

Michael Bruce Bynoe

(Name)

64628

(I.D. No.)

Northern Nevada Correctional Center

Post Office Box 7000

Carson City, Nevada 89702

FILED

2022 FEB 17 PM 2:29

ALICIA ELECTRONICALLY FILED
CLERK OF THE COURT
BY Elizabeth A. Brown 2022 02:52 p.m.
Clerk of Supreme Court

IN THE 2nd JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

MICHAEL BRUCE BYNOE

Petitioner/Defendant,

vs.

THE STATE OF NEVADA et al

Respondent/Plaintiff

Case No.: CV20-749

Dept. No. 10

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that I, Michael B. Bynoe appeal the
Judgment / Order entered on the 3rd day of Feb, 2022 by this
court. Appealing ORDER dismissing Plaintiff's Interlocutory Motion
asking Court to adjudicate in my favor the Amended Civil Complaint
Dated this 14th day of Feb, 2022.

Michael B. Bynoe #64628
pro-se
(Signature)

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SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE, STATE OF NEVADA

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, _____

Notice of Appeal

(Title of Document)

filed in case number: CV20-00749



Document does not contain the social security number of any person

-OR-



Document contains the social security number of a person as required by:



A specific state or federal law, to wit:

(State specific state or federal law)

-or-



For the administration of a public program

-or-



For an application for a federal or state grant

-or-



Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: 2/14/22

Michael B. Bynoe
(Signature)

Michael B. Bynoe
(Print Name)

pro se
(Attorney for)

1 Code 1310
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
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9

10 **MICHAEL BRUCE BYNOE,**

11 **Plaintiff,**

Case No. CV20-00749

12 **vs.**

Dept. No. 10

13
14 **THE STATE OF NEVADA,**

15 **Defendant.**
16 _____/

17 **CASE APPEAL STATEMENT**

18 This case appeal statement is filed pursuant to NRAP 3(f).

- 19 1. Appellant is Michael Bruce Bynoe.
20 2. This appeal is from an order entered by the Honorable Judge Kathleen A.
21 Sigurdson.
22 3. Appellant is representing himself in Proper Person on appeal, the Appellant's
23 address is:
24 Michael Bruce Bynoe #62628
25 N.N.C.C.
26 PO Box 7000
27 Carson City, Nevada 89702
28 4. Respondent is the State of Nevada. Respondent is not represented in District Court.
5. Respondent's attorney is not licensed to practice law in Nevada: n/a

6. Appellant is not represented by counsel in District Court.
7. Appellant is not represented by counsel on appeal.
8. Appellant was granted leave to proceed in forma pauperis in the District Court September 15th, 2020.
9. Proceeding commenced by the filing of a Civil Complaint on September 16th, 2020.
10. This is a civil proceeding and the Appellant is appealing the Order Denying Plaintiff's Motion filed February 3rd, 2022.
11. The case has not been the subject of a previous appeals to the Supreme Court.
12. This case does not involve child custody or visitation.
13. It is unknown if the case involves the possibility of a settlement.

Dated this 18th day of February, 2022.

Alicia L. Lerud
Clerk of the Court
By: /s/ Y.Viloria
Y.Viloria
Deputy Clerk

SECOND JUDICIAL DISTRICT COURT**STATE OF NEVADA****COUNTY OF WASHOE****Case History - CV20-00749****Case Description: MICHAEL BYNOE VS STATE OF NEVADA (D10)****Case Number: CV20-00749 Case Type: OTHER CIVIL MATTERS - Initially Filed On: 5/12/2020****Parties**

<u>Party Type & Name</u>	<u>Party Status</u>
JUDG - KATHLEEN SIGURDSON - D10	Active
PLTF - MICHAEL BRUCE BYNOE - @20000	Active
DEFT - STATE OF NEVADA - @1355792	Active

Disposed Hearings

- 1 Department: D9 -- Event: Request for Submission -- Scheduled Date & Time: 8/26/2020 at 08:39:00
Extra Event Text: MOTION TO PROCEED IN FORMA PAUPERIS (NO ORDER PROVIDED)
Event Disposition: S200 - 9/15/2020
- 2 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 10/19/2020 at 11:05:00
Extra Event Text: MOTION FOR PERMISSION TO FILE 1ST AMEND COMPLAINT
Event Disposition: S200 - 12/18/2020
- 3 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 11/30/2021 at 07:00:00
Extra Event Text: REQUEST FOR SUBMISSION ON MOTION FOR RESPONSE
Event Disposition: S200 - 2/3/2022
- 4 Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 12/20/2021 at 15:32:00
Extra Event Text: MOTION IN RESPONSE TO ORDER FOR RESPONSE
Event Disposition: S200 - 2/3/2022

Actions

- | <u>Filing Date</u> | <u>-</u> | <u>Docket Code & Description</u> |
|--------------------|-----------|---|
| 1 | 5/12/2020 | - 2385 - Mtn Proceed Forma Pauperis
Additional Text: Transaction 7873387 - Approved By: NOREVIEW : 05-12-2020:15:33:15 |
| 2 | 5/12/2020 | - NEF - Proof of Electronic Service
Additional Text: Transaction 7873396 - Approved By: NOREVIEW : 05-12-2020:15:34:14 |
| 3 | 8/26/2020 | - 3860 - Request for Submission
Additional Text: Transaction 8037436 - Approved By: NOREVIEW : 08-26-2020:08:39:33
DOCUMENT TITLE: MOTION TO PROCEED IN FORMA PAUPERIS (NO ORDER PROVIDED)
PARTY SUBMITTING: MICHAEL BRUCE BYNOE
DATE SUBMITTED: AUGUST 26, 2020
SUBMITTED BY: BBLOUGH
DATE RECEIVED JUDGE OFFICE: |
| 4 | 8/26/2020 | - NEF - Proof of Electronic Service
Additional Text: Transaction 8037438 - Approved By: NOREVIEW : 08-26-2020:08:40:33 |
| 5 | 9/15/2020 | - 3035 - Ord Grant in Forma Pauperis
Additional Text: Transaction 8067883 - Approved By: NOREVIEW : 09-15-2020:11:56:22 |

Report Does Not Contain Sealed Cases or Confidential Information

- 6 9/15/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8067887 - Approved By: NOREVIEW : 09-15-2020:11:57:23
- 7 9/15/2020 - S200 - Request for Submission Complet
No additional text exists for this entry.
- 8 9/16/2020 - 1215 - Application Appoint Counsel
Additional Text: MOTION FOR APPOINTMENT OF COUNSEL - Transaction 8070107 - Approved By: BBLOUGH : 09-16-2020:13:32:21
- 9 9/16/2020 - 1425 - Complaint - Civil
Additional Text: Transaction 8070107 - Approved By: BBLOUGH : 09-16-2020:13:32:21
- 10 9/16/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8070126 - Approved By: NOREVIEW : 09-16-2020:13:33:23
- 11 10/6/2020 - 2490 - Motion ...
Additional Text: MOTION FOR PERMISSION TO FILE 1ST AMENDED COMPLAINT
- 12 10/19/2020 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: MOTION FOR PERMISSION TO FILE 1ST AMEND COMPLAINT
PARTY SUBMITTING: MICHAEL BRUCE BYNOE, PLTF
DATE SUBMITTED: 19 OCT 2020
SUBMITTED BY: KHUDSON
DATE RECEIVED JUDGE OFFICE:
- 13 12/18/2020 - 3060 - Ord Granting Mtn ...
Additional Text: ORDER GRANTING MOTION TO AMEND COMPLAINT - Transaction 8211804 - Approved By: NOREVIEW : 12-18-2020:12:10:48
- 14 12/18/2020 - S200 - Request for Submission Complet
Additional Text: ORDER GRANTING MOTION TO AMEND COMPLAINT FILED DECEMBER 18, 2020
- 15 12/18/2020 - NEF - Proof of Electronic Service
Additional Text: Transaction 8211806 - Approved By: NOREVIEW : 12-18-2020:12:11:50
- 16 2/9/2021 - 2610 - Notice ...
Additional Text: NOTICE OF MOTION - Transaction 8286209 - Approved By: KHUDSON : 02-09-2021:10:23:15
- 17 2/9/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8286221 - Approved By: NOREVIEW : 02-09-2021:10:24:17
- 18 2/9/2021 - 1090 - Amended Complaint
Additional Text: 1ST AMENDED COMPLAINT - Transaction 8286296 - Approved By: KHUDSON : 02-09-2021:10:43:07
- 19 2/9/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8286308 - Approved By: NOREVIEW : 02-09-2021:10:44:04
- 20 10/26/2021 - 3330 - Ord to Proceed ...
Additional Text: Transaction 8717212 - Approved By: NOREVIEW : 10-26-2021:14:30:15
- 21 10/26/2021 - NEF - Proof of Electronic Service
Additional Text: Transaction 8717217 - Approved By: NOREVIEW : 10-26-2021:14:31:12
- 22 11/30/2021 - 2490 - Motion ...
Additional Text: MOTION IN RESPONSE TO ORDER FOR RESPONSE

- 23 12/20/2021 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: MOTION IN RESPONSE TO ORDER FOR RESPONSE
PARTY SUBMITTING: MICHAEL BRUCE BYNOE
DATE SUBMITTED: DECEMBER 20, 2021
SUBMITTED BY: BBLOUGH
DATE RECEIVED JUDGE OFFICE:
- 24 1/26/2022 - 2490 - Motion ...
Additional Text: MOTION UNDER NRCP RULE 7(B) for one [sic] INTERLOCUTORY ORDER
- 25 2/3/2022 - 2842 - Ord Denying Motion
Additional Text: ORDER DENYING PLAINTIFF'S MOTION Transaction 8879468 - Approved By: NOREVIEW : 02-03-2022:13:55:33
- 26 2/3/2022 - S200 - Request for Submission Complet
Additional Text: Order denying Motion in Response to Order for Response entered 2/3/22
RFS dated 11/30/21
- 27 2/3/2022 - S200 - Request for Submission Complet
Additional Text: Order denying Motion in Response to Order for Response entered 2/3/22
RFS dated 12/20/21
- 28 2/3/2022 - NEF - Proof of Electronic Service
Additional Text: Transaction 8879473 - Approved By: NOREVIEW : 02-03-2022:13:56:40
- 29 2/3/2022 - 3860 - Request for Submission
Additional Text: DOCUMENT TITLE: MOTION FOR INTERLOCUTORY ORDER
PARTY SUBMITTING: MICHAEL BRUCE BYNOE
DATE SUBMITTED: FEBRUARY 03, 2022
SUBMITTED BY: BBLOUGH
DATE RECEIVED JUDGE OFFICE:
- 30 2/17/2022 - 2515 - Notice of Appeal Supreme Court
Additional Text: ORDER FEB 3, 2022
- 31 2/17/2022 - 2610 - Notice ...
Additional Text: NOTICE OF MOTION
- 32 2/17/2022 - 3860 - Request for Submission
Additional Text: REQUEST FOR SUBMISSION FOR NOTICE OF APPEAL TO NEVADA SUPREME COURT (NO S1 BUILT)
- 33 2/18/2022 - 1310 - Case Appeal Statement
Additional Text: CASE APPEAL STATEMENT - Transaction 8905183 - Approved By: NOREVIEW : 02-18-2022:09:31:20
- 34 2/18/2022 - 1350 - Certificate of Clerk
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 8905183 - Approved By: NOREVIEW : 02-18-2022:09:31:20
- 35 2/18/2022 - NEF - Proof of Electronic Service
Additional Text: Transaction 8905211 - Approved By: NOREVIEW : 02-18-2022:09:35:32

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8
9 MICHAEL BRUCE BYNOE,

10 Plaintiff,

11 vs.

12 THE STATE OF NEVADA,

13 Defendant.

Case No.: CV20-00749

Dept. No.: 10

14 **ORDER DENYING PLAINTIFF'S MOTION**

15 Pending before the Court is PLAINTIFF MICHAEL BYNOE's *Motion in Response to*
16 *Order for Response* ("Motion"), filed on November 30, 2021. On December 20, 2021,
17 PLAINTIFF filed a *Request for Submission*, submitting the Motion for the Court's
18 consideration.
19

20 In the Motion, PLAINTIFF, in pro per¹, requests a "final ORDER or otherwise, to
21 settle adjudicate the First Amended Complaint filed 2-9-21." Motion, p. 1.

22 However, PLAINTIFF has failed to comply with the basic rules of civil procedure
23 and is not entitled to judgment on the pleadings at this stage of litigation. To proceed to
24 judgment, PLAINTIFF must familiarize himself with the relevant procedural rules and/or
25 retain counsel to ensure compliance. Failure to comply with applicable procedural rules
26

27 ¹ Petitioner previously filed a *Motion for Appointment of Counsel* on September 16, 2020.
28 However, because no request for submission was filed, the Court has not considered that
motion. Additionally, Petitioner shall be advised that the motion for counsel was for a
postconviction petition for writ of habeas corpus and not for a civil action sounding in tort.

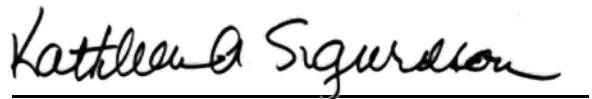
1 may result in filings being stricken and even the case being dismissed.

2 While the Court recognizes that PLAINTIFF is incarcerated and without an attorney,
3 "in general, the rules of civil procedure 'cannot be applied differently merely because a
4 party not learned in the law is acting pro se.'" *Rodriguez v. Fiesta Palms, LLC*, 134 Nev.
5 654, 659, 428 P.3d 255, 258-59 (Nev. 2018) (quoting *Bonnell v. Lawrence*, 128 Nev. 394,
6 404, 282 P.3d 712, 718 (Nev. 2012)). "While district courts should assist pro se litigants as
7 much as reasonably possible, a pro se litigant cannot use his alleged ignorance as a
8 shield to protect him from the consequences of failing to comply with basic procedural
9 requirements." 134 Nev. at 659, 428 P.3d at 259.

10 Because PLAINTIFF has failed to adhere to the Nevada Rules of Civil Procedure,
11 IT IS HEREBY ORDERED the Motion is DENIED.

12 IT IS SO ORDERED.

13 DATED this 3rd day of February, 2022.

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18 HON. KATHLEEN A. SIGURDSON
19 DISTRICT JUDGE
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1 **CERTIFICATE OF SERVICE**

2 CASE NO.: CV20-00749

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF
4 THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 3rd day of February,
5 2022, I electronically filed the foregoing **ORDER DENYING PLAINTIFF'S MOTION** with
6 the Clerk of the Court by using the ECF system.

7 I further certify that I transmitted a true and correct copy of the foregoing document
8 by the method(s) noted below:

9
10 **Electronically filed with the Clerk of the Court by using the ECF system which will**
11 **send a notice of electronic filing to the following: [NONE]**
12

13 **Deposited in the Washoe County mailing system for postage and mailing with the**
14 **United States Postal Service in Reno, Nevada:**
15

- 16 • MICHAEL BRUCE BYNOE
17 #64628
18 Northern Nevada Correctional Center
19 PO Box 7000
20 Carson City, NV 89702
21
22

23 /s/ Michael Decker
24 JUDICIAL ASSISTANT
25
26
27
28

1 Code 1350

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

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6

MICHAEL BRUCE BYNOE,

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8

Plaintiff,

Case No. CV20-00749

9

vs.

Dept. No. 10

10

THE STATE OF NEVADA,

11

Defendant.

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CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

15

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 18th day of February, 2022, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

16

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18

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

19

20

Dated this 18th day of February, 2022.

21

Alicia L. Lerud

22

Clerk of the Court

23

By /s/Y.Viloria

24

Y.Viloria

25

Deputy Clerk

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27

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