

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

KENNETH PATTON,
Appellant(s),

vs.

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

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

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CP

8th state of Nevada Judicial District *Steven D. Grierson*

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 396 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, WRS 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 (2/7/13)
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., -

2

1 Did not deter from future criminal activity
2 after first prison term. (2) Nature of criminal
3 Record is increasingly more serious (3) Impact
4 on victim and of community. The Parole Board
5 Commissioners position is plain and very
6 great, 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 Indifferent/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 of 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 ^{were} ~~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 (4th),
11 (8th), (5th), and (14th) Amendment. Even Ex Post Facto-
12 laws, being that since incarceration the
13 P.B.C. subjects myself and others to more
14 harsher strict conditions 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 Gannett
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 S.Ct. stated
26 in Anselmo, 133 New. St. 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 Prose
18

19 CERTIFICATE OF SERVICE

20 I certify Pursuant to NRS 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:
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CERTIFICATE OF SERVICE BY MAILING

I, Kenneth Patton, hereby certify, pursuant to NRCP 5(b), that on this 27
day of July, 2020, I mailed a true and correct copy of the foregoing, "Patton
Writ of mandamus"

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

Clack of the Court
2001 LOWIS 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 Pollock #
1705D
PO Box 658
Indian Springs Wv 26078

Las Vegas P&DC 89199
WED 26 AUG 2020PM

FOREVER / USA

FOREVER / USA

FOREVER / USA

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AUG 31 2020
COUNTY CLERK
DISTRICT COURT

Clerk of the Court

200 Lewis Ave 3rd FL
LAS VEGAS NV 89155

CONFIDENTIAL

HIGH DESERT STATE PRISON

APR 21 2008

UNIT 7 CID

96

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

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

DISTRICT COURT

Clerk COUNTY, NEVADA

7
8 Kenneth Patton)
9 Plaintiff)
10 vs State of Nevada)
11 Defendant)
12 _____)

Case No. _____
Dept. No. _____
Docket _____

MOTION TO APPOINT COUNSEL

DATE OF HEARING: _____

TIME OF HEARING: _____

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

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

23 Dated this 25 day of AUG, 2020

Respectfully Submitted,

Kenneth Patton

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POINTS AND AUTHORITIES

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

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

NRS 171.188 Procedure for appointment of attorney for indigent defendant.

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

NRS 178.397 Assignment of counsel.

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

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

Dated this 25 day of AUG, 20 20

Respectfully submitted,

Kenneth Patton

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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. 3rd 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
5 Indian Springs, Nevada 89018-0650
6 Petitioner In Pro Se

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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,)
10 Petitioner,)
11 -vs-)
12 State of Nevada et al.,)
13 Respondents.)

Case No. _____

**MOTION TO EXTEND PRISON
COPYWORK LIMIT**

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.

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 **CONCLUSION**

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

6 Dated this 25 day of AUG, 2020

7 Kenneth Patton
8 Kenneth Patton #10392
9 High Desert State Prison
10 PO Box 650
11 22010 Cold Creek Road
12 Indian Springs, Nevada 89018-0650
13 Petitioner In Pro Se

14 **CERTIFICATE OF SERVICE**

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

20 Attorney For Respondents

21 Kenneth Patton
22 Kenneth Patton #123998

23 Petitioner In Pro Se
24
25
26
27
28

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

Steven D. Grierson

1 Kenneth Patton
/ In Propria Personam
2 Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018
3

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

4
5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**
7

8 Kenneth Patton
9 Plaintiff
10 vs.
11 State of Nevada
12 Defendant
13

Case No. _____
Dept No. _____
Docket _____

14 **NOTICE OF MOTION**

15 YOU WILL PLEASE TAKE NOTICE, that Petition for writ
16 of mandamus, motion to Appoint 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 25 day of AUG, 2020
23

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

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PRO SE

DISTRICT COURT

_____ COUNTY, NEVADA

Kenneth Patton
Plaintiff

CASE NO.

DEPT NO.

State of Nevada
Defendant

ORDER

Upon reading the motion of the Motion to appoint counsel requesting appointment of counsel and good cause appearing;

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

The following named attorney has taken the appointment:

Attorney's Name

Dated this ____ day of _____, _____.

DISTRICT JUDGE RECEIVED

Kenneth Patton

IN PROPER PERSON

CLERK OF THE COURT

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**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 _____ day of _____, 20____, at the hour of _____ o'clock for further proceedings.

District Court Judge

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DISTRICT COURT
CLARK COUNTY, NEVADA

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

AUTOMATED CERTIFICATE OF SERVICE

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

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

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

KENNETH PATTON,
Petitioner,

Vs.

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

Respondents.

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

ORDER DENYING PETITIONER’S MOTION TO EXTEND PRISON COPYWORK LIMIT

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

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

SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT XXII

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

3 MR. PATTON also represents he has reached or exceeded AR 722's \$100.00 limit, and
4 accordingly, the NDOC has prohibited him from receiving any further legal copywork in this
5 proceeding. This Court has reviewed the record and notes his Petition for Writ of Habeas Corpus
6 encompassed only ten (10) pages. His Application to Proceed in Forma Pauperis was only six (6)
7 pages. Two other motions filed (which include his Motion to Extend Prison Copywork Limit) are
8 only seven (7) pages. Notably, none of the Respondents have been served with process whereby no
9 copywork was expended for such service. Further, filing with this Court is conducted electronically,
10 meaning no additional copies are expended for filing. All told, less than twenty-five (25) pages have
11 been expended thus far in Petitioner's proceeding. Unless photocopies are charged at \$4.00 per
12 page, which is highly unlikely, MR. PATTON has not reached or exceeded AR 722's \$100.00 limit
13 in this case. Accordingly,
14

15
16 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** Petitioner KENNETH
17 PATTON'S Motion to Extend Prison Copywork Limit filed September 16, 2020 is denied.

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

19 

20 SUSAN JOHNSON, DISTRICT COURT JUDGE

21
22 **7CB 980 30B2 C920**
23 **Susan Johnson**
24 **District Court Judge**

25
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SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT XXII

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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

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

AUTOMATED CERTIFICATE OF SERVICE

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

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

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

KENNETH PATTON,

Petitioner,

Vs.

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

Respondents.

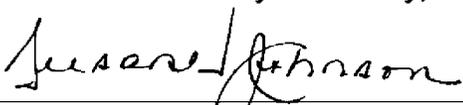
**Case No. A-20-821300-W
Dept. No. XXII**

ORDER DENYING PETITIONER'S MOTION TO APPOINT COUNSEL

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

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

Dated this 26th day of January, 2021



SUSAN JOHNSON, DISTRICT COURT JUDGE

**20A 649 C8FF 71CD
Susan Johnson
District Court Judge**

SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT XXII

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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

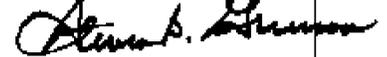
Kenneth Patton, Plaintiff(s)	CASE NO: A-20-821300-W
vs.	DEPT. NO. Department 22
Nevada Board of Parole Commissioners, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

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

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

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,

v.

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

Respondents.

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

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

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.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. Relevant Procedural History

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

II. LEGAL ARGUMENT

A. Motion to Dismiss

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

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

- (1) The State and Its Public Entities. The State and any public entity of the State must be served by delivering a copy of the summons and complaint to:
 - (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
 - (B) the person serving in the office of administrative head of the named public entity, or an agent designated by the administrative head to receive service of process.

Petitioner has failed to serve the Attorney General in Carson City, the 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:

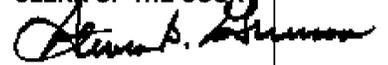
Kenneth Patton #1039982
High Desert State Prison
PO Box 650
Indian Springs, NV 89070
Attorneys for Petitioner

/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

Annex Shinn
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
26th 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 30th 2021.

Kenneth Patton
Kenneth Patton

Date: 3-8-21

1039982

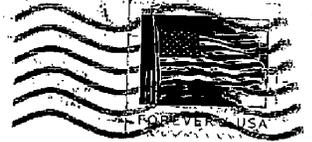
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MAR 11 2021

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



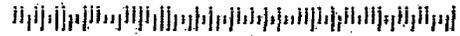
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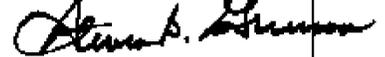
MAR 11 2021

CLERK OF THE COURT

Clerk of the Court
200 Lewis Av. 3rd Fl
Las Vegas NV, 89155-1160

89101-630000





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

7 *Attorneys for Respondents*

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

12 KENNETH PATTON,
13
Petitioner,
14 v.
15 THE NEVADA BOARD OF PAROLE
COMMISSIONERS, CHRISTOPHER
16 DERICCO, COM., SUSAN JACKSON,
COM., ADAM ENDEL, COM.,
17
Respondent.

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

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

18
19 **CERTIFICATE OF SERVICE**

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

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

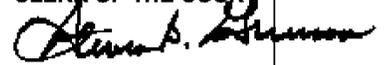
27 /s/ Diane Resch
28 Diane Resch, an employee of the
Office of the Nevada Attorney General

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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
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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

27

Heidi Stamin
CLERK OF THE COURT

Kenneth Patton -vs- Petitioner The Nevada Board of Parole Commissioners Christopher Dericao, Susan Jackson, com, Adamendel, com, Respondent	District Court Clark County Nevada CASE # A-20-821300-W Dept: 22
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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
 given 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 2-7-13 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

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 MAR 19 2021
 CLERK OF THE COURT

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

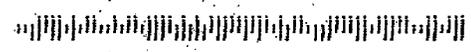
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CLERK OF THE COURT

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

89101-630000



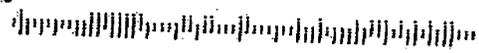
Kenneth Patton #1039982
P.O. BOX 650
Indian Springs NV 89070

LAS VEGAS NV 890
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RECEIVED
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CLERK OF THE COURT
Eighth Judicial District
Specialty Courts Division
Regional Justice Center
200 Lewis Av.
Las Vegas Nevada 89155

89101-630000



District Court
Clark County, Nevada

Adam S. Amin
CLERK OF THE COURT

Kenneth Patton
Petitioner

Case # A-20-821-1300-W

- vs -

Dept: 22

Nevada Board of parole
Commissioners:
Christopher Dericco-com
Susan Jackson-com-ada.mendel.
com
Respondent

A-20-821300-W
XXII

Responds to order for writ of Mandamus (Reconsideration)

Come now, Pro-se Kenneth Patton and Respectfully 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 accordingly 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

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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 an 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 Peacle and NRS 34.080 under Nev R Civ P 3 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
Kenneth Patton

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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

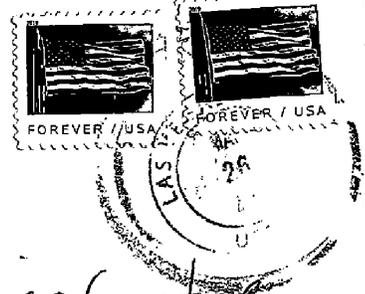
The undersigned declares under penalty of perjury that he is/the petitioner in the above-entitled action, and he, the defendant has read the above CERTIFICATE OF SERVICE and that the information contained therein is true and correct. 28 U.S.C. §1746, 18 U.S.C. §1621.

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

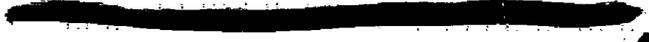
Kenneth Patton
Kenneth Patton DOP#
1039982

PETITIONER --- In Proper Person

Kenneth Patton
P.O. BOX 650
Indian Springs NV 89070



Regional Justice Center
200 Lewis Ave 3rd Fl
LAS VEGAS NV 89153
89155



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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

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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

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

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District 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:

Service Date: 4/20/2021

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

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

Kenneth Patton	#1039982 Po Box 650 Indian Springs, NV, 89070
----------------	---

Heidi Stein
CLERK OF THE COURT

Kenneth Patton
- vs - Petitioner

District Court
Clark County, Nevada

The Nevada Board
of Parole Commissioners
Christopher Derrick, Com,
Susan Jackson, Com,
A Dam EN Ole, 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

MAY 13 2021

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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

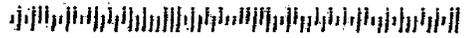
Kenneth Patton #1039982
P.O. BOX 650
Indian Springs NV, 89070

LAS VEGAS NV 890
29 APR 2021 PM 4 L



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

00000910188



UNIT 7 A/B
APR 28 2021
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**

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KENNETH PATTON,

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Plaintiff(s),

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vs.

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

14

15

Defendant(s),

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CASE APPEAL STATEMENT

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1. Appellant(s): Kenneth Patton

21

2. Judge: Susan Johnson

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3. Appellant(s): Kenneth Patton

23

Counsel:

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

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

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Counsel:

1 Aaron D. Ford, Attorney General
2 555 E. Washington Ave., Ste. 3900
3 Las Vegas, NV 89101-1068

4 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
5 Permission Granted: N/A

6 Respondent(s)'s Attorney Licensed in Nevada: Yes
7 Permission Granted: N/A

8 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

9 7. Appellant Represented by Appointed Counsel On Appeal: N/A

10 8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, September 16, 2020
11 ***Expires 1 year from date filed*
12 Appellant Filed Application to Proceed in Forma Pauperis: N/A
13 Date Application(s) filed: N/A

14 9. Date Commenced in District Court: September 16, 2020

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

16 Type of Judgment or Order Being Appealed: Dismissal

17 11. Previous Appeal: Yes

18 Supreme Court Docket Number(s): 77032

19 12. Child Custody or Visitation: N/A

20 13. Possibility of Settlement: Unknown

21 Dated This 13 day of May 2021.

22 Steven D. Grierson, Clerk of the Court

23 /s/ Amanda Hampton

24 Amanda Hampton, Deputy Clerk
25 200 Lewis Ave
26 PO Box 551601
27 Las Vegas, Nevada 89155-1601
28 (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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Mandamus

COURT MINUTES

April 05, 2021

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

April 05, 2021 3:00 AM Minute Order

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

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

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

