

1 CASE No 27CV-WR1-2021-0255

2 Pursuant to NRS 239B.030, the

3 undersigned affirms that this document

4 does not contain social security numbers.

5

6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF PERSHING

8

9 MARQUISE BELLAMY,

10 Petitioner,

11

12 v.

13

14 WARDEN GARRETT OF L.C.C.,

15 STATE OF NEVADA, et al.,

16 Respondents/Defendant

17

18 NOTICE IS GIVEN that Petitioner, Marquise Bellamy in Pro-
19 se, hereby appears to the Nevada Supreme Court, the Court's
20 ORDER that Bellamy is referred to the NDOC Director for
21 consideration of forfeiture of credits as deemed appropriate.
22 filed/entered on or about the 18th day of JAN 2022,
23 in the above-entitled Court.

24 DATED THIS 26 DAY OF JAN, 2022

25

26

27

28

Signed Marquise Bellamy # 1102898
L.C.C. 1200 Prison Road
Hawlock, Nevada 89419-Petitioner-In Pro Se
1 of 2 Docket 84196 Document 2022-04228

Electronically Filed
Feb 08 2022 09:39 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOTICE OF APPEAL

CERTIFICATE OF SERVICE

I do CERTIFY that I mailed a true and correct
copy of the foregoing Notice of Appeal to the
below address(es) on this 26 day of Jan 2022,
by placing same in the U.S. Mail via Prison law library
staff: addressed as follows:

ELEVENTH JUD-DIST. COURT	OFFICE OF THE A.G. OF NV.
P.O. Box H. Pershing County NV	100 N. Carson Street
Love Lock, Nevada 89419	Carson City, NV 89701

Sgt. Major Bury

Marquise Bellamy #1102898

L.C.C. 1200 Prison Rd. Lovelock, NV, 89419

Petitioner IN PRO SE

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding
NOTICE OF APPEAL Filed in the District Court case no. —
27CV-WRI-2021-0255 does not contain the Social Security
number of any person. DATED this 26 day of JAN 2022

Sgt. Major Bury

Marquise Bellamy #1102898

Petitioner IN PRO SE

Case No. 27CV-WR1-2021-0255

Pursuant to NRS 239B.030, the undersigned affirms that this Document does not contain social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

Marquise Bellamy,

Petitioner,

vs.

Warden Garrett of L.C.C., State of Nevada, et
al.,

Respondents/Defendant.

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

Marquise Bellamy

2. Identify the judge issuing the decision, judgment or order appealed from:

Honorable Jim C. Shirley

3. Identify each appellant and the name and address of counsel for each appellant:

Marquise Bellamy

Pro Per
1200 Prison Road/LCC

1 Lovelock, NV. 89419

- 2 4. Identify each respondent and the name and address of appellate counsel, if
3 known, for each respondent (if the name of a respondent's appellate counsel
4 is unknown, indicate as much and provide the name and address of that
5 respondent's trial counsel):

6 Warden Garrett of L.C.C.
7 State of Nevada

8 Office of the Attorney General
9 100 North Carson Street
10 Carson City, NV. 89701

- 11 5. Indicate whether any attorney identified above in response to question 3 or
12 4 is not licensed to practice law in Nevada and, if so whether the district
13 court granted that attorney permission to appear under SCR 42 (attach a
14 copy of any district court order granting such permission):

15 N/A

- 16 6. Indicate whether appellant was represented by appointed or retained counsel
17 in the district court:

18 No, Pro Per

- 19 7. Indicate whether appellant is represented by appointed or retained counsel
20 on appeal:

21 No, Pro Per

- 22 8. Indicate whether appellant was granted leave to proceed in forma pauperis,
23 and the date of entry of the district court order granting such leave:

24 No Order to Proceed in Forma Pauperis was granted.

9. Indicate the date the proceedings commenced in the district court (e.g., date
complaint, indictment, information, or petition was filed):

A Petition for Writ of Habeas Corpus Computation of Time was filed on
10/06/21.

10. Provide a brief description of the nature of the action and result in the
district court, including the type of judgment or order being appealed and
the relief granted by the district court:

1 Petitioner filed a Petition for Writ of Habeas Corpus Computation of Time
2 on 10/06/21. Warden Garrette's Motion to Dismiss Bellamy's Petition for
3 Writ of Habeas Corpus Challenging Computation of Time was filed on
4 12/20/21. An Order Granting Warden Garrette's Motion to Dismiss
5 Bellamy's Petition for Writ of Habeas Corpus was filed on 01/18/22. A
6 Notice of Appeal was filed on 02/02/22, which resulted in this instant
7 appeal.

8 11. Indicate whether the case has previously been the subject of an appeal to or
9 original writ proceeding in the Supreme Court and, if so, the caption and
10 Supreme Court docket number of the prior proceeding:

11 This case has not previously been appealed to the Supreme Court.

12 12. Indicate whether this appeal involves child custody or visitation: No

13 13. If this is a civil case, indicate whether this appeal involves the possibility of
14 settlement: No, an Order Granting Warden Garrette's Motion to Dismiss
15 Bellamy's Petition for Writ of Habeas Corpus Challenging Computation of
16 Time was filed.

17 Dated this 2nd day of February 2022.

18 /s/ Carol Elerick
19 Carol Elerick
20 Senior Court Clerk
21 P.O. Box H
22 Lovelock, NV. 89419
23 (775) 273-2410
24

Case Snapshot: Wed Feb 02 10:36:27 PST 2022

Case Number: 27CV-WR1-2021-0255

Case Name: Marquise Bellamy vs Warden Garrett of Lovelock Correctional Center, State of Nevada, et al.

Date Filed: 10-06-2021

Disposition: Active

Parties:

RESP: (WARDEN) GARRETTE

RESP: STATE OF NEVADA

Atty: Heather Procter

NEVADA ATTORNEY GENERAL'S OFFICE

PETR: MARQUISE BELLAMY

Address: 1200 PRISON ROAD, LOVELOCK NV 89419

J: Hon. Jim Shirley

Hearings:

Dockets:

02-02-2022Case Appeal Statement

02-02-2022 13.1 Case Appeal Statement

02-02-2022Notice of Appeal

02-02-2022 12.1 Notice of Appeal

01-18-2022Notice of Entry of Order

01-18-2022 11.1 Notice of Entry of Order

01-18-2022Order Granting Warden Garrette's Motion to Dismiss Bellamy's Petition for Writ of Habeas Corpus

01-18-2022 10.1 Order Granting Warden Garrette's Motion to Dismiss Bellamy's Petition for Writ of Habeas Corpus

01-12-2022Request for Submission

01-12-2022 9.1 Request for Submission

01-07-2022Warden Garrette's Reply in Support of the Motion to Dismiss Bellamy's Petition for Writ of Habeas Corpus Challenging Computation of Time

01-07-2022 8.1 Warden Garrette's Reply in Support of the Motion to Dismiss Bellamy's Petition for Writ of Habeas Corpus Challenging Computation of Time

01-05-2022 Motion in Opposition to Warden Garrette's Motion to Dismiss Said Petition for Writ of Habeas Corpus Challenging His Computation of Time & Pursuant to Petitioner's First and Fourteenth Amendment Rights to the United States Constitution

01-05-2022 7.1 Motion in Opposition to Warden Garrette's Motion to Dismiss Said Petition for Writ of Habeas Corpus Challenging His Computation of Time & Pursuant to Petitioner's First and Fourteenth Amendment Rights to the United States Constitution

01-05-2022 7.1.1 Exhibit

01-05-2022 7.1.2 Exhibit

01-05-2022 7.1.3 Exhibit

01-05-2022 7.1.4 Exhibit

12-20-2021 Warden Garrette's Motion to Dismiss Bellamy's Petition for Writ of Habeas Corpus Challenging Computation of Time

12-20-2021 6.1 Warden Garrette's Motion to Dismiss Bellamy's Petition for Writ of Habeas Corpus Challenging Computation of Time

12-20-2021 6.1.1 Exhibit

12-20-2021 6.1.2 Exhibit

12-20-2021 6.1.3 Exhibit

12-20-2021 6.1.4 Exhibit

12-20-2021 6.1.5 Exhibit

12-20-2021 Notice of Appearance

12-20-2021 5.1 Notice of Appearance

12-13-2021 Affidavit of Mailing

12-13-2021 4.1 Affidavit of Mailing

12-01-2021 Order to Respond

12-01-2021 3.1 Order to Respond

11-19-2021 Submission of Motion for Petition for Writ of Habeas Corpus Computation of Time

11-19-2021 2.1 Submission of Motion for Petition for Writ of Habeas Corpus Computation of Time

10-06-2021 Petition for Writ of Habeas Corpus Computation of Time

10-06-2021 1.1 Petition for Writ of Habeas Corpus Computation of Time

1 CASE NO. 27CV-WR1-2021-0255

2 *Pursuant to NRS 239B.030, the undersigned affirms that*
3 *This document does not contain social security numbers.*

4
5
6 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF PERSHING**

8
9 MARQUIS BELLAMY,

10 Petitioner,

11 v.

12 WARDEN GARRETT of LCC,
13 STATE OF NEVADA, et al.,

14 Respondents.

**ORDER GRANTING WARDEN
GARRETTE'S MOTION TO DISMISS
BELLAMY'S PETITION FOR WRIT OF
HABEAS CORPUS**

15 THIS MATTER comes before the Court on Respondents, Warden Garrette and the State of
16 Nevada, et al. (collective Warden Garrette) motion to dismiss Petitioner Marquise Bellamy's (Bellamy)
17 petition for writ of habeas corpus as unexhausted, fails to state a claim upon which relief may be granted,
18 and seeking referral for the forfeiture of credits. Having reviewed all pleadings, motions, documents, and
19 exhibits on file, the Court makes the following findings of fact, conclusions of law, and order.

20 Bellamy is an inmate in the lawful custody of the NDOC pursuant to a judgment of conviction in
21 the Eighth Judicial District Court. On September 23, 2015, the court adjudged Bellamy guilty following
22 entry of a plea agreement of one count of attempt sexual assault, a category B felony committed on
23 December 13, 2012. The court sentenced Bellamy to 84-240 months consecutive to an unrelated matter.

24 Bellamy filed his petition for writ of habeas corpus computation of time (petition) on October 6,
25 2021. He challenges the computation of his sentence based upon Assembly Bill (AB) 125 (2021). He
26 alleges Warden Garrette and the Nevada Department of Corrections (NDOC) refuse to comply with AB
27 125, which he alleges became effective October 1, 2021.

28 ///

1 AB 125 was a legislature in 2021 that proposed changing the restrictions contained in NRS
2 209.4465(8)(d) that prohibited the application of good time credits to the minimum sentences for category
3 B felonies committed after July 1, 2007. However, that bill failed in committee and was never signed
4 into law.

5 First, this Court finds that Bellamy failed to exhaust his claim. Effective January 1, 2020, an
6 inmate must exhaust all available administrative remedies before initiating a state habeas petition
7 challenging NDOC' s computation of time credits against his or her sentence. NRS 34.724(1).
8 Consequently, as of that date, an inmate must exhaust all available administrative remedies prior to filing
9 a habeas petition pursuant to NRS 34.720, et seq. *See Berry v. Fell*, 131 Nev. 339, 341-42, 357 P.3d 344,
10 345 (Nev. App. 2015). This Court properly dismisses a complaint without prejudice when the plaintiff
11 fails to exhaust his administrative remedies. NRS 810(4); *Rosequist v. Int'l Ass'n of Firefighters Local*
12 *1908*, 118 Nev. 444, 448, 49 P.3d 651, 653 (2002), *overruled on other grounds by Allstate Ins. Co. v.*
13 *Thorpe*, 123 Nev. 565, 573 n.22, 170 P.3d 989, 995 n.22 (2007).

14 To exhaust administrative remedies related to the NDOC's calculation of time credits, an inmate
15 must first avail themselves of the NDOC grievance process. NDOC Administrative Regulation (AR) 740
16 sets forth the grievance procedures applicable to all Nevada inmates. There are three levels of grievances
17 within AR 740: an informal grievance (AR 740.08), a first-level grievance (AR 740.09), and a second-
18 level grievance (AR 740.10). Once a merits decision is rendered on a second-level grievance, the NDOC
19 administrative grievance process is exhausted.

20 Although Bellamy filed his petition after January 1, 2020, he failed to exhaust his administrative
21 remedies through the NDOC before filing his petition challenging the computation of his time credits.
22 This Court finds Bellamy's failure to exhaust all his administrative remedies is a complete bar to his
23 current petition. NRS 34.724(1); NRS 34.810(4).

24 Pursuant to NRS 34.810(4), dismissal of a habeas petition challenging time credits must be
25 dismissed without prejudice. However, this Court also finds in favor of Warden Garrette on his alternative
26 argument.

27 Second, this Court finds Bellamy fails to state a claim upon which relief can be granted. NRCP
28 12(b)(5). This court must presume all factual allegations in the petition are true and draw all inferences

1 in favor of the petitioner. *See Stubbs v. Strickland*, 129 Nev. 146, 150, 297 P.3d 326, 329 (2013).
2 Dismissal is appropriate when it appears beyond a doubt that petitioner can prove no set of facts which,
3 even if true, would entitle them to relief. *Id.*

4 NRS 209.4465(8) applies to crimes committed on or after July 1, 1997, and prohibits application
5 of good time credits towards the minimum sentences of various offenses, including all category B
6 felonies. AB 125 sought to amend NRS 209.4465(8) by removing the prohibition for category B felonies.
7 Bellamy solely relies upon AB 125 for relief.

8 However, AB 125 was never signed into law by the Governor. While Bellamy alleges he received
9 notice of the bill from a family lawyer and the Lovelock Correctional Center (LCC) law library, he fails
10 to demonstrate that the information he obtained – a copy of AB 125 – demonstrated it passed the
11 necessary committees and was signed into law. Nor does Bellamy explain why, if he received information
12 regarding the bill from a family lawyer and that there was information regarding the bill on the internet,
13 he could not obtain information that it never passed.

14 As Bellamy fails to state a claim upon which relief can be granted, and it is beyond a doubt that
15 he cannot prove any set of facts to the contrary, this Court finds Bellamy failed to state a claim upon
16 which relief may be granted and will dismiss the habeas petition with prejudice.

17 Finally, based on the foregoing, this Court finds that Bellamy based his habeas petition on claims
18 that are not warranted by existing law or by a reasonable argument for a change in existing law or a
19 change in the interpretation of exiting law. *See* NRS 209.451(1); *Hosier v. State*, 121 Nev. 409, 412, 117
20 P.3d 212, 214 (2005). Referrals for forfeiture of credits apply to habeas corpus petitions. NRS 209.451(5).
21 While Bellamy argues a referral would be retaliation, a claim of retaliation is not cognizable in a habeas
22 corpus petition. *See* NRS 34.720, 34.724(1); *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250
23 (1984); *see also Sandin v. Conner*, 515 U.S. 472, 484 (1995). The petition is frivolous and wholly without
24 merit, and the Court refers Bellamy to the NDOC Director for consideration of a forfeiture of credits as
25 deemed appropriate.

26 The Court deeming itself fully informed,

27 IT IS HEREBY ORDERED that Warden Garrette's motion to dismiss is **GRANTED** and
28 Bellamy's petition for writ of habeas corpus is dismissed with prejudice.

1 IT IS FURTHER ORDERED that Bellamy is referred to the NDOC Director for consideration of
2 forfeiture of credits as deemed appropriate.¹

3
4
5 Submitted by:

6 Dated this 7th day of January, 2022.

7 /s/ Heather D. Procter

Heather D. Procter

8 Chief Deputy Attorney General

State of Nevada

9 Office of the Attorney General

100 North Carson Street

10 Carson City, NV 89701-4717

(775) 684-1271 (phone)

11 (775) 684-1108 (fax)

hprocter@ag.nv.gov

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26 ¹ 11JDCR 3.13(c)(2)(A) requires a proposed order to include an order that the party submitting
27 the affirmation will serve a notice of entry of the order on the opposing party within seven days of the
28 filing of the order. However, this rule conflicts with NRS 34.830(3), which requires the clerk of the
disposition of a habeas petition, Warden Garrette was not required to comply with 11JDCR
3.13(c)(2)(A).

**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Marquise Bellamy vs Warden Garrett of Lovelock Correctional Center,
State of Nevada, et al.
Case Number: 27CV-WR1-2021-0255
Type: Order - Decision

It is so Ordered.

A handwritten signature in black ink, appearing to read "J Shirley", is positioned above the judge's name.

Judge Shirley

1 CASE NO. 27CV-WR1-2021-0255

2 *Pursuant to NRS 239B.030, the undersigned affirms*
3 *that this document does not contain social security numbers.*
4
5
6

7 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF PERSHING
9

10 MARQUIS BELLAMY,

11 Petitioner,

12 vs.

13 WARDEN GARRETT OF LCC,

14 STATE OF NEVADA, et al,

15 Respondents.

NOTICE OF ENTRY
OF ORDER

16 PLEASE TAKE NOTICE that the Court entered the following: **ORDER**
17 **GRANTING WARDEN GARRETTE'S MOTION TO DISMISS BELLAMY'S**
18 **PETITION FOR WRIT OF HABEAS CORPUS** in this matter, on January 18 2022, a
19 true and correct copy of which is attached to this notice.

20 If this is a final order and if you wish to appeal to the Nevada Supreme Court, you
21 must file a Notice of Appeal with the Clerk of this Court within 33 days after the date this
22 notice is mailed/electronically served to you.

23 DATED this 18th day of January 18, 2022.

24 KATRENA M. MARTIN
25 CLERK OF THE COURT

26 By 
27 Deputy
28

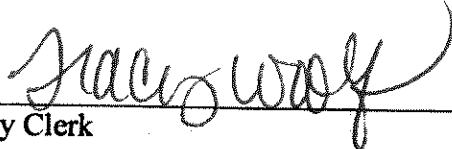
1
2
3 **CERTIFICATE OF SERVICE**
4

5 Pursuant to NRCP 5(b), I certify that I am an employee of the Eleventh Judicial District
6 Court, and that on the date below, I caused to be served through the United States Postal Service,
7 hand delivery and/or by electronic mail, a true and correct copy of the **ORDER GRANTING**
8 **WARDEN GARRETTE'S MOTION TO DISMISS BELLAMY'S PETITION FOR WRIT**
9 **OF HABEAS CORPUS** on the following:

10 Heather D. Procter
11 Chief Deputy Attorney General
12 State of Nevada
13 Office of the Attorney General
14 100 North Carson Street
15 Carson City, NV 89701

16 Marquis Bellamy #1102898
17 Lovelock Correction Center
18 1200 Prison Road
19 Lovelock, NV 89519

20 DATED this 18th day of January 2022.

21 
22 Deputy Clerk
23
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26
27
28

1 CASE NO. 27CV-WR1-2021-0255

2 *Pursuant to NRS 239B.030, the undersigned affirms that*
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6 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF PERSHING**
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9 MARQUIS BELLAMY,

10 Petitioner,

11 v.

12 WARDEN GARRETT of LCC,
13 STATE OF NEVADA, et al.,

14 Respondents.

**ORDER GRANTING WARDEN
GARRETTE'S MOTION TO DISMISS
BELLAMY'S PETITION FOR WRIT OF
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15 THIS MATTER comes before the Court on Respondents, Warden Garrette and the State of
16 Nevada, et al. (collective Warden Garrette) motion to dismiss Petitioner Marquise Bellamy's (Bellamy)
17 petition for writ of habeas corpus as unexhausted, fails to state a claim upon which relief may be granted,
18 and seeking referral for the forfeiture of credits. Having reviewed all pleadings, motions, documents, and
19 exhibits on file, the Court makes the following findings of fact, conclusions of law, and order.

20 Bellamy is an inmate in the lawful custody of the NDOC pursuant to a judgment of conviction in
21 the Eighth Judicial District Court. On September 23, 2015, the court adjudged Bellamy guilty following
22 entry of a plea agreement of one count of attempt sexual assault, a category B felony committed on
23 December 13, 2012. The court sentenced Bellamy to 84-240 months consecutive to an unrelated matter.

24 Bellamy filed his petition for writ of habeas corpus computation of time (petition) on October 6,
25 2021. He challenges the computation of his sentence based upon Assembly Bill (AB) 125 (2021). He
26 alleges Warden Garrette and the Nevada Department of Corrections (NDOC) refuse to comply with AB
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1 AB 125 was a legislature in 2021 that proposed changing the restrictions contained in NRS
2 209.4465(8)(d) that prohibited the application of good time credits to the minimum sentences for category
3 B felonies committed after July 1, 2007. However, that bill failed in committee and was never signed
4 into law.

5 First, this Court finds that Bellamy failed to exhaust his claim. Effective January 1, 2020, an
6 inmate must exhaust all available administrative remedies before initiating a state habeas petition
7 challenging NDOC's computation of time credits against his or her sentence. NRS 34.724(1).
8 Consequently, as of that date, an inmate must exhaust all available administrative remedies prior to filing
9 a habeas petition pursuant to NRS 34.720, et seq. *See Berry v. Fell*, 131 Nev. 339, 341-42, 357 P.3d 344,
10 345 (Nev. App. 2015). This Court properly dismisses a complaint without prejudice when the plaintiff
11 fails to exhaust his administrative remedies. NRS 810(4); *Rosequist v. Int'l Ass'n of Firefighters Local*
12 *1908*, 118 Nev. 444, 448, 49 P.3d 651, 653 (2002), *overruled on other grounds by Allstate Ins. Co. v.*
13 *Thorpe*, 123 Nev. 565, 573 n.22, 170 P.3d 989, 995 n.22 (2007).

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15 must first avail themselves of the NDOC grievance process. NDOC Administrative Regulation (AR) 740
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17 within AR 740: an informal grievance (AR 740.08), a first-level grievance (AR 740.09), and a second-
18 level grievance (AR 740.10). Once a merits decision is rendered on a second-level grievance, the NDOC
19 administrative grievance process is exhausted.

20 Although Bellamy filed his petition after January 1, 2020, he failed to exhaust his administrative
21 remedies through the NDOC before filing his petition challenging the computation of his time credits.
22 This Court finds Bellamy's failure to exhaust all his administrative remedies is a complete bar to his
23 current petition. NRS 34.724(1); NRS 34.810(4).

24 Pursuant to NRS 34.810(4), dismissal of a habeas petition challenging time credits must be
25 dismissed without prejudice. However, this Court also finds in favor of Warden Garrette on his alternative
26 argument.

27 Second, this Court finds Bellamy fails to state a claim upon which relief can be granted. NRCP
28 12(b)(5). This court must presume all factual allegations in the petition are true and draw all inferences

1 in favor of the petitioner. *See Stubbs v. Strickland*, 129 Nev. 146, 150, 297 P.3d 326, 329 (2013).
2 Dismissal is appropriate when it appears beyond a doubt that petitioner can prove no set of facts which,
3 even if true, would entitle them to relief. *Id.*

4 NRS 209.4465(8) applies to crimes committed on or after July 1, 1997, and prohibits application
5 of good time credits towards the minimum sentences of various offenses, including all category B
6 felonies. AB 125 sought to amend NRS 209.4465(8) by removing the prohibition for category B felonies.
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11 necessary committees and was signed into law. Nor does Bellamy explain why, if he received information
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16 which relief may be granted and will dismiss the habeas petition with prejudice.

17 Finally, based on the foregoing, this Court finds that Bellamy based his habeas petition on claims
18 that are not warranted by existing law or by a reasonable argument for a change in existing law or a
19 change in the interpretation of exiting law. *See* NRS 209.451(1); *Hosier v. State*, 121 Nev. 409, 412, 117
20 P.3d 212, 214 (2005). Referrals for forfeiture of credits apply to habeas corpus petitions. NRS 209.451(5).
21 While Bellamy argues a referral would be retaliation, a claim of retaliation is not cognizable in a habeas
22 corpus petition. *See* NRS 34.720, 34.724(1); *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250
23 (1984); *see also Sandin v. Conner*, 515 U.S. 472, 484 (1995). The petition is frivolous and wholly without
24 merit, and the Court refers Bellamy to the NDOC Director for consideration of a forfeiture of credits as
25 deemed appropriate.

26 The Court deeming itself fully informed,

27 IT IS HEREBY ORDERED that Warden Garrette's motion to dismiss is **GRANTED** and
28 Bellamy's petition for writ of habeas corpus is dismissed with prejudice.

1 IT IS FURTHER ORDERED that Bellamy is referred to the NDOC Director for consideration of
2 forfeiture of credits as deemed appropriate.¹

3
4
5 Submitted by:

6 Dated this 7th day of January, 2022.

7 /s/ Heather D. Procter
8 Heather D. Procter
9 Chief Deputy Attorney General
10 State of Nevada
11 Office of the Attorney General
12 100 North Carson Street
13 Carson City, NV 89701-4717
14 (775) 684-1271 (phone)
15 (775) 684-1108 (fax)
16 hprocter@ag.nv.gov
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26 ¹ 11JDCR 3.13(c)(2)(A) requires a proposed order to include an order that the party submitting
27 the affirmation will serve a notice of entry of the order on the opposing party within seven days of the
28 filing of the order. However, this rule conflicts with NRS 34.830(3), which requires the clerk of the
disposition of a habeas petition, Warden Garrette was not required to comply with 11JDCR
3.13(c)(2)(A).

**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Marquise Bellamy vs Warden Garrett of Lovelock Correctional Center,
State of Nevada, et al.
Case Number: 27CV-WR1-2021-0255
Type: Order - Decision

It is so Ordered.

Judge Shirley

1 Case No. 27CV-WR1-2021-0255

2 *Pursuant to NRS 239B.030, the undersigned affirms that this*
3 *Document does not contain social security numbers.*

4
5
6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF PERSHING

8 Marquise Bellamy,

9 Petitioner,

10 vs.

11 Warden Garrett of L.C.C., State of Nevada,
12 et al.,

13 Respondents/Defendant.

CERTIFICATE

14 State of Nevada)
15 : ss.
County of Pershing)

16 I, Carol Elerick, Deputy Court Clerk, do hereby certify that the following are
17 true and correct copies of the original documents in the above-entitled case, which was
18 appealed to the Supreme Court.

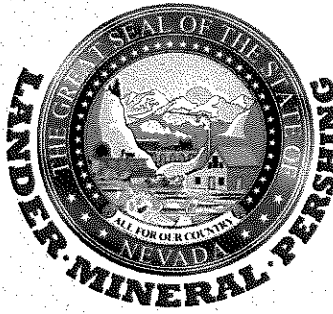
19 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the
20 seal of said Court, at Lovelock, Nevada, this 2nd day of February 2022.

21 Kate Martin
Eleventh Judicial District Court Clerk

22 By: 
23 Deputy Clerk
24

ELEVENTH JUDICIAL DISTRICT COURT

Jim C. Shirley
District Judge
Tel. (775) 273-2105
Fax (775) 273-4921



Kate Martin
Court Administrator
Tel. (775) 273-5128
kmartin@11thjudicialdistrictcourt.net

February 2, 2022

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

Re: Eleventh Judicial District – Pershing County
Case No. 27CV-WR1-2021-0255
Marquise Bellamy vs. Warden Garrett of L.C.C., State of Nevada, et al.

Enclosed, please find the following documents as it relates to an Appeal filed on

February 2, 2022:

- Certification
- Exhibit List (if applicable)
- Minutes (if applicable)
- Notice of Entry of Order (with Order)
- Judgment / Order
- District Court Docket
- Case Appeal Statement
- Notice of Appeal

Should you have any questions or require additional information, please do not
hesitate to contact the Court.

Kate Martin
Eleventh Judicial District Court Clerk

By: 
Deputy Clerk

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Encl.

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P.O. Box H
Lovelock, NV 89419
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☐ **Lander County**
50 State Route 305
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