

# IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN PHILLIP BONHAM,  
Appellant(s),

vs.

THE STATE OF NEVADA; THE STATE  
OF NEVADA DEPARTMENT OF  
CORRECTIONS; CHARLES DANIELS;  
TIM GARRETT; AND CARTER POTTER,  
Respondent(s),

Electronically Filed  
Sep 14 2021 02:55 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: A-20-823142-C

Docket No: 83458

# RECORD ON APPEAL VOLUME 3

**ATTORNEY FOR APPELLANT**  
BRYAN BONHAM #60575,  
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

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**A-20-823142-C**

**Bryan Bonham, Plaintiff(s)**

**vs.**

**Nevada State of, Defendant(s)**

**I N D E X**

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911 E. Musser St.  
Carson City, NV 89701

Ken Furlong  
Sheriff

775-887-2500  
Fax: 775-887-2026

March 11, 2021

Bryan Bonham #60575  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070

Mr. Bonham #60575,

I am in receipt of your most recent letter and while I understand your frustration, I again, am in no position to defend the policies that the Nevada Department Of Corrections (NDOC) has enacted. Unfortunately, the response from NDOC for serving "T. Garrett" was the same this last go around, they are **requiring** a first name for last of Garrett.

As stated in previous responses to you, the Carson City Sheriff's Office does not retain any records, which is the reason the Informa Pauperis needs to be sent with each attempt to serve. I apologize for any inconvenience this causes you.

Enclosed, you will find the proof of service for Carter Porter, along with the Declaration Of Non-Service for last of Garrett. **Once you have acquired his first name**, we can attempt service again.

Respectfully,

A handwritten signature in black ink that reads "Isela Uribe". The signature is written in a cursive style with a large, stylized "I" and "U".

Isela Uribe  
Sheriff Support Specialist

**IN THE CLARK COUNTY DISTRICT OF THE STATE OF NEVADA**

**Bryan Bonham**  
**PLAINTIFF**

 $V_S$ 

Carter Porter  
DEFENDANT

Dated: 3/11/2021

Civil File Number: 21000993

CASE No.: A20823142C

## DECLARATION OF SERVICE

STATE OF NEVADA }  
 } ss:  
CARSON CITY }

**Jakob Dzyak**, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

**Sub-served:** Carter Porter by serving NANCY SANDERS (AAII), Authorized Individual

**Location:** 5500 Snyder Avenue Carson City, NV 89701

**Date:** 3/10/2021 **Time:** 10:30 AM

The document(s) served were: Summons & Complaint

I declare under penalty of perjury under the law provided of the State of Nevada that the foregoing is true and correct.  
No notary is required per NRS 53.045.

**Ken Furlong, SHERIFF**

Jacob Dymally

By: Jakob Dzyak Badge# 9685  
Sheriff's Authorized Agent

Clark County District  
Las Vegas, NV



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Civil File Number: 20005572

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CASE No.: A20823142C

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**Bryan Bonham #60575**  
**PLAINTIFF**

State of Nevada ex rel  
DEFENDANT

CASE No.: A20823142C

**STATE OF NEVADA**                 }  
  } **SS:**  
**CARSON CITY**                   }

**Date: 12/31/2020 @ 10:30 AM - 5500 Snyder Avenue Carson City, NV 89701**

484

IN THE CLARK COUNTY DISTRICT OF THE STATE OF NEVADA

Bryan Bonham  
PLAINTIFF

Vs

Carter Porter  
DEFENDANT

) Dated: 3/11/2021  
)  
)

) Civil File Number: 21000993  
)

) CASE No.: A20823142C  
)

**DECLARATION OF NON-SERVICE**

STATE OF NEVADA }  
                                      } ss:  
CARSON CITY }

**Jakob Dzyak**, being first duly sworn, deposes and says: That affiant is a citizen of the United States, is over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, that he/she received the within stated civil process.

The Carson City Sheriff's Office was unable to serve upon the said, T. Garrett.

**Attempts of Service:**

**Date: 3/10/2021 @ 10:30 AM - 5500 Snyder Avenue Carson City, NV**

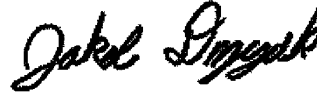
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<b>Date:</b>	<b>3/10/2021</b>	<b>Time:</b>	<b>10:30 AM</b>
<b>Service Note:</b>	<b>DID NOT ACCEPT/NEED FIRST NAME</b>		

DOCUMENTS: Summons & Complaint

I declare under penalty of perjury under the law provided of the State of Nevada that the foregoing is true and correct. No notary is required per NRS 53.045.

**Ken Furlong, SHERIFF**



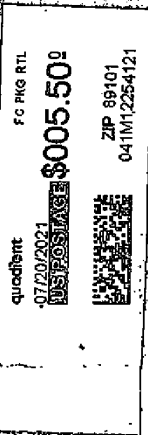
By: Jakob Dzyak Badge # 9685  
Sheriff's Authorized Agent

Clark County District  
Las Vegas, NV

Bryan P. Bonham 60575

P.O. Box 60, A.D.S.P.

Indian Springs, New 89030

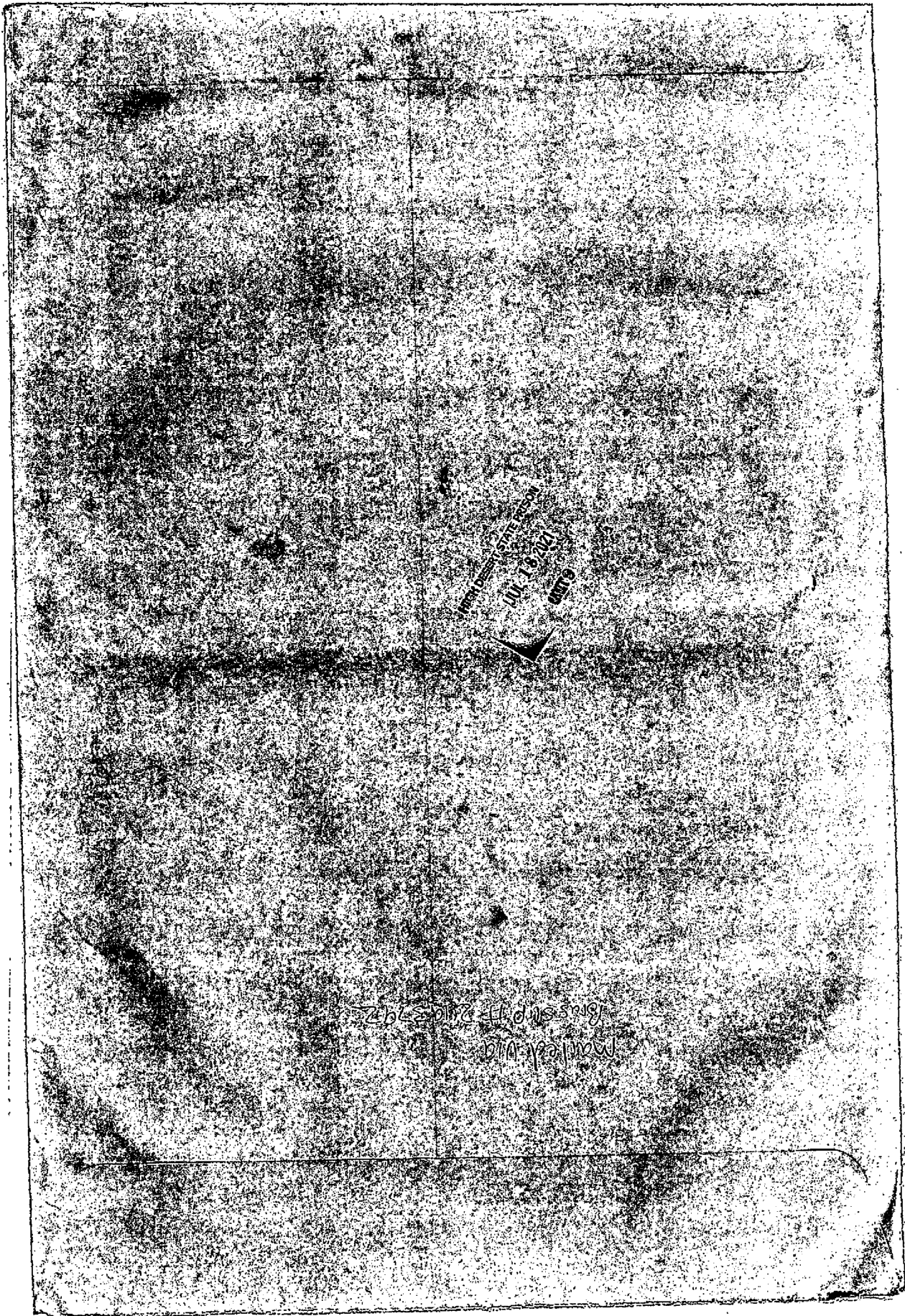


NON-MACHINABLE MAIL  
PLEASE HAND CANCEL

Regional Justice Center  
Clerk of the Court  
200 Lewis Ave 3rd Floor  
BUN 89155

Mailed via Brass slip # 2493792

Confidential  
Legal Mail  
**3762**



*Heather S. Shinn*  
CLERK OF THE COURT

1 Bryan P Bonham 60575

2 PO Box 650 HDSP

3 Indian Springs, NEV

4

5

8th Judicial District Court

6

Clark County, Nevada

7

8 Bryan P Bonham

Case No A-20-823142

9

Plaintiff

Rept XXXII

10 - vs -

Motion to request order

11 State of Nevada ex rel

From last hearing date

12

Notice of Refiling in Fed court

13

14 comes now this plaintiff Bryan P Bonham, to Respectfully ask

15 This court to grant this motion.

16

17

18 Dated this 12<sup>th</sup> day of June, 2021

19

*[Signature]*

20

Bryan P Bonham 60575

21

PO Box 650 HDSP

22

Indian Springs, NEV 89070

23

24

25

26

27

28

RECEIVED  
JUL 26 2021  
CLERK OF THE COURT

1 Bryan Bonham 60575

2 PO Box 650 HOSP

3 Indian Springs, Nev 89070

4

5 8th Judicial District Court

6 Clark County, Nevada

7

8 Bryan Bonham

9 plaintiff

notice of motion.

10 -vs-

11 state of Nevada ex rel.

12

13 Please take notice that the undersigned will bring the above motion

14 for hearing, as soon as possible for a decision.

15

16 TO

17 Deputy Attorney General

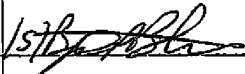
18 Kathy M. Brady

19 555 E Washington Ave Ste 3900

20 Las Vegas, Nev 89101

21

22 Dated this 12th day of July, 2021

23 

24 Bryan Bonham 60575

25 PO Box 650 HOSP

26 Indian Springs, NV 89070

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Argument.

Plaintiff has a valid claim. over 50% was taken for debts incurred  
From the money deposited into his account. The NDOC's own AR says  
50% for department charges. 20% to courts. 10% to savings. I have  
no problem with that. my issue is going over 50%, leaving me zero.  
As it turns out. gov. Sisolek, sec of state cegauske, Att Gen Aaron  
Ford are top 3 prison comm'n, They knew nothing about the change  
to AR 258, upping 50% to 80-100%.  
now plaintiff contends He can ~~provide~~ produce a statement to that fact,  
from an outside source.  
Then if not true. I ask this. if what I claim is not true, (1) why  
do monthly statements show over 50% was taken for debt owed to  
NDOC. (2) why was SB-22 passed lowering 50% to 25%.  
see attached exhibit 2. see Highlighted portion page 6.

I requested a hearing for documents this court held on July 8th. yet I was  
not given chance to make oral argument, I'm sure court clerk will not  
send me order given. I'm indigent; pro se. checks AR! keep me  
from being able to know if case is dismissed etc. I have right to  
know what order court gives, and when.

so now I ask this court to order clerk to send me order  
given on July 8th, 2021

Conclusion.

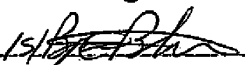
I should be given chance to prove, or argue my case, to be given  
notice of court orders. As I've argued in previous document. it  
does not matter if its 50 cents. 2.00, or 9.00 over the 50%  
They violated my due process rights, the taking clause of the



1 5th Amend.<sup>2</sup> basically financially raping ~~me~~ me, my family.  
2 This issue should move forward, without blocking me from  
3 knowing or receiving court orders.  
4 I'm refiling an amended version of complaint in U.S. DIST CRT.  
5 unless this court can guarantee I will receive court orders, get  
6 hearings I request, or permit me to amend complaint.  
7 Thank you very much.

8  
9 verification  
10 I, Bryan P. Bonham declare & verify that I have read the foregoing motion  
11 and to best of my belief & knowledge the foregoing is true & correct.  
12 pursuant to the pains & penalties of perjury 28 USC A § 1746; 18 USC A §  
13 1621

14 certificate of service.  
15 I, Bryan P. Bonham certify that I am attaching the foregoing motion  
16 with special instructions for electronic filing & service to clerk of  
17 the court to serve all of my opponents pursuant to NEFCR 5(k) & et  
18 seq (A-E) to the following.

19  
20 Deputy Attorney General  
21 Kathryn M. Brady  
22 555 E Washington Ave Ste 3900  
23 LUAN 89101  
24 Dated this 12th day of July, 2021  
25   
26 Bryan P. Bonham 60575  
27 PO Box 650 HOSP  
28 Indian Springs, NV 89070

40F8

Exhibit 1

Exhibit 1

SOPS

0060575 - BONHAM, BRYAN P - Unit: 9 - Sub Unit: C

9 C 17 A

FROM: JLhocking24@gmail.com  
TO: 0060575 BONHAM, BRYAN P  
SUBJECT: June Update  
DATE: 06/29/2021 11:20 AM

Good morning!

I hope this update finds you well, I have A LOT of information and only 13,000 characters so please bear with me, I am going to give you the information without explaining the back story as much as I usually do.

**Legislative Updates:**

SB22-Inmate Deductions: This was passed and signed by the governor and will go into effect on July 1, 2021. Return Strong worked with the ACLU on this and was able to take the bill that NDOC had written to get the deductions and the Directors power to decided what was reasonable into law and flipped it to your/our benefit. We amended the language and implemented maximum caps on the deductions. Effective July 1st there will be a maximum cap on money deposited on books of 25% and a cap for deductions from wages at 50%.

That means, that if you owe restitution, and court fees and room and board and child support, are working in PI and before they were taking every penny you had and leaving you with \$1.13 (or whatever amount), now there is a cap of 50%. (That is just an example, it applies to everyone). The absolute most they can deduct is 50% from wages and 25% from money sent to your books.

SB22 also expands the package program to people in medical isolation and administrative segregation. We attempted to keep the gift program, but that would not have been approved and we could have lost the caps. Please understand, Marcy's Law was not a law, it was a constitutional amendment that gave victim's the right to full and timely restitution. Legal reviewed it and since it is a way to divert money from being garnished, it does potentially violate Marsy's Law and we could not win that. PLEASE grieve it, appeal it and file lawsuits and let the courts decide, but we could not get that passed.

Regarding returning money that was taken in September, we have one more shot at the Prison Board of Commissioners Meeting in the fall, but I believe grieving, appealing and the courts are the option for that also. (I am not a lawyer but, I don't know how far we will get with getting that money returned, I want to be honest.

We are in negotiations regarding the gift coupons that were left unspent. Purchasing new gift coupons are not going to be added but for those of you who had/have gift coupons that you had not used when they were frozen on September 1st, Return Strong is in the process of trying to get those reactivated. Again, I think grieving, appeal and lawsuit are options for that. Your loved ones purchased those in good faith, and there was no notice when they stopped allowing them. I am very hopeful we are going to get this straightened out, but I don't have a timeline.

**\*\*IF you have a gift coupon that was not honored, please write us and tell us the amount. We have no idea how much money NDOC left out there and it would help in negotiating. Remember we fight collectively, so you fight a lost \$100 gift card and us collectively fighting \$100,000 are two different things. \*\***

**AB241-Programming Credits during a public health emergency.** This bill passed and was signed by the Governor and will go into effect on July 1, 2021 BUT the days will probably not appear on your account (Idk what it is called) until August 3rd, 2021.

The bill provides 5 days A MONTH from March 2020 thru June 30th, 2021, for the programming days that were lost due to the pandemic and your inability to program. This bill applies to EVERYONE who was eligible to program during that time.

The bill was important for two reasons: first it addressed the issues of dates moving because of lack of programming during COVID, which was not your fault. Second, this bill addressed the problem retroactively AND is now in effect for any future public health emergency (should it happen) and will immediately go into effect so that you don't have to wait a year and a half to see your credits. Many of you were on the bubble of expiring and losing those credits meant you stayed in prison longer than you should have. So far, the courts have not been very positive towards these types of lawsuits, but if you grieved and appealed, you always have the option to give it a shot.

If you are on the bubble, and these days will put you near or at the door, please understand that there isn't a guarantee of when you will get your board. PnP has concerns about being able to manage the rush that implementation will cause and so that is written into the bill language, but they are hiring staff to help process everyone as quickly as possible.

**AB125-** This bill did not pass. While the legislature was mostly supportive of expanding good time credits to Class B (non-

6058

violent) "offenders"; the issue becomes retroactivity of this bill and the cost it would incur to the state to have 3,800 people cut their sentences and many be at the door. PLEASE do not write me to yell at me about this. I understand the implications and I think it is bullshit. I agree on all counts, it should include Class B completely, it should be retroactive, but this wasn't our bill (remember, we haven't even been in existence a year yet) and NDOC fought it hard by adding a 6-million-dollar fiscal note that given the current budget issues, NO ONE was agreeing to it. It doesn't mean the fight is over, it just means we must back up and reapproach.

Side note, one a bill is dead (as this one was) OR it is passed, like AB236 that is the end of that bill. Over 100 of you wrote and asked us to change AB236 to be retroactive. That is not possible. It requires a new bill. AB125 was the new one for 2021. There will be a new one for 2023. Personally, Return Strong is working on a plan that would potentially build a sentencing review board for anyone with felonies that the sentencing laws have changed, after a certain number of years, you could have your sentence reviewed. Still in the early stages, but my point is, it isn't over.

We won some, we lost some but we are still standing to fight another day.

International Prisoners Day of Justice:

More details to come but Return Strong is creating an event for the August 10th recognition event. As part of that event, we will be hosting and Art and Letter Exhibit with an auction of YOUR artwork, poetry, letters (written for the event, if we want to use one of your previous letters we will reach out for your permission. Letters will have your identifying information removed).

Many of you have asked how you can help. This is one way. The problem is there is a short turn around time. Your options are unlimited. Prepare and send us artwork, tattoo art, poetry, a letter about your experience with the injustice of the "justice" system... as part of our August 10th event we will be holding exhibits in both northern and southern Nevada and then holding an auction. Our idea is that you can donate your artwork that will be auctioned as a fundraiser for Return Strong and the expenses incurred to run business (we are still an unfunded group of women who are all volunteers fighting the system, while holding our own loved ones down). When you send us your art, please include a statement giving us permission to use it AND the percentage of the proceeds that you would like to donate to Return Strong. (It would be easiest if you say 25% to RS, 50% to RS, 75% to RS or 100% to RS, or 0 to RS and then we will send proceeds to your books).

If you are interested in participating, PLEASE send us a letter asap OR have your LO reach out to us, telling us you are participating and what you are working on so that we can begin planning the exhibits. WE will be communicating additional details to anyone who lets us know they are planning to participate.

Family Councils at NDOC:

After much fighting for recognition, NDOC has agreed to recognize our family councils. For those of you who do not know what that is, it is a way for families to come to the table with Administration to discuss issues in facilities that improve family connections and bonds, for instance phone concerns, visitation issues and concerns, commissary and pricing etc.... and issues that improve quality of life for incarcerated people such as programming, health and safety, nutrition, facility issues.

Your family, friends, loved ones are welcome to participate. There will be a Local Family Council Meeting each month to discuss issues and concerns and work on how we get them addressed. Then there are a group of representatives who meet with administration quarterly, so the next meeting is in September. Please have them contact us through one of the methods at the end of the email. There is a face book page specifically for the Family Councils that they can participate in and will give NDOC specific, verified information.

Some of the things we have started to work on at the first Statewide Quarterly Meeting were: COVID questions such as the continued lockdowns at HDSP, facility issues such as mice infestations, lack of hot water, food/feeding schedules, visitation inconsistencies and concerns regarding communication. This was the first meeting and much of the time was used to set up ground rules but gradually, this is an avenue to begin addressing in facility concerns. Please make sure your LO's are on the face book page.

Finally, there are some necessary changes to how we communicate. WE now have almost 600 people on our mailing list, and as I said, we are unfunded so that cost comes primarily out of my pocket with a few donations that have been super helpful and come through in a clutch every time. That is part of why you have not been getting as much information FROM us, the cost. Corrlinks raised its price for an email back to thirty cents, resulting in our cost immediately doubling. So going forward, we can't send individual emails to everyone. We are going to need volunteers who are willing to pass out the update/newsletter to people around them. I can send 10 letters in one envelope with one stamp, what I need are volunteers willing to take on that responsibility of pulling up the people around them. This actually allows us to communicate with more people, for a lower cost.

\*\*If you are willing to be an organizer for your unit/tier...which means communication will flow through you. Please write us and give us your name, back number, unit and tier, if you work or other areas you can get the information out (programs, religious services, PI, culinary, porter. ALSO, please let me know if you have a need for letters in Spanish, as we can have them

translated and sent in Spanish also\*\*

Upcoming:

August 6th Return Strong Families United for Justice for the Incarcerated ONE YEAR ANNIVERSARY

August 10th International Prisoners Day of Justice Statewide Events with actions, media, Art/Letter Exhibit and Auction and vigil for those lost to police violence, COVID in prison, and executions past and present.

Upcoming plain language pamphlets with instructions and guidance on writing winning grievances, appeals and lawsuits, compassionate release and the pardons board process. If you have ideas of others you would like, please let us know.

Upcoming movement work with the ACLU on nutrition/food quality, quantity, and chronic health/medical concerns and medical neglect. Surveys coming this summer!

We are still trying to ensure that each unit has a organizer (the communication person) and a jailhouse lawyer within reach of them to improve communication and service.

A few last notes, I know that we didn't win everything for everyone, and you may be in a situation where none of our wins impacted you, yet. We have a motto, "hoy por ti, mañana por mí. Today for you, tomorrow for me." We have a limited capacity and authority on what we can directly impact, when we can't do something, we try to connect with someone who can do something, and we are forever learning and growing. YOU help us when you make us aware of things that are happening and sometimes when you help us understand how it connects and what you are looking for help with. It helps when you connect the dots, and IN LETTERS.

We are struggling financially. I have asked families to donate, but they are struggling too. WE do not want to charge anyone for information, but it does cost us about \$10 per person annually just for basic communication. IF you can help support our work, please consider donating, or having a family member donate. We are hoping to be funded by 2022, but since we were so new, and this wasn't really a planned endeavor, we have been just focusing on staying alive until new grant deadlines are available. Please do not feel pressured, but if you are able, we appreciate the help.

Brass Slips to Return Strong

CashApp= \$ReturnStrong

Venmo=@ReturnStrong

In Solidarity,

Jodi & The Team at Return Strong FUJI

contactreturnstrong@gmail.com

PO Box 1155

Carson City, Nevada 89701

Bryan P Bonham 60575  
PO Box 650 (HOSP)  
Indian Springs, NV 89070

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Las Vegas NV 89155

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14 *Attorneys for Defendants Nevada Department*  
15 *of Corrections (NDOC), State of Nevada,*  
16 *Charles Daniels, Tim Garrett, and Carter Potter*  
17  
18  
19  
20

11 DISTRICT COURT  
12 CLARK COUNTY, NEVADA

13 BRYAN BONHAM,  
14 Plaintiff,

15 v.

16 STATE OF NEVADA ex rel NEVADA  
17 DEPARTMENT OF CORRECTIONS, *et al.*,

18 Defendants.  
19

Case No. A-20-823142-C

Dept. XXIX

Hearing Date: May 11, 2021

Hearing Time: 9:00 a.m.

20 PROPOSED ORDER

21 Defendants, Nevada Department of Corrections (NDOC), State of Nevada, Charles  
22 Daniels, Tim Garrett, and Carter Potter, by and through counsel, Aaron D. Ford, Nevada  
23 Attorney General, and Katlyn M. Brady, Senior Deputy Attorney General, of the State of  
24 Nevada, Office of the Attorney General, submit this proposed order.

25 FINDINGS OF FACT

26 Plaintiff Bryan Bonham (Bonham) is an inmate currently incarcerated in the NDOC.  
27 Bonham filed a Complaint alleging the Defendants violated his constitutional rights by  
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1 deducting funds from an outside deposit to pay off debts that Bonham admittedly accrued.  
2 Complaint at 3:7-14.

3 On April 5, 2021, Defendants filed a motion to dismiss or, in the alternative, a motion  
4 for summary judgment. Plaintiff did not file an opposition. This Court held a hearing on  
5 May 11, 2021, and Plaintiff did not appear.<sup>1</sup> Despite the failure to file an opposition, or  
6 appear at the hearing, the Court conducted a full evaluation and analysis of Defendants'  
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8 Specifically, Bonham alleges that on January 8, 2020, Bonham's mother deposited  
9 \$150.00 into Bonham's inmate banking account. Complaint at 3:7-8. Bonham concedes that  
10 20% of the deposit was withheld to pay for the filing fee in Bonham's federal civil case. *Id.*  
11 at 3:9-10. Another 10% was deducted and placed into Bonham's inmate savings account.  
12 *Id.* at 3:10. Finally, Bonham alleges 50% was deducted to pay for costs the NDOC incurred  
13 as a result of housing Bonham. *Id.* at 3:11-13. As a result, Bonham alleges he received only  
14 \$14.00 instead of the expected \$30.00. *Id.*

15 Bonham alleges that Director Charles Daniels is responsible for the actions of his  
16 subordinates because he failed to correct the issue after Bonham complained. *Id.* at 2:9-15.  
17 *Id.* at 2:15-28.

18 **A. Findings Regarding The Deposit**

19 On January 8, 2020, an individual named Linda Conry deposited \$150.00 into  
20 Bonham's inmate banking account. NDOC banking records demonstrate the following  
21 deductions:

22 First, thirty dollars (\$30.00) were deducted from the deposit to pay a portion of  
23 Bonham's filing fee for his federal litigation. This reduced the deposit to \$120.00.

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2 payment for them.

3 Third, the NDOC deducted fifteen dollars (\$15.00) and placed it into Bonham's  
4 inmate savings fund. Bonham was then left with \$30.00.

5 Fourth, the NDOC deducted nine dollars (\$9.00) to pay for mail that Bonham wished  
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22 Pursuant to AR 258, the NDOC may deduct up to 50% of a deposit to pay for costs incurred  
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25 Inmate deductions are made by individuals assigned to the NDOC's Purchasing and  
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1 the alleged violation as required by §1983). The Nevada Court of Appeals further held that  
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4 The evidence presented demonstrates there is no genuine dispute of material fact  
5 regarding the Defendants' lack of personal participation. The uncontroverted evidence  
6 demonstrates the named Defendants do not work in the banking division, did not authorize  
7 any of the deductions, and did not participate in deducting the funds. As these Defendants  
8 are wholly unrelated to the banking division, this Court finds they are entitled to summary  
9 judgment on all claims.

#### 10 C. Bonham Did Not Show A Constitutional Violation

11 Even assuming Bonham demonstrated personal participation, he failed to show a  
12 constitutional violation. Bonham bases his constitutional claim on his belief that  
13 Defendants violated NDOC's AR 258. However, a violation of an institutional procedure  
14 does not automatically qualify as a constitutional violation. Bonham attempts to  
15 demonstrate that this was a violation of the Fourth, Fifth, and Fourteenth Amendments.  
16 Although similar, the amendments have differing standards. The Takings Clause of the  
17 Fifth Amendment limits the government's ability to take property without paying for it.<sup>2</sup>  
18 *Vance v. Barrett*, 345 F.3d 1083, 1086 (9th Cir. 2003). Meanwhile, the Due Process Clause  
19 of the Fourteenth Amendment requires appropriate procedural protections when the  
20 government takes property. *Id.*

21 The Ninth Circuit has already held the NDOC may deduct funds to pay for expenses  
22 incurred in maintaining and operating inmate accounts. *Id.* at 1089 ("[w]e have no trouble  
23 concluding that the officials may deduct [expenses relating to inmate accounts]"). Here,  
24 Bonham does not allege the legal copy charges or the legal postage charges were incorrect  
25 or unauthorized. Instead, Bonham simply complains the NDOC deducted too large a

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26 <sup>2</sup> As a threshold matter, there was no seizure or taking as the money was not taken  
27 for the government but was instead applied to pay debt Bonham admittedly incurred and  
28 authorized. This would be tantamount to a government entity deducting funds to pay for  
the payee's child support. The government does not keep the funds but instead applies it  
to an accrued debt.

1 percentage to pay these debts. As Bonham has not alleged or demonstrated that he did not  
2 authorize these charges, the Defendants are entitled to summary judgment on the Fifth  
3 Amendment claim.

4 Likewise, the Defendants are entitled to summary judgment on the Fourteenth  
5 Amendment clause. The Due Process Clause requires prison officials to create adequate  
6 procedurals governing inmate bank accounts. *Id.* at 1090-91 (discussing that prison  
7 administrators must create procedural safeguards, in compliance with statutory authority  
8 authorizing the deduction). Here, there is no dispute that NDOC has statutory authority  
9 to deduct money from inmate deposits. Specifically, NRS 209.246 states the NDOC  
10 Director, with approval from the Board of Prison Commissioners, may establish regulations  
11 authorizing the deduction of a “reasonable amount” of money from inmate deposits.<sup>3</sup>

12 As NDOC has statutory authorization to deduct money to pay for legal postage and  
13 copies, the next inquiry is whether there are competent procedural safeguards. Here, the  
14 uncontested evidence demonstrates NDOC’s AR’s are competent procedural safeguards  
15 because they provide both pre and post deprivation guidelines and reviews.

16 A Court recently found that AR 258, when combined with AR 740’s grievance  
17 procedures, “provide adequate procedural protections” and thus does not violate the Due  
18 Process Clause. *Antonetti v. McDaniels*, No. 3:16-cv-00396-MMD-WGC, 2021 WL 624241,  
19 at \* 21 (D. Nev. Jan. 25, 2021); *see also Beraha v. Nevada*, 3:17-cv-00366-RCJ-CLB, 2020  
20 WL 3949223, at \*5 (D. Nev. Apr. 27, 2020).

21 ///

22 <sup>3</sup> The Director shall, with the approval of the Board, establish by regulation criteria  
23 for a reasonable deduction from money credited to the account of an offender to:

24 2. Defray, as determined by the Director, a portion of the costs paid by the Department for  
25 medical care for the offender, including, but not limited to:

26 (a) Except as otherwise provided in paragraph (b) of subsection 1, expenses for medical  
27 or dental care, prosthetic devices and pharmaceutical items; and

28 (b) Expenses for prescribed medicine and supplies.

3. Repay the costs incurred by the Department on behalf of the offender for:

(a) Postage for personal items and items related to litigation;

(b) Photocopying of personal documents and legal documents, for which the offender  
must be charged a reasonable fee not to exceed the actual costs incurred by the Department;

(c) Legal supplies;

1 As a threshold matter, NDOC's alleged violation of its own policy does not create a  
2 Due Process violation. The Supreme Court has rejected the argument that prison  
3 regulations create a liberty interest and therefore violations of policy violate the Due  
4 Process Clause. *See Sandin v. Conner*, 515 U.S. 472, 482-84 (1995) (rejecting the argument  
5 that a prison regulation creates a liberty interest protected by the Due Process Clause); *see*  
6 *also Machlan v. Neven*, No. 3:13-cv-00337-MMD, 2015 WL 1412748, at \* 12 (D. Nev. Mar.  
7 27, 2015) (*aff'd*, 656 F. App'x 365 (9th Cir. 2016)) ("Stated differently, prison officials do not  
8 offend the Constitution by ignoring prison [regulations]). Thus, the question is not whether  
9 NDOC violated its own regulations, but whether NDOC has appropriate safeguards to  
10 govern deductions.<sup>4</sup> Multiple courts have already answered in the affirmative.

11 Administrative Regulation 258 provides the first safeguard concerning inmate  
12 accounting issues. Inmates with concerns regarding deductions or other banking issues can  
13 submit a fiscal inquiry regarding the issue. The inmate's caseworker first attempts to  
14 address the issue, and if they are unable to, the issue is escalated to Inmate Services  
15 Banking Services (ISBS). Thus, AR 258 creates at least two safeguards for inmate  
16 deductions.

17 Additionally, AR 740, the grievance process, creates yet another safeguard for  
18 inmate deductions. Inmates who believe the banking division made an error may submit a  
19 grievance challenging the action. Grievances go through at least three different levels of  
20 review. **First**, the informal grievance is reviewed by the assigned caseworker. **Second**, the  
21 inmate may appeal and grievance denial to the Warden's office for review. **Third**, the  
22 inmate may appeal the Warden's decision to a Deputy Director for review. The Deputy  
23 Director of Support Services reviews second level grievances concerning banking issues.

24 ///

25 ///

26  
27 <sup>4</sup> *See also Brewster v. Dretke*, 587 F.3d 764, 768 (5th Cir. 2009) (noting a prison  
28 official's failure to follow regulations does not violate the Due Process clause so long as the  
constitutional minima is met).

1 Because there is statutory authority authorizing the Director to determine the  
2 appropriate deduction percentage, and there are appropriate procedural safeguards,  
3 Defendants are entitled to summary judgment on all claims.

4 **D. Defendants Are Entitled To Qualified Immunity**

5 Even assuming Defendants violated Plaintiff's constitutional rights, this Court finds  
6 the Defendants are entitled to Qualified Immunity.

7 It is a long-standing principle that governmental officials are shielded from civil  
8 liability under the doctrine of Qualified Immunity. *Harlow v. Fitzgerald*, 457 U.S. 800, 818  
9 (1982).

10 The defense of qualified immunity protects "government officials  
11 . . . from liability for civil damages insofar as their conduct does  
12 not violate clearly established statutory or constitutional rights  
13 of which a reasonable person would have known." The rule of  
14 qualified immunity "provides ample support to all but the  
15 plainly incompetent or those who knowingly violate the law."  
16 "Therefore, *regardless of whether the constitutional violation*  
17 *occurred*, the officer should prevail if the right asserted by the  
18 plaintiff was not 'clearly established' or the officer could have  
19 reasonably believed that his particular conduct was lawful."  
20 Furthermore, "[t]he entitlement is an immunity from suit rather  
21 than a mere defense to liability; ... it is effectively lost if a case is  
22 erroneously permitted to go to trial."

23 *Shroeder v. McDonald*, 55 F.3d 454, 461 (9th Cir. 1995) (emphasis in original; internal  
24 citations omitted).

25 When conducting the Qualified Immunity Analysis, courts "ask (1) whether the  
26 official violated a constitutional right and (2) whether the constitutional right was clearly  
27 established." *C.B. v. City of Sorona*, 769 F.3d 1005, 1022 (9th Cir. 2014) (internal citation  
28 omitted).

29 The second inquiry, whether the Constitutional right in question was clearly  
30 established, is an objective inquiry that turns on whether a reasonable official in the  
31 position of the defendant knew or should have known at the time of the events in question  
32 that his or her conduct was Constitutionally infirm. *Anderson v. Creighton*, 483 U.S. 635,  
33 639-40 (1987); *Lacey v. Maricopa Cty.*, 693 F.3d 896, 915 (9th Cir. 2012). Only where a  
34 governmental official's belief as to the constitutionality of his or her conduct is "plainly

1 incompetent” is Qualified Immunity unavailable. *Stanton v. Sims*, 134 S.Ct. 3, 5 (2013)  
2 (per curiam). Governmental officials are entitled to high deference when making this  
3 determination (*Anderson*, 483 U.S. at 640), requiring the Court to assess whether Qualified  
4 Immunity is appropriate “in light of the specific context of the case.” *Tarabochia v. Adkins*,  
5 766 F.3d 1115, 1121 (9th Cir. 2014) (quoting *Robinson v. York*, 566 F.3d 817, 821 (9th Cir.  
6 2009)). The Ninth Circuit recently clarified that Qualified Immunity applies when “their  
7 conduct does not violate clearly established Statutory or Constitutional rights of which a  
8 reasonable person would have known[.]” *Emmons v. City of Escondido*, 921 F.3d 1172,  
9 1174 (9th Cir. 2019).

10 In determining “whether a [constitutional] right was clearly established,” this Court  
11 is to survey the law within this Circuit and under Supreme Court precedent “at the time of  
12 the alleged act.” *Perez v. United States*, 103 F.Supp. 3d 1180, 1208 (S. D. Cal. 2015)  
13 (quoting *Cnty. House, Inc. v. City of Boise*, 623 F.3d 945, 967 (2010) (citing *Bryan v.*  
14 *MacPherson*, 630 F.3d 805, 933 (9th Cir. 2010)). As such, “liability will not attach unless  
15 there exists a case where an officer acting under similar circumstances . . . was held to have  
16 violated the [Eighth Amendment.]” *Emmons*, 921 F.3d at 1174 (citing *White v. Pauly*, 137  
17 U.S. 548, 551-52 (2017) (per curiam)).<sup>5</sup> Although there need not be an identical case,  
18 “existing precedent must have placed the . . . question beyond debate.” *Ashcroft v. al-Kidd*,  
19 563 U.S. 731, 741 (2011).

20 The question presented for this Court’s review is whether there is a clearly  
21 established constitutional right prohibiting prison officials from deducting more than 50%  
22 of an inmate’s deposit to pay for an inmate’s debt. Defendants contend there is not any  
23 authority that clearly establishes the maximum percentage that can be deducted. See  
24 *Loard v. Sorenson*, 561 F. App’x 703, 705 (10th Cir. 2014) (noting Utah deducts 60% of an  
25 inmate’s wages to pay restitution).

26  
27 <sup>5</sup> As recently as September 2020, the Ninth Circuit affirmed the importance of  
28 qualified immunity in the prison context. See *Cates v. Stroud*, 2020 WL 5742058 (9th Cir.  
2020) (holding prison officials were entitled to qualified immunity for conducting a strip  
search of a prison visitor).

1 This Court agrees. There is no constitutionally established right preventing prison  
2 officials from deducting more than 50% of an inmate's deposit to pay for an inmate's debt.  
3 Accordingly, Defendants are entitled to qualified immunity.

4 **IT IS SO ORDERED:** Defendants' Motion for Summary Judgment is **GRANTED**.

5 DATED this 4 day of <sup>Aug</sup>~~July~~, 2021.

6  
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8   
DISTRICT JUDGE

9 SUBMITTED BY:

10 AARON D. FORD  
11 Attorney General

12 By /s/ Katlyn M. Brady  
13 KATLYN M. BRADY (Bar No. 14173)  
14 Senior Deputy Attorney General  
Attorneys for Defendants  
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12 Email: katlynbrady@ag.nv.gov

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15 *Charles Daniels, Tim Garrett, and Carter Potter*

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12 CLARK COUNTY, NEVADA

13 BRYAN BONHAM,

14 Plaintiff,

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16 STATE OF NEVADA ex rel NEVADA  
17 DEPARTMENT OF CORRECTIONS, *et al.*,

18 Defendants.

Case No. A-20-823142-C

Dept. XXIX

19 NOTICE OF ENTRY OF PROPOSED ORDER

20 TO ALL INTERESTED PARTIES:

21 PLEASE TAKE NOTICE that the **PROPOSED ORDER** was entered in the  
22 above-entitled action on the 5th day of August, 2021, a copy of which is attached hereto.

23 DATED this 6th day of August, 2021.

24 AARON D. FORD  
25 Attorney General

26 By: /s/ Katlyn M. Brady  
27 KATLYN M. BRADY (Bar No. 14173)  
28 Senior Deputy Attorney General

*Attorneys for Defendants*

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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 August 5, 2021, I electronically filed the foregoing **NOTICE OF ENTRY OF PROPOSED ORDER** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by emailing a copy at Las Vegas, Nevada, addressed to the following:

Bryan Bonham, #60575  
High Desert State Prison  
P.O. Box 650  
Indian Springs, Nevada 89070  
Email: HDSP\_LawLibrary@doc.nv.gov  
*Plaintiff, Pro Se*

/s/ Carol A. Knight  
CAROL A. KNIGHT, an employee of the  
Office of the Nevada Attorney General



1 ORDR  
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10 **C. Bonham Did Not Show A Constitutional Violation**

11 Even assuming Bonham demonstrated personal participation, he failed to show a  
12 constitutional violation. Bonham bases his constitutional claim on his belief that  
13 Defendants violated NDOC's AR 258. However, a violation of an institutional procedure  
14 does not automatically qualify as a constitutional violation. Bonham attempts to  
15 demonstrate that this was a violation of the Fourth, Fifth, and Fourteenth Amendments.  
16 Although similar, the amendments have differing standards. The Takings Clause of the  
17 Fifth Amendment limits the government's ability to take property without paying for it.<sup>2</sup>  
18 *Vance v. Barrett*, 345 F.3d 1083, 1086 (9th Cir. 2003). Meanwhile, the Due Process Clause  
19 of the Fourteenth Amendment requires appropriate procedural protections when the  
20 government takes property. *Id.*

21 The Ninth Circuit has already held the NDOC may deduct funds to pay for expenses  
22 incurred in maintaining and operating inmate accounts. *Id.* at 1089 ("[w]e have no trouble  
23 concluding that the officials may deduct [expenses relating to inmate accounts]"). Here,  
24 Bonham does not allege the legal copy charges or the legal postage charges were incorrect  
25 or unauthorized. Instead, Bonham simply complains the NDOC deducted too large a

26 <sup>2</sup> As a threshold matter, there was no seizure or taking as the money was not taken  
27 for the government but was instead applied to pay debt Bonham admittedly incurred and  
28 authorized. This would be tantamount to a government entity deducting funds to pay for  
the payee's child support. The government does not keep the funds but instead applies it  
to an accrued debt.

1 percentage to pay these debts. As Bonham has not alleged or demonstrated that he did not  
2 authorize these charges, the Defendants are entitled to summary judgment on the Fifth  
3 Amendment claim.

4 Likewise, the Defendants are entitled to summary judgment on the Fourteenth  
5 Amendment clause. The Due Process Clause requires prison officials to create adequate  
6 procedurals governing inmate bank accounts. *Id.* at 1090-91 (discussing that prison  
7 administrators must create procedural safeguards, in compliance with statutory authority  
8 authorizing the deduction). Here, there is no dispute that NDOC has statutory authority  
9 to deduct money from inmate deposits. Specifically, NRS 209.246 states the NDOC  
10 Director, with approval from the Board of Prison Commissioners, may establish regulations  
11 authorizing the deduction of a “reasonable amount” of money from inmate deposits.<sup>3</sup>

12 As NDOC has statutory authorization to deduct money to pay for legal postage and  
13 copies, the next inquiry is whether there are competent procedural safeguards. Here, the  
14 uncontested evidence demonstrates NDOC’s AR’s are competent procedural safeguards  
15 because they provide both pre and post deprivation guidelines and reviews.

16 A Court recently found that AR 258, when combined with AR 740’s grievance  
17 procedures, “provide adequate procedural protections” and thus does not violate the Due  
18 Process Clause. *Antonetti v. McDaniels*, No. 3:16-cv-00396-MMD-WGC, 2021 WL 624241,  
19 at \* 21 (D. Nev. Jan. 25, 2021); *see also Beraha v. Nevada*, 3:17-cv-00366-RCJ-CLB, 2020  
20 WL 3949223, at \*5 (D. Nev. Apr. 27, 2020).

21 ///

22 <sup>3</sup> The Director shall, with the approval of the Board, establish by regulation criteria  
23 for a reasonable deduction from money credited to the account of an offender to:

24 2. Defray, as determined by the Director, a portion of the costs paid by the Department for  
25 medical care for the offender, including, but not limited to:

26 (a) Except as otherwise provided in paragraph (b) of subsection 1, expenses for medical  
27 or dental care, prosthetic devices and pharmaceutical items; and

28 (b) Expenses for prescribed medicine and supplies.

3. Repay the costs incurred by the Department on behalf of the offender for:

(a) Postage for personal items and items related to litigation;

(b) Photocopying of personal documents and legal documents, for which the offender  
must be charged a reasonable fee not to exceed the actual costs incurred by the Department;

(c) Legal supplies;



1 As a threshold matter, NDOC's alleged violation of its own policy does not create a  
2 Due Process violation. The Supreme Court has rejected the argument that prison  
3 regulations create a liberty interest and therefore violations of policy violate the Due  
4 Process Clause. *See Sandin v. Conner*, 515 U.S. 472, 482-84 (1995) (rejecting the argument  
5 that a prison regulation creates a liberty interest protected by the Due Process Clause); *see*  
6 *also Machlan v. Neven*, No. 3:13-cv-00337-MMD, 2015 WL 1412748, at \* 12 (D. Nev. Mar.  
7 27, 2015) (*aff'd*, 656 F. App'x 365 (9th Cir. 2016)) ("Stated differently, prison officials do not  
8 offend the Constitution by ignoring prison [regulations]). Thus, the question is not whether  
9 NDOC violated its own regulations, but whether NDOC has appropriate safeguards to  
10 govern deductions.<sup>4</sup> Multiple courts have already answered in the affirmative.

11 Administrative Regulation 258 provides the first safeguard concerning inmate  
12 accounting issues. Inmates with concerns regarding deductions or other banking issues can  
13 submit a fiscal inquiry regarding the issue. The inmate's caseworker first attempts to  
14 address the issue, and if they are unable to, the issue is escalated to Inmate Services  
15 Banking Services (ISBS). Thus, AR 258 creates at least two safeguards for inmate  
16 deductions.

17 Additionally, AR 740, the grievance process, creates yet another safeguard for  
18 inmate deductions. Inmates who believe the banking division made an error may submit a  
19 grievance challenging the action. Grievances go through at least three different levels of  
20 review. **First**, the informal grievance is reviewed by the assigned caseworker. **Second**, the  
21 inmate may appeal and grievance denial to the Warden's office for review. **Third**, the  
22 inmate may appeal the Warden's decision to a Deputy Director for review. The Deputy  
23 Director of Support Services reviews second level grievances concerning banking issues.

24 ///

25 ///

26  
27 <sup>4</sup> *See also Brewster v. Dretke*, 587 F.3d 764, 768 (5th Cir. 2009) (noting a prison  
28 official's failure to follow regulations does not violate the Due Process clause so long as the  
constitutional minima is met).

1 Because there is statutory authority authorizing the Director to determine the  
2 appropriate deduction percentage, and there are appropriate procedural safeguards,  
3 Defendants are entitled to summary judgment on all claims.

4 **D. Defendants Are Entitled To Qualified Immunity**

5 Even assuming Defendants violated Plaintiff's constitutional rights, this Court finds  
6 the Defendants are entitled to Qualified Immunity.

7 It is a long-standing principle that governmental officials are shielded from civil  
8 liability under the doctrine of Qualified Immunity. *Harlow v. Fitzgerald*, 457 U.S. 800, 818  
9 (1982).

10 The defense of qualified immunity protects "government officials  
11 . . . from liability for civil damages insofar as their conduct does  
12 not violate clearly established statutory or constitutional rights  
13 of which a reasonable person would have known." The rule of  
14 qualified immunity "provides ample support to all but the  
15 plainly incompetent or those who knowingly violate the law."  
16 "Therefore, *regardless of whether the constitutional violation*  
17 *occurred*, the officer should prevail if the right asserted by the  
18 plaintiff was not 'clearly established' or the officer could have  
19 reasonably believed that his particular conduct was lawful."  
20 Furthermore, "[t]he entitlement is an immunity from suit rather  
21 than a mere defense to liability; ... it is effectively lost if a case is  
22 erroneously permitted to go to trial."

23 *Shroeder v. McDonald*, 55 F.3d 454, 461 (9th Cir. 1995) (emphasis in original; internal  
24 citations omitted).

25 When conducting the Qualified Immunity Analysis, courts "ask (1) whether the  
26 official violated a constitutional right and (2) whether the constitutional right was clearly  
27 established." *C.B. v. City of Sorona*, 769 F.3d 1005, 1022 (9th Cir. 2014) (internal citation  
28 omitted).

29 The second inquiry, whether the Constitutional right in question was clearly  
30 established, is an objective inquiry that turns on whether a reasonable official in the  
31 position of the defendant knew or should have known at the time of the events in question  
32 that his or her conduct was Constitutionally infirm. *Anderson v. Creighton*, 483 U.S. 635,  
33 639-40 (1987); *Lacey v. Maricopa Cty.*, 693 F.3d 896, 915 (9th Cir. 2012). Only where a  
34 governmental official's belief as to the constitutionality of his or her conduct is "plainly

1 incompetent” is Qualified Immunity unavailable. *Stanton v. Sims*, 134 S.Ct. 3, 5 (2013)  
2 (per curiam). Governmental officials are entitled to high deference when making this  
3 determination (*Anderson*, 483 U.S. at 640), requiring the Court to assess whether Qualified  
4 Immunity is appropriate “in light of the specific context of the case.” *Tarabochia v. Adkins*,  
5 766 F.3d 1115, 1121 (9th Cir. 2014) (quoting *Robinson v. York*, 566 F.3d 817, 821 (9th Cir.  
6 2009)). The Ninth Circuit recently clarified that Qualified Immunity applies when “their  
7 conduct does not violate clearly established Statutory or Constitutional rights of which a  
8 reasonable person would have known[.]” *Emmons v. City of Escondido*, 921 F.3d 1172,  
9 1174 (9th Cir. 2019).

10 In determining “whether a [constitutional] right was clearly established,” this Court  
11 is to survey the law within this Circuit and under Supreme Court precedent “at the time of  
12 the alleged act.” *Perez v. United States*, 103 F.Supp. 3d 1180, 1208 (S. D. Cal. 2015)  
13 (quoting *Cnty. House, Inc. v. City of Boise*, 623 F.3d 945, 967 (2010) (citing *Bryan v.*  
14 *MacPherson*, 630 F.3d 805, 933 (9th Cir. 2010)). As such, “liability will not attach unless  
15 there exists a case where an officer acting under similar circumstances . . . was held to have  
16 violated the [Eighth Amendment.]” *Emmons*, 921 F.3d at 1174 (citing *White v. Pauly*, 137  
17 U.S. 548, 551-52 (2017) (per curiam)).<sup>5</sup> Although there need not be an identical case,  
18 “existing precedent must have placed the . . . question beyond debate.” *Ashcroft v. al-Kidd*,  
19 563 U.S. 731, 741 (2011).

20 The question presented for this Court’s review is whether there is a clearly  
21 established constitutional right prohibiting prison officials from deducting more than 50%  
22 of an inmate’s deposit to pay for an inmate’s debt. Defendants contend there is not any  
23 authority that clearly establishes the maximum percentage that can be deducted. See  
24 *Loard v. Sorenson*, 561 F. App’x 703, 705 (10th Cir. 2014) (noting Utah deducts 60% of an  
25 inmate’s wages to pay restitution).

26  
27 <sup>5</sup> As recently as September 2020, the Ninth Circuit affirmed the importance of  
28 qualified immunity in the prison context. See *Cates v. Stroud*, 2020 WL 5742058 (9th Cir.  
2020) (holding prison officials were entitled to qualified immunity for conducting a strip  
search of a prison visitor).

1 This Court agrees. There is no constitutionally established right preventing prison  
2 officials from deducting more than 50% of an inmate's deposit to pay for an inmate's debt.  
3 Accordingly, Defendants are entitled to qualified immunity.

4 **IT IS SO ORDERED:** Defendants' Motion for Summary Judgment is **GRANTED**.

5 DATED this 4 day of <sup>Aug</sup>~~July~~, 2021.

6  
7  
8   
DISTRICT JUDGE

9 SUBMITTED BY:

10 AARON D. FORD  
11 Attorney General

12 By /s/ Katlyn M. Brady  
13 KATLYN M. BRADY (Bar No. 14173)  
14 Senior Deputy Attorney General  
Attorneys for Defendants  
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1 Bryan P. Borham

2 P.O. Box 650 (HOSP)

3 Indian Springs, NEV 89070

4

5

EIGHTH JUDICIAL DISTRICT COURT

6

CLARK COUNTY, NEVADA

7

8 Bryan P. Borham

CASE NO. A-20-823142-C

9

10 -VS-

11 STATE OF NEVADA ex rel.

NOTICE OF APPEAL

12

13 TO:

14 Deputy Attorney General

15 Kathryn M. Brady

16 555 E. Washington Ave STE 3400

17 LV. NV 89101

18 please take notice that the undersigned in the above action gives HIS

19 Notice of Appeal of order ~~granting~~ given on August 4, 2021 Granting

20 Summary Judgment to Defendants.

21

22



23 Bryan P. Borham 60525

24 P.O. Box 650 HOSP

25 Indian Springs, NEV 89070

26

27

RECEIVED

28

AUG 30 2021

CLERK OF THE COURT

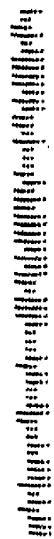
Bryan Brannan 605575  
PO Box 650 HOSP  
Indian Springs, NV 89070

LAS VEGAS NV 890  
26 AUG 2021 PM 3 L

Clerk of the Court  
Regional Justice Center  
200 Lewis Ave 3rd Floor  
LV NV 89155

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HIGH DESERT STATE PRISON  
AUG 16 2021  
UNIT 9



1 ASTA

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

9 BRYAN BONHAM,

10 Plaintiff(s),

11 vs.

12  
13 STATE OF NEVADA; NEVADA DEPT OF  
14 CORRECTIONS; CHARLES DANIELS; T.  
GARRETT; C. POTTER,

15 Defendant(s),

Case No: A-20-823142-C

Dept No: XXIX

16  
17  
18 **CASE APPEAL STATEMENT**

19 1. Appellant(s): Bryan Bonham

20 2. Judge: David Barker

21 3. Appellant(s): Bryan Bonham

22 Counsel:

23 Bryan Bonham #60575  
24 P.O. Box 650  
25 Indian Springs, NV 89070

26 4. Respondent (s): State of Nevada; Nevada Dept of Corrections; Charles Daniels; T. Garrett; C.  
Potter

27 Counsel:  
28

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, October 20, 2020  
*\*\*Expires 1 year from date filed*  
Appellant Filed Application to Proceed in Forma Pauperis: Yes,  
Date Application(s) filed: December 8, 2020

9. Date Commenced in District Court: October 15, 2020

10. Brief Description of the Nature of the Action: Unknown

Type of Judgment or Order Being Appealed: Summary Judgment

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 82800, 83033

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 1 day of September 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: Bryan Bonham



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**January 20, 2021**

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A-20-823142-C	Bryan Bonham, Plaintiff(s)
	vs.
	Nevada State of, Defendant(s)

---

<b>January 20, 2021</b>	<b>3:00 AM</b>	<b>Motion</b>
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<b>HEARD BY:</b> Jones, David M	<b>COURTROOM:</b> Chambers
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**COURT CLERK:** Michaela Tapia

**RECORDER:** Melissa Delgado-Murphy

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- No parties present.

The Request to Extend time not being appropriate, COURT ORDERED, Motion to Reuquest and Extension of Time to Serve Defendants DENIED; request to proceed in forma pauperis GRANTED. Movant to prepare the order.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**February 09, 2021**

---

A-20-823142-C      Bryan Bonham, Plaintiff(s)  
vs.  
Nevada State of, Defendant(s)

---

**February 09, 2021      9:00 AM      Motion for Preliminary  
Injunction**

**HEARD BY:** Jones, David M

**COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Michaela Tapia

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- No parties present.

COURT FINDS, the motion being incorrect and not sent to the proper authorities, and ORDERED,  
motion DENIED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**March 17, 2021**

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A-20-823142-C	Bryan Bonham, Plaintiff(s) vs. Nevada State of, Defendant(s)
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<b>March 17, 2021</b>	<b>3:00 AM</b>	<b>Motion</b>
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<b>HEARD BY:</b> Jones, David M	<b>COURTROOM:</b> Chambers
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**COURT CLERK:** Michaela Tapia

**RECORDER:** Melissa Delgado-Murphy

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Having reviewed the motion and the opposition, and based on the grounds set forth by the State of Nevada, COURT ORDERED, motion GRANTED. State to prepare the order.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

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

## Other Civil Matters

# COURT MINUTES

April 06, 2021

A-20-823142-C      Bryan Bonham, Plaintiff(s)  
vs.  
Nevada State of, Defendant(s)

**April 06, 2021                      9:00 AM                      Motion**

**HEARD BY:** Barker, David                      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Michaela Tapia

**RECORDER:** Melissa Delgado-Murphy

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- No parties present.

COURT FINDS, having reviewed the register of action in Odyssey, the Motion to Dismiss was filed but never set for hearing and ORDERED, matter SET for hearing.

5/11/21 9:00 AM MOTION TO DISMISS

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**May 11, 2021**

---

A-20-823142-C	Bryan Bonham, Plaintiff(s) vs. Nevada State of, Defendant(s)
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<b>May 11, 2021</b>	<b>9:00 AM</b>	<b>Motion to Dismiss</b>
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<b>HEARD BY:</b> Jones, David M	<b>COURTROOM:</b> RJC Courtroom 15A
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**COURT CLERK:** Michaela Tapia

**RECORDER:** Melissa Delgado-Murphy

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Amy Porray present on behalf of the Attorney General's Office.

Court noted the appeal was dismissed and there was no opposition to this motion. COURT ORDERED, Motion for Summary Judgment GRANTED. State to prepare the order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**July 08, 2021**

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A-20-823142-C      Bryan Bonham, Plaintiff(s)  
vs.  
Nevada State of, Defendant(s)

---

**July 08, 2021      9:00 AM      Motion**

**HEARD BY:** Jones, David M      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Michaela Tapia

**RECORDER:** Melissa Delgado-Murphy

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- No parties present.

The documents being improper and there being no basis, COURT ORDERED, motion DENIED. State to prepare the order. State to prepare the order from the 4/6/21 hearing granting the underlying motion as ordered by the Court. Further, State to prepare the order granting the Motion for Summary Judgment from 5/11/21. FURTHER, matter SET for status check.

8/5/21 9:00 AM STATUS CHECK: ORDERS FILED

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**August 05, 2021**

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A-20-823142-C	Bryan Bonham, Plaintiff(s) vs. Nevada State of, Defendant(s)
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<b>August 05, 2021</b>	<b>9:00 AM</b>	<b>Status Check</b>
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<b>HEARD BY:</b> Barker, David	<b>COURTROOM:</b> RJC Courtroom 15A
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**COURT CLERK:** Michaela Tapia

**RECORDER:** Melissa Delgado-Murphy

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Porray, Amy A.	Attorney
-----------------	----------------	----------

**JOURNAL ENTRIES**

- Ms. Porray submitted the requested orders on 7/27/21. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 9/9/21 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**August 24, 2021**

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A-20-823142-C      Bryan Bonham, Plaintiff(s)  
vs.  
Nevada State of, Defendant(s)

---

**August 24, 2021      3:00 AM      Minute Order**

**HEARD BY:** Jones, David M      **COURTROOM:** Chambers

**COURT CLERK:** Michaela Tapia

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The necessary orders having been filed, COURT ORDERED, the status check set for 9/9/21 is VACATED.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt



# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated September 13, 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 three volumes with pages numbered 1 through 530.

BRYAN BONHAM,

Plaintiff(s),

vs.

STATE OF NEVADA; NEVADA DEPT OF  
CORRECTIONS; CHARLES DANIELS; T.  
GARRETT; C. POTTER,

Defendant(s),

Case No: A-20-823142-C

Dept. No: XXIX

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 14 day of September 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk