



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

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Jul 19 2021 04:24 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

July 19, 2021

Elizabeth A. Brown  
Clerk of the Court  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. ALAN DEMETRIUS DANIELS  
**S.C. CASE: 83186**  
D.C. CASE: 99C156246

Dear Ms. Brown:

Pursuant to your Order Directing Entry and Transmission of Written Order, dated July 15, 2021, enclosed is a certified copy of the Order Denying Defendant's Petition for Writ of Prohibition filed July 16, 2021 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,  
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Heather Ungermann", with a long horizontal flourish extending to the right.

Heather Ungermann, Deputy Clerk

1 **ORDR**

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

4 THE STATE OF NEVADA,

5 Plaintiff

6 v.

7 ALAN D DANIELS,

8 Defendant

Case No.: 99C156246

Dept. No.: XXV

9  
10 **ORDER DENYING DEFENDANT'S PETITION FOR WRIT OF PROHIBITION**

11 THIS MATTER having come on for hearing before the above entitled Court on the  
12 30th day of June, 2021, the Defendant not being present, IN PROPER PERSON, the Plaintiff  
13 being represented by STEVEN B. WOLFSON, District Attorney, through JOHN T. JONES,  
14 JR., Chief Deputy District Attorney, and the Court without argument took under advisement,  
15 based on the pleadings and good cause appearing, the Court hereby finds and orders as  
16 follows:

17 The Petitioner requests that the Court issue a Writ of Prohibition that would  
18 command the Nevada Department of Corrections (NDC) to cease and desist from removing  
19 funds from the inmate account. The Petitioner argues that the NDC lacks the authority to  
20 seize money from his account to enforce restitution payment since jurisdiction is vested  
21 solely with the Court pursuant to NRS 176.275. However, there is no entitlement to relief  
22 because the Writ of Prohibition is not the correct mechanism to be utilized in these  
23 circumstances.

24 A writ of prohibition may be used by a court to order a "tribunal, corporation, board  
25 or person exercising judicial functions" to refrain from doing an act in excess of its  
26 jurisdiction. NRS 34.320. While there may be an argument that there is some seizure of  
27 funds occurring that is a remotely related to or a natural consequence of a judicial function,  
28 the Court is not persuaded by that argument. As argued by the State, the NDC is not a

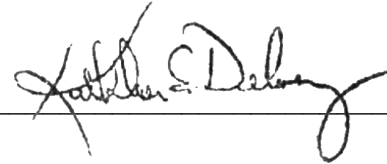
KATHLEEN E. DELANEY  
DISTRICT JUDGE  
DEPARTMENT XXV

1 judicial body, but rather an agency within the executive branch of Nevada's state  
2 government. NDC engaging in its practices to take funds out of the inmate's account to pay  
3 restitution does not constitute a judicial function that would result in this Court having  
4 jurisdiction to issue a writ of prohibition.

5 A writ of prohibition may only issue "where there is not a plain, speedy and adequate  
6 remedy in the ordinary course of law." NRS 34.330; *see also Sonia F. v. Eighth Jud. Dist.*  
7 *Ct.*, 125 Nev. 495, 498, 215 P.3d 705, 707 (2009). As argued by the State, that is not the case  
8 here. If Defendant wishes to challenge the seizure of funds in his inmate account by the  
9 NDC, he may avail himself of administrative remedies or file a civil lawsuit alleging trespass  
10 to property or conversion. Further, if he believes that he can demonstrate that the NDC's  
11 actions have "deprive[d] him of a right, privilege, or immunity protected by the Constitution  
12 or laws of the United States," he may also be able to file a civil rights complaint pursuant to  
13 42 U.S.C. § 1983. *Butler ex rel. Biller v. Bayer*, 123 Nev. 450, 458, 168 P.3d 1055, 1061  
14 (2007).

15 Accordingly, IT IS HEREBY ORDERED that the Defendant's Petition for Writ of  
16 Prohibition is DENIED.

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18  
19 Dated this 16th day of July, 2021

20   
21  
22

23 **17A DF5 4402 28C4**  
24 **Kathleen E. Delaney**  
25 **District Court Judge**

26 July 19, 2021



1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 The State of Nevada vs Alan D  
Daniels

CASE NO: 99C156246

7 DEPT. NO. Department 25

8  
9 **AUTOMATED CERTIFICATE OF SERVICE**

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

13 Service Date: 7/16/2021

14 Department XXV

Dept25LC@clarkcountycourts.us