me  
5 Parole on 02/07/2013. The same factors were  
6 used over again on (05/16/2018). This action  
7 by The Parole Board serves no Penological  
8 Purpose, and is not in the best interest of the  
9 Public. Instead this reflects that The Parole  
10 Board abuses their Power under oath of  
11 Office, and Violates due Process over and over.  
12 The Public People that makes up the Government  
13 needs to wake up and take Notice of the  
14 Board of Paroles abuse against Prisoners  
15 such as myself. If Petitioner continued to  
16 create Problems after being Sentenced to  
17 Prison, or failed to work and or Program,  
18 it would be Understandable for the Parole  
19 Board to operate the way it does. "But", when  
20 a Prisoner, works Programmed and has no  
21 serious infractions of the institution The  
22 boards actions denying Prisoners and  
23 denying me Parole is absurd and Violates  
24 my Constitutional rights, 5th, 8th, 6th and  
25 14th Amendment. Parole Standards, Guidelines,  
26 and laws <sup>were</sup> ~~were~~ enacted with the Fundamental  
27 objective to Protect Public Safety, not abuse  
28 it. If the board has discretion to disregard-

1 or otherwise compromise their own  
2 Public Safety objectives as a means or  
3 Pretext to Pursue Personal, Political and/or  
4 other impermissible objectives. It can be  
5 a Double Edge Sword. [The Standards I  
6 established in the table under NAC 213.516  
7 requires that PAROLE BE GRANTED at the  
8 initial Parole hearing if Certain Crime Severity  
9 and risk level(s) thresholds are met. Disregarding  
10 the Standards of this table expressly Violates  
11 NAS 213.1099(2)(d) and therefore Violates -  
12 Due Access to a liberty interest in Parole  
13 release. Furthermore, Paragraph (2)(d) of NAS -  
14 213.1099 is being Negated in Violation of -  
15 Mangarella, 17 P.3d at 971. "Please Answer This":  
16 What is the overall scheme of things pertaining to -  
17 (AB 510 209.4465) and the Statutory Goodtime Credit  
18 System, Rehabilitation, Via Programming, Working, and  
19 Staying out of trouble in Prison? "If the Parole Board  
20 has all the Power to deny me and other Prisoners -  
21 every time we go to the Board, especially if there  
22 is a variety of consecutive sentencing or a life  
23 sentence with the possibility of Parole? The P.B.  
24 can easily Abuse their Powers and turn that into  
25 an illegal Sentence of Life Without by simply  
26 denying the Prisoner over and over, which is  
27 clearly seen and should be scrutinized by the  
28 Public and brought before Washington in a Major -



1 way, exposing a dark evil, that's clearly  
2 visible. The Director James Dzurunda  
3 himself recognized that the so called  
4 Programming and Rehabilitation system  
5 is a facade and is broken. I've been denied  
6 Parole twice and The P.B.C. used the same  
7 reasons both times, that was previously  
8 set out and or demonstrated. This type  
9 of arbitrary and capricious acts by the P.B.C.-  
10 and certain courts plainly violates the (14th),  
11 (8th), (5th), and (6th) Amendment. Even Ex Post Facto-  
12 laws, being that since incarceration the  
13 P.B.C. subjects myself and others to more  
14 harsher stipulations that were not required  
15 before, when the Board denies Parole in  
16 violation of the requirements to follow its own  
17 standards/regulations as directed under NRS-  
18 213-1099(2)(d), it may be presumed under Garnes  
19 that they are retroactively enacting a new-  
20 unwritten regulation/policy to disregard the  
21 governing law/regulations impermissibly pro-  
22 longing the measure/quantum of incarceration  
23 in violation of the Ex Post Facto Clause. Petitioner's  
24 risk assessments were low both times  
25 he was denied Parole. As the Sct. stated  
26 in Anselmo, 133 Nev. 11, 396 P.3d 848, 850, (2017)  
27 Petitioner did not receive the consideration that I  
28 am Statutorily entitled to. \*I have Pending Sentences.

1 CONCLUSION

2  
3 WHEREFORE, all of the above stated reasons, Petitioner -  
4 respectfully request this Court ORDER The Parole Board  
5 Commissioners To Reconsider their decisions denying  
6 me Parole on (02/07/2013) and (05/16/2018) and due  
7 to using the same aggravating factors  
8 while reflecting A low assessment risk  
9 both times. Within A reasonable time as  
10 required by: NRS 34.150, 34.210 and 34.170.

11  
12 DATED this 27 day of ~~July~~ July 2020

13  
14 Respectfully Submitted,  
15 Signature Kenneth Patton

16 Name Kenneth Patton # 1039992

17 Petitioner in Pro Se  
18

19 CERTIFICATE OF SERVICE

20 I certify Pursuant to NRC P 5(b) that I am  
21 the Petitioner in the foregoing Petition for  
22 Writ of Mandamus, and that on this 27  
23 day of JULY 2020 I served a true and correct  
24 copy of the above mentioned document, by giving  
25 it to a Prison official at H.C.C. to deposit in the  
26 U.S. Mail, Sealed in an envelope, Postage Pre Paid  
27 and addressed as follows:  
28

**CERTIFICATE OF SERVICE BY MAILING**

I, Kenneth Patton, hereby certify, pursuant to NRCP 5(b), that on this 22  
day of July, 2020, I mailed a true and correct copy of the foregoing, "Potter  
Writ of Mandamus"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

Clark of the Court  
2001 Lewis Av 3F  
Las Vegas NV 89155

CC:FILE

DATED: this 27 day of July, 2020

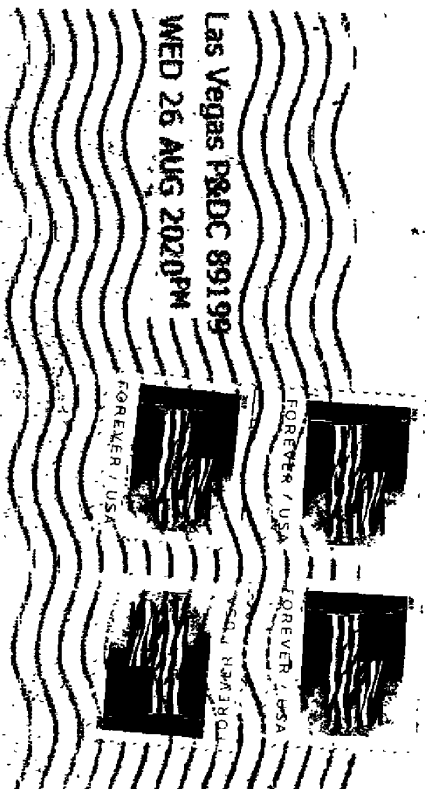
Kenneth Patton  
Kenneth Patton

#103982

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

Kenneth Poffen #  
17050  
P.O. Box 650  
Indian Springs NV 89020

CONFIDENTIAL



RECEIVED  
AUG 31 2020  
COUNTY CLERK  
District Court

Clerk of the Court  
200 Lewis Ave 3rd FL  
LAS Vegas NV 89155

HIGH DESERT STATE PRISON

1005 1 12 2023

UNIT 7 C/D

*Steven D. Grierson*

Kenneth Patton

/In Propria Persona  
Post Office Box 650 (HDSP)  
Indian Springs, Nevada. 89018

CASE NO: A-20-821300-W  
Department 22

**DISTRICT COURT**

Clerk COUNTY, NEVADA

Kenneth Patton )  
Plaintiff )  
vs )  
State of Nevada )  
Defendant )

Case No. \_\_\_\_\_

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

Docket \_\_\_\_\_

**MOTION TO APPOINT COUNSEL**

DATE OF HEARING: \_\_\_\_\_

TIME OF HEARING: \_\_\_\_\_

COMES NOW the Defendant Kenneth Patton, in proper persona and moves  
this court for an Order granting him counsel in the proceeding action.

This motion is made and based upon all papers and pleadings on file herein and attached  
points and authorities.

Dated this 25 day of AUG, 2020

Respectfully Submitted,

Kenneth Patton

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1  
2 **POINTS AND AUTHORITIES**

3 NRS 34.750 Appointment of Counsel for indigents; pleading supplemental to petition;  
4 response to dismiss.

5 "If the Court is satisfied that the allegation of indigency is true and the petition is not  
6 dismissed summarily, the Court may appoint counsel to represent the petitioner."

7 NRS 171.188 Procedure for appointment of attorney for indigent defendant.

8 "Any defendant charged with a public offense who is an indigent may, by oral statement to the  
9 District Judge, justice of peace, municipal judge or master, request the appointment of an attorney to  
10 represent him."

11 NRS 178.397 Assignment of counsel.

12 "Every defendant accused of a gross misdemeanor or felony who is financially unable  
13 to obtain counsel is entitled to have counsel assigned to represent him at every stage of the  
14 proceedings from his initial appearance before a magistrate or the court through appeal, unless he  
15 waives such appointment."

16 WHEREFORE, petitioner prays the Court will grant his motion for appointment of counsel to  
17 allow him the assistance that is needed to insure that justice is served.

18  
19 Dated this 25 day of AUG, 20 20

20  
21 Respectfully submitted,

22 Kenneth P. Allen  
23  
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**CERTIFICATE OF SERVICE BY MAILING**

I, Kenneth Patton, hereby certify, pursuant to NRCP 5(b) that on this 25  
day of AUG, 2020, I mailed a true and correct copy of the foregoing "Motion  
To Appoint Counsel"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, Fully prepaid,  
addressed as follows:

Clock of the Court  
200 Lewis Ave. 3<sup>rd</sup> Fl  
Las Vegas 89155

DATED: THIS 25 day of Aug, 2020

Kenneth Patton  
Kenneth Patton 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  
(Title of Document)

filed in District Court Case number \_\_\_\_\_

☒ 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.

Kenneth Patton  
Signature

AUG 25, 2020  
Date

Kenneth Patton  
Print Name

Inmate  
Title

1 Kenneth Patton #1039982  
2 High Desert State Prison  
3 P.O. Box 650  
4 22010 Cold Creek Road  
Indian Springs, Nevada 89018-0650  
5 Petitioner In Pro Se

Electronically Filed  
9/16/2020 1:50 PM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

CASE NO: A-20-821300-W  
Department 22

District Court  
Clerk County Nevada

\* \* \* \* \*

9 Kenneth Patton )

Case No. \_\_\_\_\_

10 Petitioner, )

11 -vs- )

MOTION TO EXTEND PRISON  
COPYWORK LIMIT

12 State of Nevada et al., )

13 Respondents. )

14  
15 COMES NOW, Petitioner, Kenneth Patton, in pro se,  
16 and submits his Motion to Extend Prison Copywork Limit, moving  
17 the Court to order the Nevada Department of Corrections ("NDOC")  
18 to extend his copywork limit for the narrow purposes of the  
19 instant habeas corpus proceedings.

20 This motion is based upon NDOC Administrative Regulation  
21 ("AR") 722; all papers and documents on file herein; and the  
22 following points and authorities.

23 POINTS AND AUTHORITIES

24 Petitioner is an indigent prisoner, as demonstrated by the  
25 Motion for Leave to Proceed In Forma Pauperis on record herein.  
26 NDOC AR 722 allows Petitioner to accrue a \$100.00 debt  
27 against his account towards legal copywork which, once reached,  
28 prohibits him from accumulating any further indebtedness for

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CLERK OF THE COURT

1 such copywork. "Exceptions to this rule would be a court order  
2 received directly from the courts..." Id. The AR therefore  
3 gives this Court authority to issue an order allowing Petitioner  
4 to exceed his copywork limit.

5       Petitioner has reached or exceeded the \$100.00 limit of AR  
6 722       As such, NDOC has prohibited him at this time from  
7 receiving any further legal copywork in the instant proceeding  
8 unless the Court issues an order allowing him to do so.

9       Petitioner's grounds have merit. As such, he is entitled  
10 to relief in the instant habeas proceedings; however, he  
11 requires copywork services in order to litigate his instant  
12 petition. In addition to his originals of all pleadings,  
13 motions and other documents in this case, he will need copies to  
14 serve upon Respondents per FRCP 5, LR 5-1 and LR 7-2.  
15 Additionally, he will require a copy of same for his own  
16 records. See e.g. Gluth v. Kangas 951 F.2d 1504, 1510 (9th Cir.  
17 1991) (a reasonable amount of copywork for prisoners is found in  
18 that required to file, serve opponents and maintain copy for  
19 inmate's records).

20       Petitioner does not herein seek a blanket order for  
21 unlimited copywork, but seeks only a reasonable allowance of  
22 copywork for documents relevant to the instant proceeding,  
23 including, but not limited to, supplemented/amended pleadings,  
24 motions, responses, replies, notices, etc. Id.

25       As Petitioner's liberty is at the heart of these  
26 proceedings, he should be provided an extension of his copywork  
27 limitation in order to render him reasonably capable of fairly  
28 litigating this habeas action.

1  
2  
3 **CONCLUSION**

4 For the reasons set forth above, the Court should direct  
5 the NDOC to extend Petitioner's copywork limitations towards the  
6 allowance of receiving copies of documents pertinent to the  
7 instant habeas proceedings.

8 Dated this 25 day of AUG, 2020

9 Kenneth Patton  
10 Kenneth Patton #103912  
11 High Desert State Prison  
12 PO Box 650  
13 22010 Cold Creek Road  
14 Indian Springs, Nevada 89018-0650  
15 Petitioner In Pro Se

16 **CERTIFICATE OF SERVICE**

17 I do certify that I mailed a true and correct copy of the  
18 foregoing to the below address on this 25 day of  
19 AUG, 2020, by placing same in the hands of  
20 prison law library staff for posting in the U.S. Mail:

21 Attorney For Respondents

22 Kenneth Patton  
23 Kenneth Patton #103912

24 Petitioner In Pro Se  
25  
26  
27  
28

THIS SEALED  
DOCUMENT,  
NUMBERED PAGE(S)  
18 - 23  
WILL FOLLOW VIA  
U.S. MAIL

*Steven D. Grierson*

Kenneth Patton  
/ In Propria Personam  
Post Office Box 650 [HDSP]  
Indian Springs, Nevada 89018

CASE NO: A-20-821300-W  
Department 22

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Kenneth Patton  
Plaintiff

vs.

State of Nevada  
Defendant

Case No. \_\_\_\_\_  
Dept No. \_\_\_\_\_  
Docket \_\_\_\_\_

**NOTICE OF MOTION**

YOU WILL PLEASE TAKE NOTICE, that Petition for writ  
of mandamus, motion to Appoint Counsel

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

CC:FILE

DATED: this 25 day of AUG, 2020

BY: Kenneth Patton  
Kenneth Patton #102992  
/In Propria Personam

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SEP 2 2020

CLERK OF THE COURT

1 PRO SE

2  
3  
4 DISTRICT COURT

5 \_\_\_\_\_ COUNTY, NEVADA

6  
7 Kenneth Patton

8 Plaintiff

)  
) CASE NO.  
)

)  
) DEPT NO.  
)

9  
10 State of Nevada

11 Defendant  
12  
13

14 ORDER

15  
16 Upon reading the motion of the Motion to appoint counsel  
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 RECEIVED

28 Kenneth Patton

IN PROPER PERSON

10 11 2000  
CLERK OF DISTRICT COURT

THIS SEALED  
DOCUMENT,  
NUMBERED PAGE(S)  
26 - 27  
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1 PPOW

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5 Kenneth Patton,

6 Petitioner,

7 vs.

8 Nevada Board of Parole Commissioners;  
9 ChristopherDericco.com; SusanJackson.com;  
Adamendel.com,

10 Respondent,

Case No: A-20-821300-W  
Department 22

**ORDER FOR PETITION FOR  
WRIT OF HABEAS CORPUS**

11 Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on  
12 September 16, 2020. The Court has reviewed the Petition and has determined that a response would  
13 assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty,  
14 and good cause appearing therefore,

15 **IT IS HEREBY ORDERED** that Respondent shall, within 45 days after the date of this Order,  
16 answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS  
17 34.360 to 34.830, inclusive.

18 **IT IS HEREBY FURTHER ORDERED** that this matter shall be placed on this Court's  
19 Calendar on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of  
20 \_\_\_\_\_ o'clock for further proceedings.  
21  
22  
23  
24

25 \_\_\_\_\_  
26 District Court Judge  
27  
28

OPWH

~~PPOW~~

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Kenneth Patton,

Petitioner,

vs.

Nevada Board of Parole Commissioners;  
ChristopherDericco.com; SusanJackson.com;  
Adamendel.com,

Respondent,

Case No: A-20-821300-W  
Department 22

**ORDER FOR PETITION FOR  
WRIT OF HABEAS CORPUS**

Petitioner filed a Petition for Writ of Habeas Corpus (Post-Conviction Relief) on September 16, 2020. The Court has reviewed the Petition and has determined that a response would assist the Court in determining whether Petitioner is illegally imprisoned and restrained of his/her liberty, and good cause appearing therefore,

**IT IS HEREBY ORDERED** that Respondent shall, within 45 days after the date of this Order, answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS 34.360 to 34.830, inclusive.

**IT IS HEREBY FURTHER ORDERED** that this matter shall be placed on this Court's

Calendar on the 30th day of March, 2021, at the hour of

8:30 am clock for further proceedings.

**Dated this 26th day of January, 2021**

*Susan Johnson*

District Court Judge  
**01B 681 912A 5904  
Susan Johnson  
District Court Judge**

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Kenneth Patton, Plaintiff(s)

CASE NO: A-20-821300-W

7 vs.

DEPT. NO. Department 22

8 Nevada Board of Parole  
9 Commissioners, Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's  
13 electronic filing system, but there were no registered users on the case.

14 If indicated below, a copy of the above mentioned filings were also served by mail  
15 via United States Postal Service, postage prepaid, to the parties listed below at their last  
16 known addresses on 1/27/2021

17 Kenneth Patton

#1039982

Po Box 650

18 Indian Springs, NV, 89070  
19  
20  
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1 ODM

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 KENNETH PATTON,

Case No. A-20-821300-W

6 Petitioner,

Dept. No. XXII

7 Vs.

8 THE NEVADA BOARD OF PAROLE,  
9 COMMISSIONERS, CHRISTOPHER  
10 DERICCO, COM; SUSAN JACKSON,  
COM.; ADAM ENDEL, COM,

11 Respondents.

12 **ORDER DENYING PETITIONER'S MOTION TO EXTEND PRISON COPYWORK LIMIT**

13  
14 This matter concerning Petitioner KENNETH PATTON'S Motion to Extend Prison  
15 Copywork Limit filed September 16, 2020 came, *in chambers*, to the attention of Department XXII  
16 of the Eighth Judicial District Court, in and for Clark County, Nevada, with JUDGE SUSAN  
17 JOHNSON in her review of cases pursuant to Rule 1.90(b)(2) of the Eighth Judicial District Court  
18 Rules (EDCR). Having reviewed the papers and pleadings on file herein, this Court finds and  
19 concludes:

20  
21 Petitioner PATTON has moved this Court "to order the Nevada Department of Corrections  
22 ("NDOC") to extend his copywork limit for the narrow purposes of the instant habeas corpus  
23 proceedings." He states he is an indigent prisoner, and this Court has allowed him to proceed in  
24 *forma pauperis*. See Order to Proceed in *Forma Pauperis* filed September 16, 2020. He also states  
25 NDOC Administration Regulation (also referred to as "AR") 722 allows him to accrue a \$100.00  
26 debt against his account towards legal copywork. However, once that limit is reached, MR.

SUSAN H. JOHNSON  
DISTRICT JUDGE  
DEPARTMENT XXII

PATTON is prohibited from accumulating any further indebtedness for such copywork. A Court Order would be needed for an exception to AR 722.

MR. PATTON also represents he has reached or exceeded AR 722's \$100.00 limit, and accordingly, the NDOC has prohibited him from receiving any further legal copywork in this proceeding. This Court has reviewed the record and notes his Petition for Writ of Habeas Corpus encompassed only ten (10) pages. His Application to Proceed in Forma Pauperis was only six (6) pages. Two other motions filed (which include his Motion to Extend Prison Copywork Limit) are only seven (7) pages. Notably, none of the Respondents have been served with process whereby no copywork was expended for such service. Further, filing with this Court is conducted electronically, meaning no additional copies are expended for filing. All told, less than twenty-five (25) pages have been expended thus far in Petitioner's proceeding. Unless photocopies are charged at \$4.00 per page, which is highly unlikely, MR. PATTON has not reached or exceeded AR 722's \$100.00 limit in this case. Accordingly,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** Petitioner KENNETH PATTON'S Motion to Extend Prison Copywork Limit filed September 16, 2020 is denied.

**Dated this 26th day of January, 2021**



SUSAN JOHNSON, DISTRICT COURT JUDGE

**7CB 980 30B2 C920  
Susan Johnson  
District Court Judge**

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA  
4

5  
6 Kenneth Patton, Plaintiff(s)

CASE NO: A-20-821300-W

7 vs.

DEPT. NO. Department 22

8 Nevada Board of Parole  
9 Commissioners, Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 Electronic service was attempted through the Eighth Judicial District Court's  
13 electronic filing system, but there were no registered users on the case.

14 If indicated below, a copy of the above mentioned filings were also served by mail  
15 via United States Postal Service, postage prepaid, to the parties listed below at their last  
16 known addresses on 1/27/2021

17 Kenneth Patton

#1039982

Po Box 650

18 Indian Springs, NV, 89070  
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1 ODM

2 DISTRICT COURT  
3  
4 CLARK COUNTY, NEVADA

5 KENNETH PATTON,

Case No. A-20-821300-W

6 Petitioner,

Dept. No. XXII

7 Vs.

8 THE NEVADA BOARD OF PAROLE,  
9 COMMISSIONERS, CHRISTOPHER  
10 DERICCO, COM; SUSAN JACKSON,  
COM.; ADAM ENDEL, COM,

11 Respondents.

12 **ORDER DENYING PETITIONER'S MOTION TO APPOINT COUNSEL**

13  
14 This matter concerning Petitioner KENNETH PATTON'S Motion to Appoint Counsel filed  
15 September 16, 2020 came, *in chambers*, to the attention of Department XXII of the Eighth Judicial  
16 District Court, in and for Clark County, Nevada, with JUDGE SUSAN JOHNSON in her review of  
17 cases pursuant to Rule 1.90(b)(2) of the Eighth Judicial District Court Rules (EDCR). Having  
18 reviewed the papers and pleadings on file herein, this Court finds good cause therefore,

19 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** Petitioner KENNETH  
20 PATTON'S Motion to Appoint Counsel filed September 16, 2020 is denied.

21 **Dated this 26th day of January, 2021**

22 

23  
24 SUSAN JOHNSON, DISTRICT COURT JUDGE

25 **20A 649 C8FF 71CD**  
26 **Susan Johnson**  
27 **District Court Judge**  
28

SUSAN H. JOHNSON  
DISTRICT JUDGE  
DEPARTMENT XXII



1 **CSERV**

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3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Kenneth Patton, Plaintiff(s)

CASE NO: A-20-821300-W

7 vs.

DEPT. NO. Department 22

8 Nevada Board of Parole  
9 Commissioners, Defendant(s)

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15 via United States Postal Service, postage prepaid, to the parties listed below at their last  
16 known addresses on 1/27/2021

17 Kenneth Patton

#1039982  
Po Box 650  
Indian Springs, NV, 89070



1 **MTD**  
2 AARON D. FORD  
3 Attorney General  
4 Adam D. Honey (Bar No. 9588)  
5 Deputy Attorney General  
6 State of Nevada  
7 Office of the Attorney General  
8 555 E. Washington Ave., Ste. 3900  
9 Las Vegas, NV 89101  
10 (702) 486-8922 (phone)  
11 (702) 486-3773 (fax)  
12 ahoney@ag.nv.gov

13 *Attorneys for Respondents*

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**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

12 KENNETH PATTON,  
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Petitioner,

Case No. A-20-821300-W  
Dept. No. 22

v.

Date of Hearing: March 30, 2021  
Time of Hearing: 8:30 a.m.

THE NEVADA BOARD OF PAROLE  
COMMISSIONERS, CHRISTOPHER  
DERICCO, COM., SUSAN JACKSON,  
COM., ADAM ENDEL, COM.,

Respondents.

**MOTION TO DISMISS PETITIONER'S PETITION FOR WRIT OF MANDAMUS**

Respondents, the Nevada Board of Parole Commissioner, Christopher DeRicco, Susan Jackson, and Adam Endel, (hereinafter "Respondents"), by and through its counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Adam Honey, Deputy Attorney General, hereby move to dismiss Petitioner's Petition for Writ of Mandamus for failure to effectuate service.

Respondents' motion is brought pursuant to Rules 4 and 12 of the Nevada Rules of Civil Procedure, ("NRCP"), the following memorandum of points and authorities, the pleadings and papers on file, and any other evidence the Court deems appropriate to consider.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Relevant Procedural History**

3 The Petition in this matter was filed on September 20, 2020, a period in excess of  
4 120 days. To date service has not been made on any defendant, the administrative head of  
5 the Parole Board or the attorney general's office as required by statute.

6 **II. LEGAL ARGUMENT**

7 **A. Motion to Dismiss**

8 Pursuant to NEV. R. CIV. P. 12(b)(4), a motion to dismiss is proper if there is  
9 insufficiency of service of process. "Thus, to avoid waiver of a defense of . . . insufficiency  
10 of process, . . . the defendant should raise its defenses either in an answer or pre-answer  
11 motion." *Hansen v. Eighth Jud. Dist. Ct. ex rel. Cty. of Clark*, 116 Nev. 650, 656-657 (2000).

12 A writ must be served in the same manner as a summons in a civil matter. NRS  
13 34.080. Under NEV. R. CIV. P. 3 a complaint includes a petition. The summons and  
14 complaint must be served upon a defendant no later than 120 days after the complaint is  
15 filed unless the court grants an extension of time under this rule. NRCP 4(e)(1). If service  
16 of the summons and complaint is not made upon a defendant before the 120-day service  
17 period — or any extension thereof — expires, the court must dismiss the action, without  
18 prejudice, as to that defendant upon motion or upon the court's own order to show cause.  
19 *Id.* at 4(e)(2). NEV. R. CIV. P. 4.2(d) requires that Petitions filed against the state, or a  
20 public entity of the state, be personally served on two individuals. Pursuant to NEV. R. CIV.  
21 P. 4.2(d):

22 (1) The State and Its Public Entities. The State and any public  
23 entity of the State must be served by delivering a copy of the  
summons and complaint to:

24 (A) the Attorney General, or a person designated by the  
Attorney General to receive service of process, at the Office of the  
Attorney General in Carson City; and

25 (B) the person serving in the office of administrative head of the  
26 named public entity, or an agent designated by the  
administrative head to receive service of process.

27 Petitioner has failed to serve the Attorney General in Carson City, the  
28 administrative head of the Parole Board and every individually named defendant with a

1 copy of the petition. Additionally, an excess of 120 days has passed since the petition was  
2 filed on September 20, 2020. Petitioner has not requested nor has the court granted and  
3 extension of time to serve the petition. Therefore, Petitioner has failed to comply with the  
4 requirements of NEV. R. CIV. P. 4.2(d), namely that Petitioner failed to serve his Petition.  
5 Failure to effectuate service is more than a technicality. *Lasko v. Am. Bd. of Internal Med.*,  
6 2015 WL 1600695, 2. Additionally, actual notice of a suit is not an effective substitute for  
7 service of process. *Abreu v. Gilmer*, 115 Nev. 308, 314, 985 P.2d 746, 749 (1999). Based on  
8 the foregoing, the petition in this matter must be dismissed.

9 **III. CONCLUSION**

10 Respondents respectfully request that this honorable Court dismiss the petition.

11 DATED this 12th day of March, 2021.

12 AARON D. FORD  
13 Attorney General

14 By: /s/ Adam D. Honey  
15 ADAM D. HONEY (Bar No. 9588)  
16 Deputy Attorney General  
17 Attorneys for Respondents  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on March 12, 2021, I electronically filed the foregoing **MOTION TO DISMISS PETITIONER’S PETITION FOR WRIT OF MANDAMUS**, via this Court’s electronic filing system. Parties that are registered with this Court’s electronic filing system will be served electronically. For those parties not registered, service was made by emailing a copy to the following:

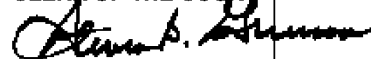
Kenneth Patton #1039982  
High Desert State Prison  
PO Box 650  
Indian Springs, NV 89070  
*Attorneys for Petitioner*

/s/ Diane Resch  
An employee of the Office  
of the Attorney General

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**  
\*\*\*\*

Electronically Filed  
3/15/2021 8:10 AM  
Steven D. Grierson  
CLERK OF THE COURT



Kenneth Patton, Plaintiff(s)

vs.

Nevada Board of Parole Commissioners,  
Defendant(s)

Case No.: A-20-821300-W

Department 22

**NOTICE OF HEARING**

Please be advised that the Respondent's Motion to Dismiss Petitioner's Petition for Writ of Mandamus in the above-entitled matter is set for hearing as follows:

**Date:** April 13, 2021

**Time:** 8:30 AM

**Location:** RJC Courtroom 15D  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

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

**CERTIFICATE OF SERVICE**

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

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

Eight Judicial District Court  
Clerk of the Court  
Clark County, Nevada

Electronically Filed  
03/15/2021

CLERK OF THE COURT

Kenneth Patton  
Petitioner

-vs-  
Nevada Board of  
Parole Commissioners,  
Defendants

Motion for Extension of  
Time.

CASE # A-20-821-300-W

To this Court, I Kenneth Patton has  
Filed an Petition for writ of mandamus  
Case # A-20-821300-W, IN which has order  
that the Respondent shall within 45 day  
answer or otherwise respond. Date January  
26<sup>th</sup> 2021. The date for an respond is within  
3 days. I am ask this court for time to respond  
if Respondent show this court there respond's  
is timely. I am asking for 2 weeks. As  
I know the court date is March 30<sup>th</sup> 2021.

Kenneth Patton  
Kenneth Patton

Date: 3-8-21

#1039982

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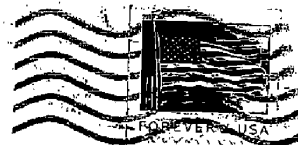
MAR 11 2021

CLERK OF THE COURT

Kenneth Patton #1039982  
P.O. BOX 650  
Indian Springs NV. 89020

LAS VEGAS NV 890

8 MAR 2021 PM 4 L



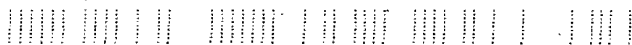
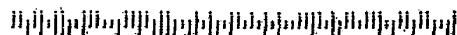
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MAR 11 2021

CLERK OF THE COURT

Clerk of the Court  
200 LEWIS AV. 3rd Fl  
LAS VEGAS NV, 89155-1160

89101-630000







1 **CSERV**  
2 AARON D. FORD  
3 Attorney General  
4 Adam D. Honey (Bar No. 9588)  
5 Deputy Attorney General  
6 State of Nevada  
7 Office of the Attorney General  
8 555 E. Washington Ave., Ste. 3900  
9 Las Vegas, NV 89101  
10 (702) 486-8922 (phone)  
11 (702) 486-3773 (fax)  
12 ahoney@ag.nv.gov

13 *Attorneys for Respondents*

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**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

12 KENNETH PATTON,  
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Petitioner,

Case No. A-20-821300-W  
Dept. No. 22

v.

Date of Hearing: April 13, 2021  
Time of Hearing: 8:30.a.m.

THE NEVADA BOARD OF PAROLE  
COMMISSIONERS, CHRISTOPHER  
DERICCO, COM., SUSAN JACKSON,  
COM., ADAM ENDEL, COM.,

Respondent.

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the State of Nevada, Office of the Attorney General and that on the 17th day of March, 2021, I served the **NOTICE OF HEARING** by causing a true and correct copy thereof to be served via U.S. Mail, Postage Prepaid addressed to the following:

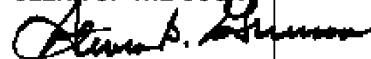
Kenneth Patton #1039982  
High Desert State Prison  
PO Box 650  
Indian Springs, NV 89070  
*Petitioner, Pro Se*

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

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**DISTRICT COURT  
CLARK COUNTY, NEVADA  
\*\*\*\***

Electronically Filed  
3/15/2021 8:10 AM  
Steven D. Grierson  
CLERK OF THE COURT



Kenneth Patton, Plaintiff(s)

vs.

Nevada Board of Parole Commissioners,  
Defendant(s)

Case No.: A-20-821300-W

Department 22

**NOTICE OF HEARING**

Please be advised that the Respondent's Motion to Dismiss Petitioner's Petition for Writ of Mandamus in the above-entitled matter is set for hearing as follows:

**Date:** April 13, 2021

**Time:** 8:30 AM

**Location:** RJC Courtroom 15D  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

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

STEVEN D. GRIERSON, CEO/Clerk of the Court

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

**CERTIFICATE OF SERVICE**

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

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

*Heidi Stein*  
CLERK OF THE COURT

27

Kenneth Patton -vs- Petitioner	District Court Clark County Nevada
The Nevada Board of Parole Commissioners Christopher Dericao, Susan Jackson, com, Adamendel, com, Respondent	CASE # A-20-821300-W Dept 22

Motion For Default  
Under the General Rule

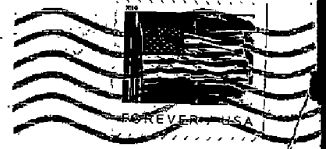
Come Now, Petitioner Kenneth Patton Pro se,  
Respectfully moves this Honorable Court to  
issue an order for Default. under the gen-  
eral rule of Default is considered a rule  
of Confession of Error, under the general  
rule of default rule. Accordingly, this Court  
gived the Respondent's 45 day to answer this  
order or file a return in accordance with the  
provisions of NRS 34.360 to 34.830, Inclusive and they  
have not. this Court should held the respondent  
in Contempt and Sanction this order, F.W  
Conclusion, where fore, all of the above  
stated reason, Petitioner respectfully Request this  
court order the parole Board commissioners, to re-  
consider their decisions denying me Parole on 12-7-13 and  
5-16-18 and 2-22-21. Please note that I am still in court  
about my case my PSI is wrong and I am illegally imprisoned.  
Date 3-13-21  
Kenneth Patton

CLERK OF THE COURT

RECEIVED  
MAR 19 2021

Kenneth Patton #1089982  
P.O. Box 650  
Indiansprings NV. 89070

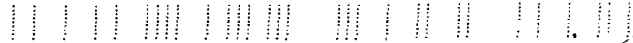
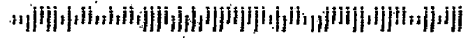
LAS VEGAS NV 890  
16 MAR 2021 PM 4 L



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MAR 18 2021  
CLERK OF THE COURT

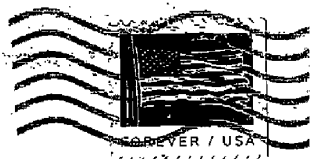
Clerk of the Court  
200 Lewis Av. 3<sup>rd</sup> Fl  
Las Vegas NV. 89155-1160

89101-630000



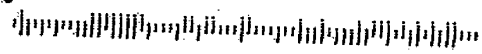
Kenneth Patton #1039982  
P.O. Box 650  
Indian Springs NV 89070

LAS VEGAS NV 890  
16 MAR 2021 PM 4 L



RECEIVED  
MAR 18 2021  
CLERK OF THE COURT  
Eighth Judicial District  
Specialty Courts Division  
Regional Justice Center  
200 Lewis Av.  
Las Vegas Nevada 89155

89101-630000



Electronically Filed  
04/13/2021  
JF  
CLERK OF THE COURT

# District Court Clark County, Nevada

Kenneth Patton  
Petitioner

- VS -

Nevada Board of parole  
Commissioners:  
Christopher Dericco-com  
Susan Jackson-com-adamendel-  
com  
Respondent

case # A-20-821-1300-W

Dept: 22

A-20-821300-W  
XXII

Responds to order for  
writ of Mandamus  
(Reconsideration)

Come now, Pro-se Kenneth Patton and Respect Fully moves this Court to not dismiss Petitioner Petition of mandamus. Petitioner Filed the Petition on 9-25-18 the supreme Court received and filed 9-25-18, Filed and waived Fee, date September 25, 2018, By Elizabeth H. Brown clerk of the court, the Supreme Court NO. 77032. District Court case NO (none). IN October 4, 2018 the Supreme court has decided to transfer this matter to the court of appeals and according to any Filings in this matter from this date Forward shall be entitled "IN the court of appeals of the state of Nevada".

CLERK OF THE COURT

APR 05 2021

RECEIVED

(1)

## Point's and Authorities Relevant Procedural history

this same Petition was filed again on September 20, 2020, But Electronically filed 9-16-20, the state of Nevada Board of Parole Commissioners and the attorney General know of the writ and not once brought pursuant to a rule 4 and 12 of the Nevada rules of civil procedure. this court order that the respondent shall within 45 days after the date of this order, answer or otherwise respond to the Petition and file a return in "ACCORDANCE WITH THE PROVISIONS OF NRS 34.360 TO 34.830, INCLUSIVE". AS FOR this writ Petitioner aggravating Factors is using Michael Anseimo -vs- the Board of Parole -133 Nev advance opinion 45-133 Nev at 396 P.3d-848, 850 (2017) Please see "Pursuant to NRS 34.150, 34.170, 34.130 OR 34.185 Petition For writ of mandamus. case# A-20-821-1300-w, Dept 22, Filed 9-16-20 By Steven D Grierson, clerk of the Court.

## Legal Argument

Under Nev R CW P. 3 complaint the summons and complaint or (motion) was served within 120 days in an motion (writ of

mandamus, the unlawful restraint sufficient to invoke writ. By the explicit language of this statute neither confinement nor imprisonment is a requisite for habeas relief - unlawful restraint is enough - to this court, when an writ will issue, an writ of habeas corpus or Petition for writ of mandamus (Reconsideration) will seldom issue. but it will issue, and ought to issue, in every case for the discharge of persons accused of crime, when it is clear or undisputed that the acts for which they are held are not such as made criminal. it is failure of the clerk thought all this time to not sever Petitioner with an order if needed.

Petitioner argument is that he is pro-se using the same argument that Michael Ansumo - vs - the Board of Pardon and NRS 34.080 under NEV R CIV P3 was not used (2017) Why not?

this court of appeals says Petitioner Kenneth Patton need an order from the lower court to move on, so I filed the same case to the district court in which supposed to be held on 3-30-21 Case# A-20-821-1300-W, Dept: 22

(3)



Upon receiving the copy of the Notice of appeal and the docket entries from the district clerk under Rule 3(d), the circuit clerk must docket the appeal under the title of the district-court action and must identify the appellant adding the appellant's name's if necessary. So the Respondent's was aware.

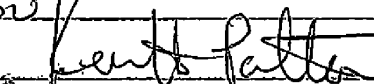
### Conclusion

Petitioner respectfully Request that this honorable court have the Nevada Board of Parole Reconsider Patton's Parole this is the third time Patton has been denied his Parole for the same reason's

Please read Petitioner writ also Read, Before the honorable Kenneth Cory District Court Judge, August 10, 2009 Recorder's transcript of hearing of Sentencing Page 2-3, Case# C244412, Dept 1, Filed 1-19, 2010.

Thank you/

Date 3-18-21

  
Kenneth Patton

CERTIFICATE OF SERVICE

I, Kenneth Patton, hereby certify that I am the petitioner in this matter and I am representing myself in propria persona.

On this 18 day of 3, 2021, I served copies of the Response to order for writ of mandamus (Reconsideration)

in case number: A-20-821-1300-W and placed said motion(s) in U.S. First Class Mail, postage pre-paid:

Address: Regional Justice center

Sent to: 200 Lewis Av 3Fl  
LAS Vegas NV 89155

DECLARATION UNDER PENALTY OF PERJURY

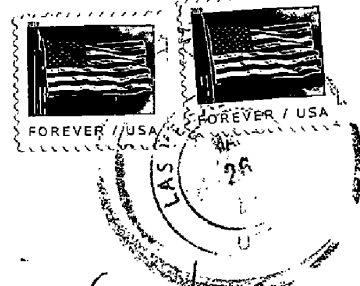
The undersigned declares under penalty of perjury that he is/the petitioner in the above-entitled action, and he, the defendant has read the above CERTIFICATE OF SERVICE and that the information contained therein is true and correct. 28 U.S.C. §1746, 18 U.S.C. §1621.

Executed at H.D.S.P.  
on this 18 day of 3, 2021.

Kenneth Patton  
Kenneth Patton DOP#  
1039982

PETITIONER --- In Proper Person

Kenneth Patton  
P.O. Box 650  
Indian Springs NV 89020



Regional Justice Center  
200 Lewis Ave 3rd Fl  
LAS VEGAS NV 89155

ORDR  
~~OFDWT~~

DISTRICT COURT  
CLARK COUNTY, NEVADA

KENNETH PATTON,  
Petitioner,

Case No. A-20-821300-W  
Dept. No. XXII

Vs.

THE NEVADA BOARD OF PAROLE,  
COMMISSIONERS, CHRISTOPHER  
DERICCO, COM; SUSAN JACKSON,  
COM.; ADAM ENDEL, COM,

Respondents.

**ORDER GRANTING RESPONDENTS' MOTION TO DISMISS**

Having examined the Motion to Dismiss Petitioner's Petition for Writ of Mandamus filed and served March 12, 2021 by Respondents THE NEVADA BOARD OF PAROLE, COMMISSIONERS CHRISTOPHER DERICCO, SUSAN JACKSON and ADAM ENDEL, noted there was no Opposition filed by Petitioner KENNETH PATTON and there is good cause therefore,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** Respondents' Motion to Dismiss Petitioner's Petition for Writ of Mandamus filed March 12, 2021 is granted pursuant to Rules 4(e) and 12(b) of the Nevada Rules of Civil Procedure (NRCP) and Rule 2.20(e) of the Eighth Judicial District Court Rules (EDCR), and thus, Petitioner's Petition for Writ of Mandamus filed September 16, 2020 is denied, and matter dismissed without prejudice.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** Petitioner PATTON'S Motion for Extension of Time filed March 15, 2021 is denied, as he had 120 days from the case's initiation on September 16, 2020 in which to serve Respondents with process, but he did not do so, and did not show good cause for his failure.


SUSAN H. JOHNSON  
DISTRICT JUDGE  
DEPARTMENT XXII

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**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** Petitioner PATTON'S

Motion for Default under General Rule filed March 22, 2021 is denied.

**Dated this 20th day of April, 2021**



\_\_\_\_\_  
SUSAN JOHNSON, DISTRICT COURT JUDGE

**4DB 419 182A 6762  
Susan Johnson  
District Court Judge**

SUSAN H. JOHNSON  
DISTRICT JUDGE  
DEPARTMENT XXII

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

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5		
6	Kenneth Patton, Plaintiff(s)	CASE NO: A-20-821300-W
7	vs.	DEPT. NO. Department 22
8	Nevada Board of Parole	
9	Commissioners, Defendant(s)	

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 4/20/2021

15	Mary Pizzariello	mpizzariello@ag.nv.gov
16	Diane Resch	dresch@ag.nv.gov
17	Adam Honey	ahoney@ag.nv.gov

18  
19 If indicated below, a copy of the above mentioned filings were also served by mail  
20 via United States Postal Service, postage prepaid, to the parties listed below at their last  
21 known addresses on 4/21/2021

22	Kenneth Patton	#1039982
23		Po Box 650
24		Indian Springs, NV, 89070

*Heidi J. Smith*  
CLERK OF THE COURT

27

Kenneth Patton  
- vs - Petitioner

District Court  
Clark County, Nevada

The Nevada Board  
of Parole Commissioners  
Christopher Derrickson, Com,  
Susan Jackson, Com,  
Adam ENdle, Com,  
Respondents

CASE# A-20-821300-W  
Dept# XX11

Appealing Order Granting Respondents  
Motion to Dismiss of Petitioner Writ  
of mandamus.

I Kenneth Patton #1039982 Appeal this  
order.

4.28.21 *Kenneth Patton*  
Kenneth Patton  
#1039982

CLERK OF THE COURT

RECEIVED  
MAY 13 2021

CERTIFICATE OF SERVICE

I, Kenneth Patton, hereby certify that I am the petitioner in this matter and I am representing myself in propria persona.

On this 28 day of 4, 2021, I served copies of the Appealing order Granting Respondent's motion to dismiss of Petitioner writ of mandamus in case number: A-20-821300-W and placed said motion(s) in

U.S. First Class Mail, postage pre-paid:

Address: clerk of the court  
Sent to: 200 Lewis AV  
LAS VEGAS Nevada 89155

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the petitioner in the above-entitled action, and he, the defendant has read the above CERTIFICATE OF SERVICE and that the information contained therein is true and correct. 28 U.S.C. §1746, 18 U.S.C. §1621.

Executed at H. D. S. P.  
on this 28 day of 4, 2021.

Kenneth Patton  
Kenneth Patton DOP#  
1039982

PETITIONER -- In Proper Person

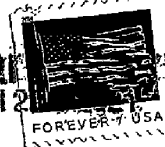


Kenneth Patton #1034982  
P.O. BOX 650  
Indian Springs NV, 89070

LAS VEGAS NV 890  
29 APR 2021 PM 4 L

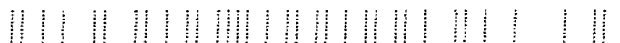
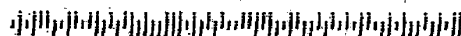


Ear  
April 2



Clerk of the Court  
200 Lewis Av.  
Las Vegas Nevada 89155

89101-630000



UNIT 7 A/B  
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HIGH RECEIPT STATE PRISON



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

KENNETH PATTON,

Plaintiff(s),

vs.

THE NEVADA BOARD OF PAROLE,  
COMMISSIONERS; CHRISTOPHER  
DERICCO.COM.; SUSAN JACKSON,COM.;  
ADAM ENDLER, COM,

Defendant(s),

Case No: A-20-821300-W

Dept No: XXII

**CASE APPEAL STATEMENT**

1. Appellant(s): Kenneth Patton

2. Judge: Susan Johnson

3. Appellant(s): Kenneth Patton

Counsel:

Kenneth Patton #1039982  
P.O. Box 650  
Indian Springs, NV 89070

4. Respondent (s): The Nevada Board of Parole, Commissioners; Christopher Dericco.com.;  
Susan Jackson,com.; Adam Endler, com,

Counsel:

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

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

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, September 16, 2020  
*\*\*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: September 16, 2020

10. Brief Description of the Nature of the Action: Civil Writ

Type of Judgment or Order Being Appealed: Dismissal

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 77032

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 13 day of May 2021.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton  
Amanda Hampton, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Kenneth Patton

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Writ of Mandamus

# COURT MINUTES

**March 10, 2021**

A-20-821300-W      Kenneth Patton, Plaintiff(s)  
vs.  
Nevada Board of Parole Commissioners, Defendant(s)

**March 10, 2021                  3:00 AM                  Minute Order**

**HEARD BY:** Johnson, Susan                      **COURTROOM:** Chambers

**COURT CLERK:** Michelle Jones

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- Having examined Petitioner Kenneth Patton s Petition for Writ of Mandamus filed September 16, 2021 in preparation for the March 30, 2021 hearing, noted the Petition was never served upon the Respondents, Nevada Board of Parole Commissioners as a body, or Commissioners Christopher Dericco, Susan Jackson or Adam Endel as individual commissioners and there is no indication in the record Respondents have notice of the March 30, 2021 hearing, and there is good cause therefore, COURT ORDERS the matter scheduled to be heard Tuesday, March 30, 2021 at 8:30 a.m. is VACATED. The matter may be rescheduled once the Respondents have been served with process and have notice of the pendency of Mr. Patton s Petition.

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

Kenneth Patton #1039982  
P.O. Box 650  
Indian Springs, NV 89070

PRINT DATE: 06/01/2021

Page 1 of 4

Minutes Date: March 10, 2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**April 05, 2021**

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A-20-821300-W	Kenneth Patton, Plaintiff(s) vs. Nevada Board of Parole Commissioners, Defendant(s)
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<b>April 05, 2021</b>	<b>3:00 AM</b>	<b>Minute Order</b>
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<b>HEARD BY:</b> Johnson, Susan	<b>COURTROOM:</b> Chambers
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**COURT CLERK:** Valeria Guerra

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Having examined Respondents Motion to Dismiss Petitioner s Petition for Writ of Mandamus filed and served March 21, 2021, noted there was no Opposition thereto, and there is good cause therefore, COURT ORDERS Respondents Motion to Dismiss Petitioner s Petition for Writ of Mandamus filed and served March 21, 2021 is GRANTED pursuant to Rules 4(i) and 12(b) of the Nevada Rules of Civil Procedure (NRCP) and Rule 2.20(e) of the Eighth Judicial District Court Rules (EDCR). The matter scheduled to be heard Tuesday, April 13, 2021 at 8:30 a.m. is VACATED pursuant to EDCR 2.23. Respondents counsel is to prepare and submit a proposed Order to the Court within fourteen (14) days of this Minute Order or no later than Monday, April 19, 2021.

Petitioner's Motion for Extension of Time filed March 15, 2021, is DENIED as he had 120 days from the case s initiation on September 16, 2020 in which to serve Respondents with process, but did not do so or show good cause for his failure. Petitioner s Motion for Default under General Rule filed March 22, 2021 is DENIED, and if anything, gives credence to Respondents position Petitioner could and should have served process pursuant to NRCP 4(e).

CLERK'S NOTE: The above minute order has been distributed to counsel by the Court Clerk via electronic service. - vg/ / April 5, 2021

PRINT DATE: 06/01/2021

Page 2 of 4

Minutes Date: March 10, 2021

CLERK'S NOTE: This minute order has been AMENDED to indicate the Motion for Extension of Time is DENIED. The above minute order has been distributed to counsel by the Court Clerk via electronic service. - vg// April 20, 2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Writ of Mandamus**

**COURT MINUTES**

**April 19, 2021**

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A-20-821300-W	Kenneth Patton, Plaintiff(s)
	vs.
	Nevada Board of Parole Commissioners, Defendant(s)

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<b>April 19, 2021</b>	<b>3:00 AM</b>	<b>Minute Order</b>
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<b>HEARD BY:</b> Johnson, Susan	<b>COURTROOM:</b> Chambers
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**COURT CLERK:** Valeria Guerra

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Please be advised that the most recent minute order contains a typo. A minute order was entered stating that Respondents Motion to Dismiss Petitioner s Petition for Writ of Mandamus is GRANTED pursuant to Rules 4(i) and 12(b) of the Nevada Rules of Civil Procedure (NRCP) . This was meant to state that the Motion is GRANTED pursuant to Rules 4(e) and 12(b) of the Nevada Rules of Civil Procedure (NRCP) instead.

CLERK'S NOTE: This Minute Order was updated and corrected at the request of the Court, and electronically served upon counsel. //vg/ 04/19/2021

# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated May 24, 2021, 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 one volume with pages numbered 1 through 67.

KENNETH PATTON,

Plaintiff(s),

vs.

THE NEVADA BOARD OF PAROLE,  
COMMISSIONERS; CHRISTOPHER  
DERICCO.COM.; SUSAN JACKSON, COM.;  
ADAM ENDLER, COM,

Defendant(s),

Case No: A-20-821300-W

Dept. No: XXII

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 June 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk