

FILED

MAR 07 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

1 Bryan p. Barham 605.9.5

2 po. Box 650 HDSP

3 Indian Springs, Nev 89070

4

5 COURT OF APPEALS IN AND FOR THE STATE OF NEVADA

6

8 Bryan p. Barham

APP CASE NO. 834.58

9 Appellant

10 -VS-

Appellants NOTICE TO COURT.

11 STATE OF NEVADA

12 Respondant(s)

13

14 comes now Appellant Bryan p. Barham in pro se, moves this Honorable Court

15 TO TAKE NOTICE OF THIS Appellants notice to the court, requests this court to

16 issue order for documents, to distribute said documents to Appellant mentioned

17 here in.

18 This notice to court is further supported by points & Authorities herein.

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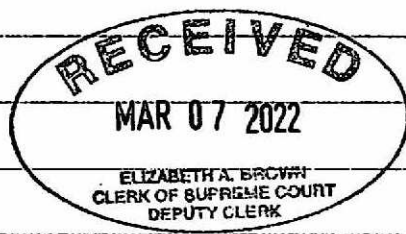
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22-07217

1 Bryan p Bonham 60575

2 po Box 650 HOSP

3 Indian Springs, Nev 89070

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COURT OF APPEALS IN AND FOR THE STATE OF NEVADA

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7

8 Bryan p Bonham

CASE NO.

9

Appellant

10

-VS-

NOTICE OF MOTION

11

STATE OF NEVADA

12

Respondants

13

14

TO

15

DEPUTY ATTORNEY GENERAL

16

Katlyn M Grady

17

555 E Washington Ave., Ste 3400

18

Las Vegas, Nev 89101

19

20

Please take notice, that the undersigned will bring the above motion for hearing as soon as

21

possible for a decision based on the courts Docket Availability.

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23

Dated This 28th day of February, 2022

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PO Box 650 HOSP

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Indian Springs, Nev 89070

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POINTS & AUTHORITIES

ARGUMENT

ON February 13, 2022 Plaintiff/petitioner Had Deposited into His inmate
TRUST (1) one account \$125.00 By Linda Conry.

ON February 13, 2022 The NDOC withdrew/deducted 20% = \$25.00, and deposited
this amount to pay for Filing Fee in U.S. DISTRICT COURT for case NO. 3:17-cv-
00719.

ON February 13, 2022 The NDOC deducted \$6.25 for legal copy work owed to NDOC.

ON February 25th, 2022 The NDOC deducted \$2.36; .78^p for postage owed to
NDOC.

ON February 26th, 2022 The NDOC further deducted the following amounts for
postage \$1.16; .176; 2.94; .58; .78; 2.16; 28.08, ~~1.18~~

ON February, 28th, 2022 The NDOC further deducted \$1.18 for postage.

ADMINISTRATIVE

REGULATION 258

258.05

(1) 50% for costs incurred by the Department on behalf of the inmate per

NRS 209.246

(2) 10% to inmate Savings Account.

(3) 20% towards a court ordered Filing Fee, if applicable.

Plaintiff/petitioner is under the impression that this issue with regard
to amount taken for debt incurred by NDOC on behalf of inmate was reduced
from 50% to 25% after an advocate group got involved known as Return
Strong, so petitioner is left wondering why is NDOC not only not

1 following their own Rules & Regulations
2 why is it that simple case law to follow is not respected by the lower
3 courts.
4 Mahers v. Halford 76 F.3d 951, 954 (8th Cir. 1996); 2 review case & / or const Law
5 251.1 for more Quirk v. Jones 754 F.2d 1521, 1523 (9th Cir. 1984); or EE v. Deland
6 708 F.2d 372, 378 (4th Cir. 1983); Hansen v. May 502 F.2d 728, 730 (8th Cir. 1974);
7 Scott v. Angellone 771 F.Supp. 1064, 1067 (D. Nev. 1991) "There is no question that
8 an inmates interest in the funds in his prison account is a protected property interest."
9 Jensen v. Klecker 648 F.2d 1179, 1183 (8th Cir. 1981) "...inmates have a property interest
10 in money received from outside sources." (holding that inmates have a property interest
11 in their money.) Seil v. Parrott 548 F.2d 753, 757 (8th Cir.) same thus inmates are
12 entitled to due process before they can be deprived of these monies. The question to be
13 answered is what process is due before money received from outside source, can
14 be applied towards an inmates restitution obligations.
15 petitioner contends / asserts due process is afforded for the 25%, 20%, 10% not
16 however for the NDOC to continue to deduct as much as they want from his
17 account.

18 conclusion

19 wherefore petitioner respectfully Request the following:
20 (1) He be allowed to file with this court evidence of NRS 209.246 being unconstitutional
21 or in the alternative
22 (2) Reverse, Remand summary Judgment & Dismissal in District court & so said motion
23 may be filed along with motion for discovery, or if NDOC, OAG choose to
24 settlement talks.
25 (3) an order be given that motion for discovery be granted as well as an
26 evidentiary hearing be held.

27 AS TO THIS notification to court. #31-25 is 25% of \$125.00

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VERIFICATION

1 I Bryan P. Bonham and verify that I have read the foregoing notice to court
2 and to the best of my belief and knowledge that the foregoing is true & correct
3 under the pains & penalties of perjury pursuant to 28 U.S.C.A. § 1746 & 18 U.S.C.A. 1621

CERTIFICATE OF SERVICE

4 I Bryan P. Bonham certify that I have read the foregoing motion to compel Appellants
5 notice to court and am attaching special instructions for electronic filing & service
6 to the clerk of the court to serve all my opponents pursuant to N.E.R.C.P. 5(n), 9 & 10
7 Seg/A-E/ etc., to the following.

8 Deputy Attorney General
9 Kathryn M. Brady
10 555 E Washington Ave, Ste 3400
11 Las Vegas, Nevada 89101

12 Dated this 28th day of February, 2022

13 

14 Bryan P. Bonham 605.75
15 P.O. Box 650 HOSP
16 Indian Springs, Nev 89070