

Electronically Filed
Apr 13 2021 03:34 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF

NEVADA IN AND FOR THE COUNTY OF PERSHING

* * * * *

Steven Kinford,
Appellant,
vs.

Social Security
Administration,
Respondent.

RECORD ON APPEAL

PLEADINGS

VOLUME 1

Steven Kinford #64984
1200 Prison Road/LCC
Lovelock, NV. 89419

Attorney General's Office
100 North Carson Street
Carson City, NV. 89701-4717

Appellant, in Pro Per

Attorney for Respondent

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1 File No. 27CV-TT12-2019-0178
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6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF
7 NEVADA IN AND FOR THE COUNTY OF PERSHING

8 * * * * *

9 Steven Kinford,
10 Appellant,
11 vs.

12 Social Security
13 Administration,
14 Respondent.
15 _____/

16 RECORD ON APPEAL

17 PLEADINGS

18 VOLUME 2

19 Steven Kinford #64984
20 1200 Prison Road/LCC
21 Lovelock, NV. 89419

22 Appellant, in Pro Per

Attorney General's Office
100 North Carson Street
Carson City, NV. 89701-4717

Attorney for Respondent

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22	(Filed Dec. 31, '19)	89-102	1
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FILED

NOV 21 2019

DISTRICT COURT CLERK

BY: [Signature]

Case No. 27CV-TT2-2019-0178

Dept. No. 1

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF PERKINS

* * * * *

STEVEN KIMFORD,)

Petitioner,)

-vs-

SOCIAL SECURITY)

ADMINISTRATION,)

Respondent.)

APPLICATION TO PROCEED
IN FORMA PAUPERIS

COMES NOW Petitioner, Steven Kimford, in

pro se, and moves the Court for an order granting him leave to
proceed in the above-entitled action without paying the costs
and/or security of proceeding herein.

This motion is made and based upon NRS 12.015 and the
attached affidavit and certificate of inmate's institutional
account.

Dated this 26th day of September, 2019.

[Signature]
Steven Kimford # 64984
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Petitioner In Pro Se

LCCL FORM 26.012

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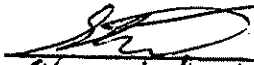
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AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding APPLICATION FOR LEAVE TO PROCEED IN FORMA PAUPERIS does not contain the social security number of any person.

Dated this 26th day of September, 2019.

Eleventh Judicial District Court
P.O. Box H.
Lovelock, Nv.
89419


Steven Kinkor # 64984
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Pitkin In Pro Se

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FINANCIAL CERTIFICATE

I request that an authorized officer of the institution in which I am confined, or other designated entity, such as Inmate Services for the Nevada Department of Prisons (NDOC), complete the below Financial Certificate.

I understand that:

(1) if I commence a petition for writ of habeas corpus in federal court pursuant to 28 U.S.C. § 2254, the filing fee is \$5.00, and that such fee will have to be paid by me if the current account balance (line #1 below), or the average account balance (line #2 below), or the average deposits to my account (line #3), whichever is greater, is \$20.00 or more;

(2) if I commence a civil rights action in federal court pursuant to 42 U.S.C. § 1983, the filing fee is \$350.00, which I must pay in full; and

(a) if my current account balance (line #1 below) is \$350.00 or more, I will not qualify for *in forma pauperis* status and I must pay the full filing fee of \$350.00 before I will be allowed to proceed with the action;

(b) if I do NOT have \$350.00 in my account as reflected on line #1 below, before I will be allowed to proceed with an action I will be required to pay 20% of my average monthly balance (line #2 below), or the average monthly deposits to my account (line #3 below), whichever is greater, and thereafter I must pay installments of 20% of the preceding month's deposits to my account in months that my account balance exceeds \$10.00 (if I am in the custody of the NDOC, I hereby authorize the NDOC to make such deductions from deposits to my account, and I further understand that if I have a prison job, then the 20% of my paycheck that is guaranteed to me as spendable money will be sent to the court for payment of the filing fee); and

(c) I must continue to make installment payments until the \$350.00 filing fee is fully paid, without regard to whether my action is closed or my release from confinement.

Type of action (check one): ☒ civil rights

☐ habeas corpus

Steven Kinford
INMATE NAME (printed)

[Signature] 64984
SIGNATURE & PRISON NUMBER

1. CURRENT ACCOUNT BALANCE	<u>.29</u>
2. AVERAGE MONTHLY BALANCE*	<u>5.56</u>
3. AVERAGE MONTHLY DEPOSITS*	<u>32.50</u>
4. FILING FEE (based on #1, #2 or #3, whichever is greater)	<u>6.50</u>

* for the past six (6) months, from all sources, including amount in any savings account that is in excess of minimum amount that must be maintained

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

(Please sign in ink in a)
(color other than black.)

10/29/19
DATE

[Signature]
AUTHORIZED OFFICER

Chief of Inmate Banking
TITLE

Financial Certificates
0064984 - KINFORD, STEVEN
(4/30/2019 - 10/29/2019)

Date	Description	Deposit	Withdrawal	Balance
04/30/2019	Opening Balance			\$0.06
05/09/2019	Prison Industries Payroll	\$20.00		\$20.06
05/09/2019	Victim of Crime Fund		(\$1.00)	\$19.06
05/09/2019	Financial Certificate		(\$4.00)	\$15.06
05/09/2019	Room and Board		(\$4.80)	\$10.16
05/09/2019	PI Capital Improvement		(\$1.00)	\$9.16
05/09/2019	Legal Copies		(\$0.91)	\$8.25
05/09/2019	Legal Copies		(\$4.00)	\$4.25
05/09/2019	Legal Copies		(\$1.20)	\$3.05
05/09/2019	Legal Copies		(\$0.20)	\$2.85
05/09/2019	Legal Copies		(\$1.50)	\$1.35
05/09/2019	Legal Copies		(\$0.80)	\$0.55
05/09/2019	Legal Copies		(\$0.40)	\$0.15
05/09/2019	Legal Copies		(\$0.09)	\$0.06
05/29/2019	Prison Industries Payroll	\$5.00		\$5.06
05/29/2019	Victim of Crime Fund		(\$0.25)	\$4.81
05/29/2019	Financial Certificate		(\$1.00)	\$3.81
05/29/2019	Room and Board		(\$1.23)	\$2.58
05/29/2019	PI Capital Improvement		(\$0.25)	\$2.33
05/29/2019	Legal Copies		(\$1.11)	\$1.22
05/29/2019	Legal Copies		(\$0.50)	\$0.72
05/29/2019	Legal Copies		(\$0.66)	\$0.06
06/06/2019	Prison Industries Payroll	\$5.00		\$5.06
06/06/2019	Victim of Crime Fund		(\$0.25)	\$4.81
06/06/2019	Financial Certificate		(\$1.00)	\$3.81
06/06/2019	Room and Board		(\$1.23)	\$2.58
06/06/2019	PI Capital Improvement		(\$0.25)	\$2.33
06/06/2019	Legal Copies		(\$0.34)	\$1.99
06/06/2019	Legal Copies		(\$1.60)	\$0.39
06/06/2019	Legal Copies		(\$0.33)	\$0.06
06/11/2019	Medical Copy Charges w/Dept		(\$0.03)	\$0.03
06/20/2019	Prison Industries Payroll	\$10.00		\$10.03
06/20/2019	Victim of Crime Fund		(\$0.50)	\$9.53
06/20/2019	Financial Certificate		(\$2.00)	\$7.53
06/20/2019	Room and Board		(\$2.45)	\$5.08
06/20/2019	PI Capital Improvement		(\$0.50)	\$4.58
06/20/2019	Legal Copies		(\$0.17)	\$4.41
06/20/2019	Legal Copies		(\$3.00)	\$1.41
06/20/2019	Legal Copies		(\$1.00)	\$0.41
06/20/2019	Legal Copies		(\$0.38)	\$0.03
06/30/2019	Keefe	\$75.00		\$75.03
06/30/2019	Trust 2		(\$75.00)	\$0.03
07/05/2019	Trust 2	\$14.81		\$14.84
07/05/2019	Commissary		(\$14.81)	\$0.03
07/09/2019	Prison Industries Payroll	\$5.00		\$5.03
07/09/2019	Victim of Crime Fund		(\$0.25)	\$4.78

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Financial Certificates

0064984 - KINFORD, STEVEN

Date	Description	Deposit	Withdrawal	Balance
07/09/2019	Financial Certificate		(\$1.00)	\$3.78
07/09/2019	Room and Board		(\$1.23)	\$2.55
07/09/2019	PI Capital Improvement		(\$0.25)	\$2.30
07/09/2019	Legal Copies		(\$0.12)	\$2.18
07/09/2019	Legal Copies		(\$2.15)	\$0.03
07/12/2019	Trust 2	\$58.86		\$58.89
07/12/2019	Commissary		(\$58.86)	\$0.03
07/19/2019	Prison Industries Payroll	\$10.00		\$10.03
07/19/2019	Victim of Crime Fund		(\$0.50)	\$9.53
07/19/2019	Financial Certificate		(\$2.00)	\$7.53
07/19/2019	Room and Board		(\$2.45)	\$5.08
07/19/2019	PI Capital Improvement		(\$0.50)	\$4.58
07/19/2019	Legal Copies		(\$1.05)	\$3.53
07/19/2019	Legal Copies		(\$1.20)	\$2.33
07/19/2019	Legal Copies		(\$1.50)	\$0.83
07/19/2019	Legal Copies		(\$0.80)	\$0.03
07/23/2019	Trust 2	\$1.00		\$1.03
07/23/2019	Commissary		(\$1.00)	\$0.03
08/02/2019	Trust 2	\$0.33		\$0.36
08/02/2019	Commissary		(\$0.33)	\$0.03
08/20/2019	Tort	\$50.00		\$50.03
08/21/2019	Prison Industries Payroll	\$10.00		\$60.03
08/21/2019	Victim of Crime Fund		(\$0.50)	\$59.53
08/21/2019	Financial Certificate		(\$2.00)	\$57.53
08/21/2019	Room and Board		(\$2.45)	\$55.08
08/21/2019	PI Capital Improvement		(\$0.50)	\$54.58
08/21/2019	Legal Copies		(\$4.55)	\$50.03
08/22/2019	Trust 2		(\$50.00)	\$0.03
08/23/2019	Trust 2	\$47.93		\$47.96
08/23/2019	Commissary		(\$47.93)	\$0.03
08/30/2019	Trust 2	\$1.86		\$1.89
08/30/2019	Commissary		(\$1.86)	\$0.03
09/04/2019	Prison Industries Payroll	\$5.00		\$5.03
09/04/2019	Victim of Crime Fund		(\$0.25)	\$4.78
09/04/2019	Financial Certificate		(\$1.00)	\$3.78
09/04/2019	Room and Board		(\$1.23)	\$2.55
09/04/2019	PI Capital Improvement		(\$0.25)	\$2.30
09/04/2019	Legal Copies		(\$2.27)	\$0.03
10/29/2019	Closing Balance			\$0.03

Date	Description	Deposit	Withdrawal	Balance
04/30/2019	Opening Balance			\$0.05
06/30/2019	Trust 2	\$75.00		\$75.05
07/05/2019	Trust 2		(\$14.81)	\$60.24
07/12/2019	Trust 2		(\$58.86)	\$1.38
07/23/2019	Trust 2		(\$1.00)	\$0.38
08/02/2019	Trust 2		(\$0.33)	\$0.05

Financial Certificates

0064984 - KINFORD, STEVEN

Trust

Date	Description	Deposit	Withdrawal	Balance
08/22/2019	Trust 2	\$50.00		\$50.05
08/23/2019	Trust 2		(\$47.93)	\$2.12
08/30/2019	Trust 2		(\$1.86)	\$0.26
10/29/2019	Closing Balance			\$0.26

Trust

Date	Description	Deposit	Withdrawal	Balance
	No Activity			
04/30/2019	Opening Balance			\$0.00
10/29/2019	Closing Balance			\$0.00

Savings

Date	Description	Deposit	Withdrawal	Balance
	No Activity			
04/30/2019	Opening Balance			\$295.73
10/29/2019	Closing Balance			\$295.73

Financial Certificates

0064984 - KINFORD, STEVEN

Date	Daily Balance	Daily Deposit	Number Of Deposit
04/30/2019	\$0.06	\$0.00	0
05/01/2019	\$0.06	\$0.00	0
05/02/2019	\$0.06	\$0.00	0
05/03/2019	\$0.06	\$0.00	0
05/04/2019	\$0.06	\$0.00	0
05/05/2019	\$0.06	\$0.00	0
05/06/2019	\$0.06	\$0.00	0
05/07/2019	\$0.06	\$0.00	0
05/08/2019	\$0.06	\$0.00	0
05/09/2019	\$0.06	\$20.00	1
05/10/2019	\$0.06	\$0.00	0
05/11/2019	\$0.06	\$0.00	0
05/12/2019	\$0.06	\$0.00	0
05/13/2019	\$0.06	\$0.00	0
05/14/2019	\$0.06	\$0.00	0
05/15/2019	\$0.06	\$0.00	0
05/16/2019	\$0.06	\$0.00	0
05/17/2019	\$0.06	\$0.00	0
05/18/2019	\$0.06	\$0.00	0
05/19/2019	\$0.06	\$0.00	0
05/20/2019	\$0.06	\$0.00	0
05/21/2019	\$0.06	\$0.00	0
05/22/2019	\$0.06	\$0.00	0
05/23/2019	\$0.06	\$0.00	0
05/24/2019	\$0.06	\$0.00	0
05/25/2019	\$0.06	\$0.00	0
05/26/2019	\$0.06	\$0.00	0
05/27/2019	\$0.06	\$0.00	0
05/28/2019	\$0.06	\$0.00	0
05/29/2019	\$0.06	\$5.00	1
05/30/2019	\$0.06	\$0.00	0
05/31/2019	\$0.06	\$0.00	0
06/01/2019	\$0.06	\$0.00	0
06/02/2019	\$0.06	\$0.00	0
06/03/2019	\$0.06	\$0.00	0
06/04/2019	\$0.06	\$0.00	0
06/05/2019	\$0.06	\$0.00	0
06/06/2019	\$0.06	\$5.00	1
06/07/2019	\$0.06	\$0.00	0
06/08/2019	\$0.06	\$0.00	0
06/09/2019	\$0.06	\$0.00	0
06/10/2019	\$0.06	\$0.00	0
06/11/2019	\$0.03	\$0.00	0
06/12/2019	\$0.03	\$0.00	0
06/13/2019	\$0.03	\$0.00	0
06/14/2019	\$0.03	\$0.00	0
06/15/2019	\$0.03	\$0.00	0
06/16/2019	\$0.03	\$0.00	0
06/17/2019	\$0.03	\$0.00	0

Financial Certificates

0064984 - KINFORD, STEVEN

Date	Daily Balance	Daily Deposit	Number Of Deposit
06/18/2019	\$0.03	\$0.00	0
06/19/2019	\$0.03	\$0.00	0
06/20/2019	\$0.03	\$10.00	1
06/21/2019	\$0.03	\$0.00	0
06/22/2019	\$0.03	\$0.00	0
06/23/2019	\$0.03	\$0.00	0
06/24/2019	\$0.03	\$0.00	0
06/25/2019	\$0.03	\$0.00	0
06/26/2019	\$0.03	\$0.00	0
06/27/2019	\$0.03	\$0.00	0
06/28/2019	\$0.03	\$0.00	0
06/29/2019	\$0.03	\$0.00	0
06/30/2019	\$0.03	\$75.00	1
07/01/2019	\$0.03	\$0.00	0
07/02/2019	\$0.03	\$0.00	0
07/03/2019	\$0.03	\$0.00	0
07/04/2019	\$0.03	\$0.00	0
07/05/2019	\$0.03	\$0.00	0
07/06/2019	\$0.03	\$0.00	0
07/07/2019	\$0.03	\$0.00	0
07/08/2019	\$0.03	\$0.00	0
07/09/2019	\$0.03	\$5.00	1
07/10/2019	\$0.03	\$0.00	0
07/11/2019	\$0.03	\$0.00	0
07/12/2019	\$0.03	\$0.00	0
07/13/2019	\$0.03	\$0.00	0
07/14/2019	\$0.03	\$0.00	0
07/15/2019	\$0.03	\$0.00	0
07/16/2019	\$0.03	\$0.00	0
07/17/2019	\$0.03	\$0.00	0
07/18/2019	\$0.03	\$0.00	0
07/19/2019	\$0.03	\$10.00	1
07/20/2019	\$0.03	\$0.00	0
07/21/2019	\$0.03	\$0.00	0
07/22/2019	\$0.03	\$0.00	0
07/23/2019	\$0.03	\$0.00	0
07/24/2019	\$0.03	\$0.00	0
07/25/2019	\$0.03	\$0.00	0
07/26/2019	\$0.03	\$0.00	0
07/27/2019	\$0.03	\$0.00	0
07/28/2019	\$0.03	\$0.00	0
07/29/2019	\$0.03	\$0.00	0
07/30/2019	\$0.03	\$0.00	0
07/31/2019	\$0.03	\$0.00	0
08/01/2019	\$0.03	\$0.00	0
08/02/2019	\$0.03	\$0.00	0
08/03/2019	\$0.03	\$0.00	0
08/04/2019	\$0.03	\$0.00	0
08/05/2019	\$0.03	\$0.00	0

Financial Certificates

0064984 - KINFORD, STEVEN

Date	Daily Balance	Daily Deposit	Number Of Deposit
08/06/2019	\$0.03	\$0.00	0
08/07/2019	\$0.03	\$0.00	0
08/08/2019	\$0.03	\$0.00	0
08/09/2019	\$0.03	\$0.00	0
08/10/2019	\$0.03	\$0.00	0
08/11/2019	\$0.03	\$0.00	0
08/12/2019	\$0.03	\$0.00	0
08/13/2019	\$0.03	\$0.00	0
08/14/2019	\$0.03	\$0.00	0
08/15/2019	\$0.03	\$0.00	0
08/16/2019	\$0.03	\$0.00	0
08/17/2019	\$0.03	\$0.00	0
08/18/2019	\$0.03	\$0.00	0
08/19/2019	\$0.03	\$0.00	0
08/20/2019	\$50.03	\$50.00	1
08/21/2019	\$50.03	\$10.00	1
08/22/2019	\$0.03	\$0.00	0
08/23/2019	\$0.03	\$0.00	0
08/24/2019	\$0.03	\$0.00	0
08/25/2019	\$0.03	\$0.00	0
08/26/2019	\$0.03	\$0.00	0
08/27/2019	\$0.03	\$0.00	0
08/28/2019	\$0.03	\$0.00	0
08/29/2019	\$0.03	\$0.00	0
08/30/2019	\$0.03	\$0.00	0
08/31/2019	\$0.03	\$0.00	0
09/01/2019	\$0.03	\$0.00	0
09/02/2019	\$0.03	\$0.00	0
09/03/2019	\$0.03	\$0.00	0
09/04/2019	\$0.03	\$5.00	1
09/05/2019	\$0.03	\$0.00	0
09/06/2019	\$0.03	\$0.00	0
09/07/2019	\$0.03	\$0.00	0
09/08/2019	\$0.03	\$0.00	0
09/09/2019	\$0.03	\$0.00	0
09/10/2019	\$0.03	\$0.00	0
09/11/2019	\$0.03	\$0.00	0
09/12/2019	\$0.03	\$0.00	0
09/13/2019	\$0.03	\$0.00	0
09/14/2019	\$0.03	\$0.00	0
09/15/2019	\$0.03	\$0.00	0
09/16/2019	\$0.03	\$0.00	0
09/17/2019	\$0.03	\$0.00	0
09/18/2019	\$0.03	\$0.00	0
09/19/2019	\$0.03	\$0.00	0
09/20/2019	\$0.03	\$0.00	0
09/21/2019	\$0.03	\$0.00	0
09/22/2019	\$0.03	\$0.00	0
09/23/2019	\$0.03	\$0.00	0

Financial Certificates

0064984 - KINFORD, STEVEN

Date	Daily Balance	Daily Deposit	Number Of Deposit
09/24/2019	\$0.03	\$0.00	0
09/25/2019	\$0.03	\$0.00	0
09/26/2019	\$0.03	\$0.00	0
09/27/2019	\$0.03	\$0.00	0
09/28/2019	\$0.03	\$0.00	0
09/29/2019	\$0.03	\$0.00	0
09/30/2019	\$0.03	\$0.00	0
10/01/2019	\$0.03	\$0.00	0
10/02/2019	\$0.03	\$0.00	0
10/03/2019	\$0.03	\$0.00	0
10/04/2019	\$0.03	\$0.00	0
10/05/2019	\$0.03	\$0.00	0
10/06/2019	\$0.03	\$0.00	0
10/07/2019	\$0.03	\$0.00	0
10/08/2019	\$0.03	\$0.00	0
10/09/2019	\$0.03	\$0.00	0
10/10/2019	\$0.03	\$0.00	0
10/11/2019	\$0.03	\$0.00	0
10/12/2019	\$0.03	\$0.00	0
10/13/2019	\$0.03	\$0.00	0
10/14/2019	\$0.03	\$0.00	0
10/15/2019	\$0.03	\$0.00	0
10/16/2019	\$0.03	\$0.00	0
10/17/2019	\$0.03	\$0.00	0
10/18/2019	\$0.03	\$0.00	0
10/19/2019	\$0.03	\$0.00	0
10/20/2019	\$0.03	\$0.00	0
10/21/2019	\$0.03	\$0.00	0
10/22/2019	\$0.03	\$0.00	0
10/23/2019	\$0.03	\$0.00	0
10/24/2019	\$0.03	\$0.00	0
10/25/2019	\$0.03	\$0.00	0
10/26/2019	\$0.03	\$0.00	0
10/27/2019	\$0.03	\$0.00	0
10/28/2019	\$0.03	\$0.00	0
10/29/2019	\$0.03	\$0.00	0

Start Date	End Date	Total Daily Balances	Number Of Days	Average Monthly Balances
04/30/2019	05/29/2019	\$1.80	30	\$0.06
05/30/2019	06/29/2019	\$1.29	31	\$0.04
06/30/2019	07/29/2019	\$0.90	30	\$0.03
07/30/2019	08/29/2019	\$100.93	31	\$3.26
08/30/2019	09/29/2019	\$0.93	31	\$0.03
09/30/2019	10/29/2019	\$0.90	30	\$0.03

Start Date	End Date	Total Deposits	Number Of Deposits	Average Monthly Deposits
04/30/2019	05/29/2019	\$25.00	2	\$12.50
05/30/2019	06/29/2019	\$15.00	2	\$7.50
06/30/2019	07/29/2019	\$90.00	3	\$30.00
07/30/2019	08/29/2019	\$60.00	2	\$30.00

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Financial Certificates

0064984 - KINFORD, STEVEN

Start Date	End Date	Total Deposits	Number Of Deposits	Average Monthly Deposits
08/30/2019	09/29/2019	\$5.00	1	\$5.00
Current Account Balance:		10/29/2019	\$0.83 1.29	} See spreadsheet
Average Monthly Balance:			\$0.57 5.56	
Average Monthly Deposits:			\$32.50	
Average Total Monthly Deposit:			\$14.17	

0.*

32.50x

0.20=

6.50*

Nevada Department of Corrections											
Inmate Services Division											
Inmate Banking Section											
Inmate: 0064984 - Kinford, Steven											
Calculation of Trust 2 Average Monthly Balances				Calculation of Trust 3 Average Monthly Balances				Calculation of Savings over \$400.00 Average Monthly Balances			
Date	Daily Balance			Date	Daily Balance			Date	Daily Balance		
4/30/2019	0.05			4/30/2019	-			4/30/2019	-		
5/1/2019	0.05			5/1/2019	-			5/1/2019	-		
5/2/2019	0.05			5/2/2019	-			5/2/2019	-		
5/3/2019	0.05			5/3/2019	-			5/3/2019	-		
5/4/2019	0.05			5/4/2019	-			5/4/2019	-		
5/5/2019	0.05			5/5/2019	-			5/5/2019	-		
5/6/2019	0.05			5/6/2019	-			5/6/2019	-		
5/7/2019	0.05			5/7/2019	-			5/7/2019	-		
5/8/2019	0.05			5/8/2019	-			5/8/2019	-		
5/9/2019	0.05			5/9/2019	-			5/9/2019	-		
5/10/2019	0.05			5/10/2019	-			5/10/2019	-		
5/11/2019	0.05			5/11/2019	-			5/11/2019	-		
5/12/2019	0.05			5/12/2019	-			5/12/2019	-		
5/13/2019	0.05			5/13/2019	-			5/13/2019	-		
5/14/2019	0.05			5/14/2019	-			5/14/2019	-		
5/15/2019	0.05			5/15/2019	-			5/15/2019	-		
5/16/2019	0.05			5/16/2019	-			5/16/2019	-		
5/17/2019	0.05			5/17/2019	-			5/17/2019	-		
5/18/2019	0.05			5/18/2019	-			5/18/2019	-		
5/19/2019	0.05			5/19/2019	-			5/19/2019	-		
5/20/2019	0.05			5/20/2019	-			5/20/2019	-		
5/21/2019	0.05			5/21/2019	-			5/21/2019	-		
5/22/2019	0.05			5/22/2019	-			5/22/2019	-		
5/23/2019	0.05			5/23/2019	-			5/23/2019	-		
5/24/2019	0.05			5/24/2019	-			5/24/2019	-		
5/25/2019	0.05			5/25/2019	-			5/25/2019	-		
5/26/2019	0.05			5/26/2019	-			5/26/2019	-		
5/27/2019	0.05			5/27/2019	-			5/27/2019	-		
5/28/2019	0.05			5/28/2019	-			5/28/2019	-		
5/29/2019	0.05			5/29/2019	-			5/29/2019	-		
5/30/2019	0.05			5/30/2019	-			5/30/2019	-		
5/31/2019	0.05			5/31/2019	-			5/31/2019	-		
6/1/2019	0.05			6/1/2019	-			6/1/2019	-		
6/2/2019	0.05			6/2/2019	-			6/2/2019	-		
6/3/2019	0.05			6/3/2019	-			6/3/2019	-		
6/4/2019	0.05			6/4/2019	-			6/4/2019	-		
6/5/2019	0.05			6/5/2019	-			6/5/2019	-		
6/6/2019	0.05			6/6/2019	-			6/6/2019	-		
6/7/2019	0.05			6/7/2019	-			6/7/2019	-		
6/8/2019	0.05			6/8/2019	-			6/8/2019	-		
6/9/2019	0.05			6/9/2019	-			6/9/2019	-		
6/10/2019	0.05			6/10/2019	-			6/10/2019	-		
6/11/2019	0.05			6/11/2019	-			6/11/2019	-		
6/12/2019	0.05			6/12/2019	-			6/12/2019	-		
6/13/2019	0.05			6/13/2019	-			6/13/2019	-		
6/14/2019	0.05			6/14/2019	-			6/14/2019	-		
6/15/2019	0.05			6/15/2019	-			6/15/2019	-		
6/16/2019	0.05			6/16/2019	-			6/16/2019	-		
6/17/2019	0.05			6/17/2019	-			6/17/2019	-		
6/18/2019	0.05			6/18/2019	-			6/18/2019	-		
6/19/2019	0.05			6/19/2019	-			6/19/2019	-		
6/20/2019	0.05			6/20/2019	-			6/20/2019	-		
6/21/2019	0.05			6/21/2019	-			6/21/2019	-		
6/22/2019	0.05			6/22/2019	-			6/22/2019	-		
6/23/2019	0.05			6/23/2019	-			6/23/2019	-		
6/24/2019	0.05			6/24/2019	-			6/24/2019	-		
6/25/2019	0.05			6/25/2019	-			6/25/2019	-		
6/26/2019	0.05			6/26/2019	-			6/26/2019	-		
6/27/2019	0.05			6/27/2019	-			6/27/2019	-		
6/28/2019	0.05			6/28/2019	-			6/28/2019	-		
6/29/2019	0.05			6/29/2019	-			6/29/2019	-		
6/30/2019	75.05			6/30/2019	-			6/30/2019	-		
7/1/2019	75.05			7/1/2019	-			7/1/2019	-		
7/2/2019	75.05			7/2/2019	-			7/2/2019	-		
7/3/2019	75.05			7/3/2019	-			7/3/2019	-		
7/4/2019	75.05			7/4/2019	-			7/4/2019	-		
7/5/2019	60.24			7/5/2019	-			7/5/2019	-		
7/6/2019	60.24			7/6/2019	-			7/6/2019	-		
7/7/2019	60.24			7/7/2019	-			7/7/2019	-		
7/8/2019	60.24			7/8/2019	-			7/8/2019	-		
7/9/2019	60.24			7/9/2019	-			7/9/2019	-		
7/10/2019	60.24			7/10/2019	-			7/10/2019	-		
7/11/2019	60.24			7/11/2019	-			7/11/2019	-		
7/12/2019	1.38			7/12/2019	-			7/12/2019	-		
7/13/2019	1.38			7/13/2019	-			7/13/2019	-		
7/14/2019	1.38			7/14/2019	-			7/14/2019	-		
7/15/2019	1.38			7/15/2019	-			7/15/2019	-		
7/16/2019	1.38			7/16/2019	-			7/16/2019	-		
7/17/2019	1.38			7/17/2019	-			7/17/2019	-		
7/18/2019	1.38			7/18/2019	-			7/18/2019	-		
7/19/2019	1.38			7/19/2019	-			7/19/2019	-		
7/20/2019	1.38			7/20/2019	-			7/20/2019	-		
7/21/2019	1.38			7/21/2019	-			7/21/2019	-		
7/22/2019	1.38			7/22/2019	-			7/22/2019	-		
7/23/2019	0.38			7/23/2019	-			7/23/2019	-		
7/24/2019	0.38			7/24/2019	-			7/24/2019	-		
7/25/2019	0.38			7/25/2019	-			7/25/2019	-		

Nevada Department of Corrections											
Inmate Services Division											
Inmate Banking Section											
Inmate: 0064984 - Kinford, Steven											
Calculation of Trust 2 Average Monthly Balances				Calculation of Trust 3 Average Monthly Balances				Calculation of Savings over \$400.00 Average Monthly Balances			
Date	Daily Balance			Date	Daily Balance			Date	Daily Balance		
7/26/2019	0.38			7/26/2019	-			7/26/2019	-		
7/27/2019	0.38			7/27/2019	-			7/27/2019	-		
7/28/2019	0.38			7/28/2019	-			7/28/2019	-		
7/29/2019	0.38			7/29/2019	-			7/29/2019	-		
7/30/2019	0.38			7/30/2019	-			7/30/2019	-		
7/31/2019	0.38			7/31/2019	-			7/31/2019	-		
8/1/2019	0.38			8/1/2019	-			8/1/2019	-		
8/2/2019	0.05			8/2/2019	-			8/2/2019	-		
8/3/2019	0.05			8/3/2019	-			8/3/2019	-		
8/4/2019	0.05			8/4/2019	-			8/4/2019	-		
8/5/2019	0.05			8/5/2019	-			8/5/2019	-		
8/6/2019	0.05			8/6/2019	-			8/6/2019	-		
8/7/2019	0.05			8/7/2019	-			8/7/2019	-		
8/8/2019	0.05			8/8/2019	-			8/8/2019	-		
8/9/2019	0.05			8/9/2019	-			8/9/2019	-		
8/10/2019	0.05			8/10/2019	-			8/10/2019	-		
8/11/2019	0.05			8/11/2019	-			8/11/2019	-		
8/12/2019	0.05			8/12/2019	-			8/12/2019	-		
8/13/2019	0.05			8/13/2019	-			8/13/2019	-		
8/14/2019	0.05			8/14/2019	-			8/14/2019	-		
8/15/2019	0.05			8/15/2019	-			8/15/2019	-		
8/16/2019	0.05			8/16/2019	-			8/16/2019	-		
8/17/2019	0.05			8/17/2019	-			8/17/2019	-		
8/18/2019	0.05			8/18/2019	-			8/18/2019	-		
8/19/2019	0.05			8/19/2019	-			8/19/2019	-		
8/20/2019	0.05			8/20/2019	-			8/20/2019	-		
8/21/2019	0.05			8/21/2019	-			8/21/2019	-		
8/22/2019	50.05			8/22/2019	-			8/22/2019	-		
8/23/2019	2.12			8/23/2019	-			8/23/2019	-		
8/24/2019	2.12			8/24/2019	-			8/24/2019	-		
8/25/2019	2.12			8/25/2019	-			8/25/2019	-		
8/26/2019	2.12			8/26/2019	-			8/26/2019	-		
8/27/2019	2.12			8/27/2019	-			8/27/2019	-		
8/28/2019	2.12			8/28/2019	-			8/28/2019	-		
8/29/2019	2.12			8/29/2019	-			8/29/2019	-		
8/30/2019	0.26			8/30/2019	-			8/30/2019	-		
8/31/2019	0.26			8/31/2019	-			8/31/2019	-		
9/1/2019	0.26			9/1/2019	-			9/1/2019	-		
9/2/2019	0.26			9/2/2019	-			9/2/2019	-		
9/3/2019	0.26			9/3/2019	-			9/3/2019	-		
9/4/2019	0.26			9/4/2019	-			9/4/2019	-		
9/5/2019	0.26			9/5/2019	-			9/5/2019	-		
9/6/2019	0.26			9/6/2019	-			9/6/2019	-		
9/7/2019	0.26			9/7/2019	-			9/7/2019	-		
9/8/2019	0.26			9/8/2019	-			9/8/2019	-		
9/9/2019	0.26			9/9/2019	-			9/9/2019	-		
9/10/2019	0.26			9/10/2019	-			9/10/2019	-		
9/11/2019	0.26			9/11/2019	-			9/11/2019	-		
9/12/2019	0.26			9/12/2019	-			9/12/2019	-		
9/13/2019	0.26			9/13/2019	-			9/13/2019	-		
9/14/2019	0.26			9/14/2019	-			9/14/2019	-		
9/15/2019	0.26			9/15/2019	-			9/15/2019	-		
9/16/2019	0.26			9/16/2019	-			9/16/2019	-		
9/17/2019	0.26			9/17/2019	-			9/17/2019	-		
9/18/2019	0.26			9/18/2019	-			9/18/2019	-		
9/19/2019	0.26			9/19/2019	-			9/19/2019	-		
9/20/2019	0.26			9/20/2019	-			9/20/2019	-		
9/21/2019	0.26			9/21/2019	-			9/21/2019	-		
9/22/2019	0.26			9/22/2019	-			9/22/2019	-		
9/23/2019	0.26			9/23/2019	-			9/23/2019	-		
9/24/2019	0.26			9/24/2019	-			9/24/2019	-		
9/25/2019	0.26			9/25/2019	-			9/25/2019	-		
9/26/2019	0.26			9/26/2019	-			9/26/2019	-		
9/27/2019	0.26			9/27/2019	-			9/27/2019	-		
9/28/2019	0.26			9/28/2019	-			9/28/2019	-		
9/29/2019	0.26			9/29/2019	-			9/29/2019	-		
9/30/2019	0.26			9/30/2019	-			9/30/2019	-		
10/1/2019	0.26			10/1/2019	-			10/1/2019	-		
10/2/2019	0.26			10/2/2019	-			10/2/2019	-		
10/3/2019	0.26			10/3/2019	-			10/3/2019	-		
10/4/2019	0.26			10/4/2019	-			10/4/2019	-		
10/5/2019	0.26			10/5/2019	-			10/5/2019	-		
10/6/2019	0.26			10/6/2019	-			10/6/2019	-		
10/7/2019	0.26			10/7/2019	-			10/7/2019	-		
10/8/2019	0.26			10/8/2019	-			10/8/2019	-		
10/9/2019	0.26			10/9/2019	-			10/9/2019	-		
10/10/2019	0.26			10/10/2019	-			10/10/2019	-		
10/11/2019	0.26			10/11/2019	-			10/11/2019	-		
10/12/2019	0.26			10/12/2019	-			10/12/2019	-		
10/13/2019	0.26			10/13/2019	-			10/13/2019	-		
10/14/2019	0.26			10/14/2019	-			10/14/2019	-		
10/15/2019	0.26			10/15/2019	-			10/15/2019	-		
10/16/2019	0.26			10/16/2019	-			10/16/2019	-		
10/17/2019	0.26			10/17/2019	-			10/17/2019	-		
10/18/2019	0.26			10/18/2019	-			10/18/2019	-		
10/19/2019	0.26			10/19/2019	-			10/19/2019	-		
10/20/2019	0.26			10/20/2019	-			10/20/2019	-		

Nevada Department of Corrections														
Inmate Services Division														
Inmate Banking Section														
Inmate: 0064984 - Kinford, Steven														
Calculation of Trust 2 Average Monthly Balances					Calculation of Trust 3 Average Monthly Balances					Calculation of Savings over \$400.00 Average Monthly Balances				
Date	Daily Balance				Date	Daily Balance				Date	Daily Balance			
10/21/2019	0.26				10/21/2019	-				10/21/2019	-			
10/22/2019	0.26				10/22/2019	-				10/22/2019	-			
10/23/2019	0.26				10/23/2019	-				10/23/2019	-			
10/24/2019	0.26				10/24/2019	-				10/24/2019	-			
10/25/2019	0.26				10/25/2019	-				10/25/2019	-			
10/26/2019	0.26				10/26/2019	-				10/26/2019	-			
10/27/2019	0.26				10/27/2019	-				10/27/2019	-			
10/28/2019	0.26				10/28/2019	-				10/28/2019	-			
10/29/2019	0.26				10/29/2019	-				10/29/2019	-			
Start Date	End Date	Total Daily Balances	Number of Days	Average Monthly Balances	Start Date	End Date	Total Daily Balances	Number of Days	Average Monthly Balances	Start Date	End Date	Total Daily Balances	Number of Days	Average Monthly Balances
4/30/2019	5/29/2019	1.50	30	0.05	4/30/2019	5/29/2019	-	30	-	4/30/2019	5/29/2019	-	30	-
5/30/2019	6/29/2019	1.55	31	0.05	5/30/2019	6/29/2019	-	31	-	5/30/2019	6/29/2019	-	31	-
6/30/2019	7/29/2019	814.77	30	27.16	6/30/2019	7/29/2019	-	30	-	6/30/2019	7/29/2019	-	30	-
7/30/2019	8/29/2019	67.03	31	2.16	7/30/2019	8/29/2019	-	31	-	7/30/2019	8/29/2019	-	31	-
8/30/2019	9/29/2019	8.06	31	0.26	8/30/2019	9/29/2019	-	31	-	8/30/2019	9/29/2019	-	31	-
9/30/2019	10/29/2019	7.80	30	0.26	9/30/2019	10/29/2019	-	30	-	9/30/2019	10/29/2019	-	30	-
		900.71		4.99			-		-			-		-
Current Account Balance					Average Monthly Balance									
Primary	0.03				Primary	0.57								
Trust 2	0.26				Trust 2	4.99								
Trust 3	-				Trust 3	-								
Savings	-				Savings	-								
	0.29					5.56	Total Average Monthly Balance							


2019 Dec 18 12:00 PM

CLERK OF COURT PERISHING COUNTY

27CV1112-2019-0116

Steven D. Grierson

CLERK OF THE COURT



1 AARON D. FORD
 Attorney General
 2 WADE J. VANSICKLE (Bar No. 13604)
 Deputy Attorney General
 3 State of Nevada
 Office of the Attorney General
 4 555 East Washington Avenue, Suite 3900
 Las Vegas, Nevada 89101
 5 (702) 486-3149 (phone)
 (702) 486-3773 (fax)
 6 Email: wvansickle@ag.nv.gov

7 *Attorneys for Respondent*

8
 9
 10
 11
 12 DISTRICT COURT
 13 CLARK COUNTY, NEVADA

14 STEVEN KINFORD,

Case No. A-19-801803-W

15 Petitioner,

Dept. No. XXVIII

16 vs.

17 STATE OF NEVADA, et al.,

18 Respondents.

19
 20
 21 ORDER TRANSFERRING MATTER TO ELEVENTH JUDICIAL DISTRICT,
 22 PERISHING COUNTY, NEVADA

23 This matter came before the Court on its Order to Show Cause on November 19,
 24 2019, at 9:00am. Deputy Attorney General Wade VanSickle appeared for Respondent,
 25 State of Nevada. Petitioner Steven Kinford is an inmate lawfully incarcerated in the
 26 Nevada Department of Corrections and he did not make an appearance nor did he timely
 27 move the court to appear telephonically. The Court considered the following pleadings and
 28 papers on file:

<input checked="" type="checkbox"/> Non-Jury Disposed After Trial Start	<input checked="" type="checkbox"/> Summary Judgment Stipulated Judgment	<input type="checkbox"/> Summary Judgment
<input type="checkbox"/> Non-Jury Judgment Reached	<input type="checkbox"/> Stipulated Dismissal Consent to Dismiss by Deft(s)	<input type="checkbox"/> Stipulated Judgment
<input checked="" type="checkbox"/> Transferred before Trial		<input type="checkbox"/> Default Judgment
		<input type="checkbox"/> Judgment of Arbitration

Page 1 of 2

11/26/19 

- 1 • July 3, 2019 order from Third Judicial District Court of The State of Nevada in
2 And For The County of Lyon Denying Request for Approval of
3 Rehabilitation/Education Program;
4 • Petitioner's Petition for Writ of Habeas Corpus, filed on August 2, 2019;
5 • The Court's November 4, 2019 Order to Show Cause.

6 The Court finds Petitioner is currently housed in Lovelock Correctional Center in
7 Perishing County, Nevada. The Court further finds that it does not have jurisdiction to
8 consider Petitioner's Petition for Writ of Habeas Corpus, pursuant to NRS 34.738, based
9 upon his incarceration in Lovelock Correctional Center.

10 Based upon the above and good cause appearing, **IT IS HEREBY ORDERED** the
11 Court Clerk shall transfer the matter to the Eleventh Judicial District Court of the State
12 of Nevada in and for the County of Perishing, as all evidence before the Court indicates
13 that Petitioner is currently incarcerated in the Lovelock Correctional Center located in
14 Perishing County, Nevada.

15 DATED this 27 day of Nov, 2019.

16
17 
18 DISTRICT COURT JUDGE
RONALD J. ISRAEL


19 Prepared by:

20 AARON D. FORD
21 Attorney General

22 By:


23 WADE J. VANSICKLE (Bar No. 13604)
24 Deputy Attorney General
Attorneys for Respondents

25
26
27
28
CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

DEC 03 2019

FILED
AUG - 2 2019

96

Case No.: CR 6913

Dept. No.: II

FILED
CLERK OF COURT

2019 JUL 25 AM 11:04

TANYA SEE-ANN
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Victoria Toman

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

STEVEN KINFORD,

Petitioner,

v.

THE STATE OF NEVADA,

Respondent.

***** A-19-801803-W
XXV111

ORDER TRANSFERRING MATTER
PURSUANT TO NRS 34.738

On June 28, 2019, in the above-entitled matter, the Petitioner filed a Request for Approval of Rehabilitation/Education Program. The Pleading refers to a federal court decision and attaches a copy of a letter he received from the Social Security Administration Retirement, Survivors and Disability Insurance.

The Pleading did not indicate any relevant Nevada statutory or case law regarding prison education programs or a district court's authority to grant such a program. The pleading did not indicate who it was directed at. The caption generically stated the State of Nevada. Nevada law, and in particular, NRS Chapter 34, requires a petitioner to denominate what procedure he is using. NRS Chapter 34 would also require service upon the appropriate officer or agency. Finally, depending upon the procedure used and the officer or agency it is directed at, this Court may not be an appropriate venue.

The Court filed an order in response to the Petition on July 3, 2019. The Order pointed out the above deficiencies. The requested relief to order the State to provide the Petitioner educational opportunities was denied.

On July 22, 2019, the Petitioner filed a Second Request for Approval of Rehabilitation/

1 Education Program. The caption now includes what appears to be a federal agency, "Social
2 Security Admin." as well as the State of Nevada. The allegations insist that he is being denied
3 rights as a prisoner. The Nevada Department of Corrections appears to be the State Agency the
4 pleading is requesting relief from in the form of an educational program.

5 NRS 34.738 states:

6 1. A petition that challenges the validity of a conviction or sentence must be
7 filed with the clerk of the district court for the county in which the conviction
8 occurred. Any other petition must be filed with the clerk of the district court for
9 the county in which the petitioner is incarcerated.

10 2. A petition that is not filed in the district court for the appropriate county:

11 (a) Shall be deemed to be filed on the date it is received by the clerk of the
12 district court in which the petition is initially lodged; and


13 (b) Must be transferred by the clerk of that court to the clerk of the district
14 court for the appropriate county.

15 3. A petition must not challenge both the validity of a judgment of conviction
16 or sentence and the computation of time that the petitioner has served pursuant to
17 that judgment. If a petition improperly challenges both the validity of a judgment
18 of conviction or sentence and the computation of time that the petitioner has
19 served pursuant to that judgment, the district court for the appropriate county shall
20 resolve that portion of the petition that challenges the validity of the judgment of
21 conviction or sentence and dismiss the remainder of the petition without prejudice.

22 Emphasis added.

23 Based upon the above and good cause appearing, **IT IS HEREBY ORDERED** the Court
24 Clerk shall transfer the matter to the Eighth Judicial District Court of the State of Nevada in and
25 for the County of Clark, as the pleading indicated that the Petitioner is serving his sentence in the
26 High Desert State Prison in Indian Springs, Nevada.

27 DATED this 25th day of July, 2019.

28 
Hon. LEON ABERASTURI
DISTRICT JUDGE

1
2 **CERTIFICATE OF SERVICE**
3

4 I hereby certify that I, Debbie Gilmore, am an employee of the
5 Honorable Leon Aberasturi, District Judge, and that on this date, pursuant to NRCP 5(b), I
6 deposited for mailing at Yerington, Nevada, a true copy of the foregoing document addressed to:

7 Lyon County District Attorney
8 31 S. Main Street
9 Yerington, NV 89447

10 Nevada Attorney General's Office
11 Deputy Attorney General Sheryl Serreze
12 100 N. Carson St.
13 Carson City NV 89701

14 Steven Kinford #64984
15 P.O. Box 650 HDSP
16 Indian Springs NV 89018

17 DATED this 25th day of July 2019.

18
19
20
21
22
23
24
25
26
27
28

Employee Debbie Gilmore

29 **CERTIFIED COPY**

30 the document to which this certificate is
31 attached is a full, true and correct copy of the
32 original on file and of record in my office.

33 Date: July 25, 2019

34 Tanya Scheindt, Court Administrator

35 Third Judicial District Court of the State
36 of Nevada, in and for Lyon County.

37 By Victoria Toran

38 Deputy

Case Summary

STEVEN KINFORD - ADS Conversion - See Notes

Case Number: CR0006913

Type: Felony Crimes Against Persons

Status: Closed

Received Date: 6/25/2007

Status Date: 4/26/2019

Agency: Third Judicial District Court

Involvements

Primary Involvements

KINFORD, STEVEN Defendant

Other Involvements

SCULLY, MOREEN ADS Prosecutor

BIZZARO, AMELIA L. Defendant's Attorney

Third Judicial District Court (CR0006913)

Aberasturi, Leon A. - LAA Dept II - TJDC

Charges

1. ADSST - ADS Conversion - See Notes

Count History: ADSST-ADS Conversion - See Notes Change Date: 7/12/2019 Change Type: Disposition

Dispo: Other Manner of Disposition

KINFORD, STEVEN Defendant

Disposition: Other Manner of Disposition Dispo Date: 8/27/2008

Sentence: 7/13/2018 ADS Sentence

Notes: LIFE WITH POSSIBILITY OF PAROLE AFTER SERVING 10 YEARS; CREDIT 299 DAYS; \$25AAF;
CONCURRENT TO CR6880

Notes: LEWDNESS W/CHILD UNDER THE AGE OF 14, a category A F (AH)

Lead/Active: True

2. REOPEN - Reopened Charge

KINFORD, STEVEN Defendant

Disposition: Other Manner of Disposition Dispo Date: 4/26/2019

Lead/Active: False

Case Status History

6/25/2007 | Open

8/27/2008 12:42:00 PM | Closed

3/22/2019 12:42:00 PM | Reopened

4/26/2019 12:42:00 PM | Closed

Correspondences

6/25/2007 | ADS Case Filing

Notes: JUSTICE COURT PROCEEDINGS - DAYTON

9/24/2007 | ADS Case Filing

Notes: TRANSCRIPT OF COMPETENCY HEARING

12/14/2007 | ADS Case Filing

Notes: TERMINATION OF COUNSEL/MOTION FOR DISCOVERY

12/18/2007 | ADS Case Filing

Notes: TRANSCRIPT STATUS HEARING/COMPETENCY OCTOBER 22, 2007

12/27/2007 | ADS Case Filing

Notes: ORDER FOR REMAND

1/31/2008 | ADS Case Filing

Notes: INFORMATION

2/1/2008 | ADS Case Filing

Notes: JUSTICE COURT PROCEEDINGS - DAYTON (AFTER REMAND)

2/1/2008 | ADS Case Filing

Notes: TRANSCRIPT OF STATUS HEARING NOV 19, 2007

3/3/2008 | ADS Case Filing

KINFORD, STEVEN (Defendant)

Notes: GUILTY PLEA AGREEMENT

3/6/2008 | ADS Case Filing

Case Summary

Notes: TRANSCRIPT OF ARRAIGNMENT FEB 11, 2008
3/21/2008 | ADS Case Filing
Notes: TRANSCRIPT OF STATUS HEARING DECEMBER 24, 2007
3/31/2008 | ADS Case Filing
Notes: TRANSCRIPT ARRAIGNMENT MARCH 3, 2008
5/7/2008 | ADS Case Filing
Notes: TRANSCRIPT ARRAIGNMENT (CONTINUED) FEBRUARY 20, 2008
8/18/2008 | ADS Case Filing
Notes: ORDER FOR PRODUCTION OF INMATE
8/27/2008 | ADS Case Filing
Notes: COMMITMENT
8/27/2008 | ADS Case Filing
Notes: JUDGMENT OF CONVICTION
9/5/2008 | ADS Case Filing
Notes: CASE APPEAL STATEMENT
9/5/2008 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: DESIGNATION OF RECORD ON APPEAL
9/5/2008 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: NOTICE OF APPEAL
9/11/2008 | ADS Case Filing
Notes: RECEIPT FOR DOCUMENTS (S.C.)
9/16/2008 | ADS Case Filing
Notes: TRANSCRIPT JUDGMENT AND SENTENCING AUGUST 11, 2008
9/19/2008 | ADS Case Filing
Notes: ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL
9/26/2008 | ADS Case Filing
Notes: TRANSCRIPT CONTINUED JUDGMENT AND SENTENCING AUGUST 25, 2008
10/13/2008 | ADS Case Filing
Notes: ORDER APPOINTING COUNSEL TO REPRESENT INDIGENT APPELLANT
10/15/2008 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR TRANSCRIPTS
10/16/2008 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR AMENDED JUDGMENT OF CONVICTION TO INCLUDE JAIL TI CREDITS
10/22/2008 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION TO WITHDRAW
10/28/2008 | ADS Case Filing
Notes: ORDER ALLOWING COUNSEL TO WITHDRAW
11/24/2008 | ADS Case Filing
Notes: ORDER APPOINTING COUNSEL TO REPRESENT INDIGENT APPELLANT
1/9/2009 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR AMENDED JUDGMENT OF CONVICTION TO INCLUDE JAIL TI CREDITS
1/20/2009 | ADS Case Filing
Notes: OPPOSITION TO DEFENDANT'S MOTION TO AMEND JUDGMENT OF CONVICTION TO INCLUDE ADDITIONAL CREDIT FOR TIME SERVED
7/27/2009 | ADS Case Filing
Notes: ORDER FOR DENYING MOTION TO AMEND JUDGMENT OF CONVICTION
7/30/2009 | ADS Case Filing
Notes: NOTICE OF ENTRY OF JUDGMENT
8/6/2009 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)
8/6/2009 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS 34.750

Case Summary

8/6/2009 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

8/12/2009 | ADS Case Filing
Notes: ORDER DISMISSING APPEAL (S.C.)

8/19/2009 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: REQUEST FOR SUBMISSION

8/21/2009 | ADS Case Filing
Notes: ORDER

9/21/2009 | ADS Case Filing
Notes: STIPULATION TO EXTEND TIME FOR PETITIONER TO FILE PETITION FOR WRIT OF HABEAS CORPUS

10/8/2009 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: APPLICATION FOR COMPENSATION AND EXPENSES

10/22/2009 | ADS Case Filing
Notes: ORDER OF COMPENSATION FOR COURT-APPOINTED COUNSEL

10/26/2009 | ADS Case Filing
Notes: STIPULATION TO EXTEND TME FOR PETITIONER TO FILE SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS AND FOR RESPONDENT TO RESPOND

11/13/2009 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS FILED ON AUGUST 6, 2009 (FILE 2)

11/23/2009 | ADS Case Filing
Notes: MOTION TO STRIKE UNAUTHORIZED PRO PER FILING

12/3/2009 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: OPPOSITION TO STATE'S MOTION TO STRIKE UNAUTHORIZED PRO PER FILING (FILED BY DEFT)

12/3/2009 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR THE COURT TO ACCEPT THE SUPPLEMENTAL PETITION FILED ON NOVEMBER 13, 2009

12/14/2009 | ADS Case Filing
Notes: STIPULATION TO FURTHER EXTEND TIME FOR PETITIONER TO FILE SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS AND FOR RESPONDENT TO RESPOND TO TUESDAY DECEMBER 8, 2009 AT 5PM

12/18/2009 | ADS Case Filing
Notes: ORDER STIPULATING TO FURTHER EXTENDED TIME FOR PETITIONER TO FILE SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS AND FOR RESPONDENT TO RESPOND

12/28/2009 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: REQUEST FOR SUBMISSION

12/31/2009 | ADS Case Filing
Notes: STIP TO ENLARGE TIME FOR PETITIONER TO FILE SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS & FOR PETITIONER TO RESPOND BY JANUARY 6, 2010 AT 5:00 P.M.

1/13/2010 | ADS Case Filing
Notes: ORDER STIPULATING TO ENLARGE TIME FOR PETITIONER TO FILE SUPPLEMENTL PETITION

2/17/2010 | ADS Case Filing
Notes: STIPULATION TO ENLARGE TIME FOR PETITIONER TO FILE SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS AND FOR PETITIONER TO RESPOND BY MARCH 15, 2010 AT 5PM

3/4/2010 | ADS Case Filing
Notes: ORDER STIPULATING TO ENLARGE TIME FOR PETITIONER TO FILE SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS AND FOR PETITIONER TO RESPOND BY MARCH 15, 2010 AT 5PM

3/16/2010 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: SUPPLEMENT TO PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS

4/7/2010 | ADS Case Filing
Notes: SETTING MEMO

4/29/2010 | ADS Case Filing
Notes: MOTION TO SUBMIT

4/29/2010 | ADS Case Filing

Case Summary

Notes: STATE'S RESPONSE TO POST-CONVICTION HABEAS CORPUS PETITION AND SUPPLEMENT
4/29/2010 | ADS Case Filing
Notes: RETURN
4/29/2010 | ADS Case Filing
Notes: STIPULATION TO EXTEND TIME FOR STATE TO FILE ANSWER AND RETURN
5/26/2010 | ADS Case Filing
Notes: ORDER TO PRODUCE INMATE STEVEN KINFORD
6/8/2010 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: NOTICE OF APPEAL (**NO WRITTEN ORDER YET**)
6/14/2010 | ADS Case Filing
Notes: TRANSCRIPT POST CONVICTION WRIT OF HABEAS CORPUS 6/2/10
7/29/2010 | ADS Case Filing
Notes: CASE APPEAL STATEMENT
8/2/2010 | ADS Case Filing
Notes: RECEIPT FOR DOCUMENTS (S.C.)
8/13/2010 | ADS Case Filing
Notes: NOTICE OF ENTRY OF ORDER
8/13/2010 | ADS Case Filing
Notes: ORDER DENYING POST-CONVICTION PETITION FOR A WRIT OF HABEAS CORPUS
8/19/2010 | ADS Case Filing
Notes: ORDER RE:ENTRY OF WRITTEN JUDGMENT OR ORDER AND RECORD ON APPEAL (S.C.)
9/7/2010 | ADS Case Filing
Notes: ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL AND RESCINDING PRIOR ORDER DIRECTING TRANSMISSION OF RECORD ON APPEAL
9/14/2010 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: APPLICATION FOR COMPENSATION FOR SERVICES PERFORMED BY COURT APPOINTED ATTORNEY AND FOR REIMBURSEMENT OF TRAVEL COSTS
2/3/2011 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: FIRST CLAIM FOR COMPENSATION
2/9/2011 | ADS Case Filing
Notes: ORDER FOR COMPENSATION
9/30/2011 | ADS Case Filing
Notes: ORDER OF AFFIRMANCE (S.C.)
10/14/2011 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: REQUEST FOR SUBMISSION
10/14/2011 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: NOTICE OF MOTION
10/14/2011 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR TO ORDER NDOC WARDNE JACK PALMER TO ALLOW THER PETITIONER TO MAINTAIN AND POSSESS CASSETTE TAPE WITH ALL LEGAL MATERIAL
10/14/2011 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: REQUEST FOR SUBMISSION
10/14/2011 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: NOTICE OF MOTION
10/14/2011 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: NOTICE OF YOUR WITHDRAWAL AS ATTORNEY OF RECORD AND DEMAND F FOR TRANSFER OF RECORDS
11/7/2011 | ADS Case Filing
Notes: REMITTITUR (S.C.)
11/7/2011 | ADS Case Filing
Notes: CLERK'S CERTIFICATE/JUDGMENT (S.C.)
11/18/2011 | ADS Case Filing

Case Summary

Notes: ORDER FOR COMPENSATION
12/1/2011 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION TO EXTEND PRISON COPYWORK LIMIT
12/1/2011 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
12/1/2011 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: PETITION FOR WRIT OF HABEAS CORPUS
12/20/2011 | ADS Case Filing
Notes: ORDER
12/20/2011 | ADS Case Filing
Notes: RODER TRANSFERRING CASE TO DEPARTMENT II
1/10/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: REQUEST FOR SUBMISSION
1/10/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: REQUEST FOR HEARING
2/3/2012 | ADS Case Filing
Notes: MOTION TO DISMISS
2/17/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR ENLARGEMENT OF TIME (FIRST REQUEST)
2/22/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: PETITIONERS OPPOSITION TO STATE MOTION FOR PARTIAL DISMISSAL
3/1/2012 | ADS Case Filing
Notes: NOTICE OF ENTRY OF ORDER
3/1/2012 | ADS Case Filing
Notes: ORDER DISMISSING PETITION WRIT OF HABEAS CORPUS
3/1/2012 | ADS Case Filing
Notes: ORDER DENYING MOTION TO EXTEND COPYWORK LIMIT
3/19/2012 | ADS Case Filing
Notes: AMENDED NOTICE OF ENTRY OF ORDER
3/19/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: REQUEST FOR SUBMISSION
3/19/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: DESIGNATION OF RECORD ON APPEAL
3/19/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: NOTICE OF APPEAL
3/20/2012 | ADS Case Filing
Notes: CASE APPEAL STATEMENT
3/26/2012 | ADS Case Filing
Notes: RECEIPT FOR DOCUMENTS (S.C.)
4/16/2012 | ADS Case Filing
Notes: NOTICE OF ENTRY OF ORDER
4/16/2012 | ADS Case Filing
Notes: ORDER
4/27/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: NOTICE OF MOTION FOR RECONSIDERATION AND MOTION FOR LEAVE TO FILE FIRST AMENDED HABEAS CORPUS PETITION
5/8/2012 | ADS Case Filing
Notes: ORDER DIRECTING TRANSMISSION OF RECORD (S.C.)

Case Summary

5/9/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: REQUEST FOR SUBMISSION

5/9/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR ORDER TO SHOW CAUSE

5/16/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR WITHDRAWAL OF GUILTY PLEA

5/16/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS 34.750

5/21/2012 | ADS Case Filing
Notes: NOTICE OF ENTRY OF ORDER (DENYING OSC)

5/21/2012 | ADS Case Filing
Notes: ORDER DENYING MOTION FOR ORDER TO SHOW CAUSE

5/21/2012 | ADS Case Filing
Notes: MINUTE ORDER

5/23/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: SUPPLEMENT POINTS AND AUTHORITIES

7/9/2012 | ADS Case Filing
Notes: RECEIPT FOR DOCUMENTS (S.C.)

7/17/2012 | ADS Case Filing
Notes: MINUTE ORDER

12/13/2012 | ADS Case Filing
Notes: ORDER OF AFFIRMANCE

12/20/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: REQUEST FOR SUBMISSION

12/31/2012 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: AMENDED MOTION TO WITHDRAW GUILTY PLEA

1/9/2013 | ADS Case Filing
Notes: CLERK'S CERTIFICATE (S.C.)

1/9/2013 | ADS Case Filing
Notes: REMITTITUR (S.C.)

1/10/2013 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR COURT INTERVENTION

2/25/2013 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: REQUEST FOR SUBMISSION

3/8/2013 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: REQUEST FOR SUBMISSION (FILED BY KINFORD)

3/8/2013 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: AMENDED MOTION TO WITHDRAWAL OF GUILTY PLEA-FILED BY KINFORD

3/15/2013 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: PETITIONER'S SUBMISSION OF EXHIBIT IN SUPPORT OF MOTION TO WITHDRAW HIS GUILTY PLEA

4/11/2013 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: AMENDED MOTION TO WITHDRAWAL GUILTY PLEA

4/24/2013 | ADS Case Filing
Notes: ORDER

5/2/2013 | ADS Case Filing

Case Summary

Notes: MOTION TO DISMISS AMENDED MOTION TO WITHDRAW GUILTY PLEA/ OPPOSITION TO AMENDED MOTION TO WITHDRAW GUILTY PLEA

5/16/2013 | ADS Case Filing

KINFORD, STEVEN (Defendant)

Notes: NOTICE OF CHANGE OF ADDRESS

5/16/2013 | ADS Case Filing

KINFORD, STEVEN (Defendant)

Notes: MOTION FOR ENLARGEMENT OF TIME (FIRST REQUEST)

5/23/2013 | ADS Case Filing

KINFORD, STEVEN (Defendant)

Notes: RESPONSE TO MOTION TO DISMISS AMENDED MOTION TO WITHDRAW GUILTY PLEA; OPPOSITION TO AMENDED MOTION TO WITHDRAW GUILTY PLEA

5/30/2013 | ADS Case Filing

Notes: ORDER GRANTING MOTION FOR ENLARGEMENT OF TIME

7/22/2013 | ADS Case Filing

Notes: ORDER DISMISSING AMENDED MOTION TO WITHDRAW GUILTY PLEA

7/30/2013 | ADS Case Filing

Notes: NOTICE OF ENTRY OF ORDER

8/19/2013 | ADS Case Filing

KINFORD, STEVEN (Defendant)

Notes: MOTION FOR APPOINTMENT OF COUNSEL

9/26/2013 | ADS Case Filing

Notes: ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

9/30/2013 | ADS Case Filing

KINFORD, STEVEN (Defendant)

Notes: REQUEST FOR SUBMISSION OF MOTION

10/2/2013 | ADS Case Filing

Notes: NOTICE OF ENTRY OF ORDER (GO TO FILE 4)

10/9/2014 | ADS Case Filing

KINFORD, STEVEN (Defendant)

Notes: WRIT OF HABEAS CORPUS POST CONVICTION (FILES 4-10) INCLUDING EXHIBITS 1-240

11/18/2014 | ADS Case Filing

KINFORD, STEVEN (Defendant)

Notes: MOTION FOR APPROVAL FOR A REHABILITATION/EDUCATIONAL PROGRAM

12/12/2014 | ADS Case Filing

Notes: ORDER

12/15/2014 | ADS Case Filing

Notes: NOTICE OF ENTRY OF ORDER

12/31/2014 | ADS Case Filing

KINFORD, STEVEN (Defendant)

Notes: MOTION FOR TRANSFER OF MOTION FOR APPROVAL FOR REHABILITATION/EDUCATION PROGRAM

1/15/2015 | ADS Case Filing

Notes: ORDER REQUIRING RESPONSE (TO PET FOR WRIT OF H. CORPUS)

1/16/2015 | ADS Case Filing

KINFORD, STEVEN (Defendant)

Notes: NOTICE OF APPEARANCE (ASST PUB DEFENDER RYAN NORWOOD)

1/20/2015 | ADS Case Filing

Notes: NOTICE OF ENTRY OF ORDER

1/20/2015 | ADS Case Filing

Notes: ORDER (DENYING MTN FOR TRANSFER OF MTN TO CARSON CITY)

1/20/2015 | ADS Case Filing

Notes: ORDER VACATING ORDER TO RESPOND

1/26/2015 | ADS Case Filing

KINFORD, STEVEN (Defendant)

Notes: SUPPLEMENT TO PETITION

2/5/2015 | ADS Case Filing

Notes: ORDER CLARIFYING/REQUIRING RESPONSE FROM STATE

5/28/2015 | ADS Case Filing

Notes: MOTION TO ENLARGE TIME TO FILE RESPONSE TO RESPOND TO PETITION

7/30/2015 | ADS Case Filing

Case Summary

Notes: MOTION TO DISMISS PETITION AND SUPPLEMENT TO PETITION
8/13/2015 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSE TO MOTION TO DISMISS PETITION AND SUPPLEMENT TO PETITION
9/17/2015 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: REPLY TO STATE'S MOTION TO DISMISS PETITION AND SUPPLEMENT
2/11/2016 | ADS Case Filing
Notes: ORDER DENYING MOTION TO DISMISS IN PART AND GRANTING IN PART
2/12/2016 | ADS Case Filing
Notes: NOTICE OF ENTRY OF ORDER
3/8/2016 | ADS Case Filing
Notes: NOTICE OF APPEARANCE (MELANIE GAVISK)
3/16/2016 | ADS Case Filing
Notes: SETTING MEMO
5/3/2016 | ADS Case Filing
Notes: ORDER TO TRANSPORT AND PRODUCE PRISONER
5/19/2016 | ADS Case Filing
Notes: AMENDED ORDER TO TRANSPORT AND PRODUCE PRISONER
6/6/2016 | ADS Case Filing
Notes: OBJECTION TO SUBPOENA DUCES TECUM - STATE OF NV DCFS
6/15/2016 | ADS Case Filing
Notes: RESPONSE TO STATE'S OBJECTION TO SUBPOENA DUCES TECUM
6/22/2016 | ADS Case Filing
Notes: NOTICE OF ENTRY OF ORDER
6/22/2016 | ADS Case Filing
Notes: ORDER ON OBJECTION TO SUBPOENA DUCES TECUM
6/23/2016 | ADS Case Filing
Notes: NOTICE OF ENTRY OF ORDER
6/23/2016 | ADS Case Filing
Notes: ORDER DENYING PETITION IN PART
7/18/2016 | ADS Case Filing
Notes: STIPULATION AND ORDER (VACATING 7/19/16 HEARING)
12/22/2016 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR SENTENCE TO SHOW PROPERTY JAIL TIME CREDITS
2/10/2017 | ADS Case Filing
Notes: ORDER REQUIRING RESPONSE
2/13/2017 | ADS Case Filing
Notes: ORDER TO TRANSPORT & PRODUCE PRISONER
2/13/2017 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: NOTICE OF APPEARANCE (RENE VALLADARES /MEGAN HOFFMAN)
3/6/2017 | ADS Case Filing
Notes: MTN TO DISMISS PETITIONER'S MTN FOR JAIL TIME CREDIT-FILE 11
3/22/2017 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR WITNESSES TO APPEAR TELEPHONICALLY
3/22/2017 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: NOTICE OF WITNESSES
3/24/2017 | ADS Case Filing
Notes: OBJECTION AND MOTION TO STRIKE
3/27/2017 | ADS Case Filing
Notes: SETTING MEMO (3-29-17)
3/31/2017 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: SUPPLEMENTAL EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) -EXHIBITS 243 & 244

Case Summary

4/3/2017 | ADS Case Filing
Notes: TRANSCRIPT TELEPHONE CONVERENCE MARCH 29, 2017

4/7/2017 | ADS Case Filing
Notes: ORDER AFTER HEARING

4/26/2017 | ADS Case Filing
Notes: TRANSCRIPT EVIDENTIARY HEARING APRIL 4, 2017

5/11/2017 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: APPLICATION FOR PAYMENT (REIMBURSEMENT) OF WITNESS FEES AND EXPENSES

5/12/2017 | ADS Case Filing
Notes: ORDER AUTHORIZING PAYMENT OF WITNESS FEES (\$148.60)

5/24/2017 | ADS Case Filing
Notes: ORDER AUTHORIZING PAYMENT OF WITNESS FEES (\$145.60)_

5/24/2017 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: AMENDED APPLICATION FOR PAYMENT (REIMBURSEMENT) OF WITNESS FEES AND EXPENSES - FOR CORRECT AMOUNT OF \$145.60

8/1/2017 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: MOTION FOR EXTENSION OF TIME TO FILE POST HEARING BRIEF

8/14/2017 | ADS Case Filing
Notes: ORDER EXTENDING TIME TO FILE POST-HEARING BRIEFS

8/14/2017 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: POST-HEARING BRIEF IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

10/11/2017 | ADS Case Filing
Notes: CLOSING BRIEF/ARGUMENT AFTER EVIDENTIARY HEARING

10/25/2017 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE REPLY

11/9/2017 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: REPLY BRIEF IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)

1/23/2018 | ADS Case Filing
Notes: NOTICE OF ENTRY OF ORDER

1/23/2018 | ADS Case Filing
Notes: ORDER DENYING WRIT OF HABEAS CORPUS (POST-CONVICTION)

2/22/2018 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: CASE APPEAL STATEMENT

2/22/2018 | ADS Case Filing
KINFORD, STEVEN (Defendant)
Notes: NOTICE OF APPEAL

3/7/2018 | ADS Case Filing
Notes: RECEIPT FOR DOCUMENTS - S. COURT

Documents

7/17/2018 ADS DOCKET.pdf - For Court Use Only
Notes: AS OF 7-17-18

3/18/2019 Order of Affirmance - .S.C..pdf - Filed

3/22/2019 Enforcement of and-or Modification of Judgment.pdf - Filed

4/8/2019 Request For Submission.pdf - Filed

4/15/2019 Remittitur (S.C.).pdf - Filed

4/15/2019 Clerk's Certificate (S.C.).pdf - Filed

4/26/2019 Notice of Entry of Order (Order filed 4-26-19).pdf - Filed

4/26/2019 Order.pdf - Filed

6/28/2019 Request for Approval of Rehabilitation- Education Program.pdf - Filed

6/28/2019 Notice of Motion.pdf - Filed

7/3/2019 Order Denying Request for Approval of Rehabilitation-Education Program.pdf - Filed

7/5/2019 Request for Submission-.pdf - Filed

Case Summary

7/11/2019 Notice of Entry of Order (Order Denying Request for Approval of Rehabilitation-Education Program).pdf - Filed
7/15/2019 Motion for Extension of Time to File Reply .pdf - Filed
7/22/2019 Second Request for Approval of Rehabilitation- Education Program.pdf - Filed
7/25/2019 Order Transferring Matter Pursuant to NRS 34.738.pdf - Filed

Events

8/20/2007 9:00:00 AM | ADS Hearing

Staff - STAFF

Involved via BizRule

Notes: JUDGE: DAVID A. HUFF; CLERK: DEANN PEEPLES; REPORTER: TONJA LEMICH-GILL; BAILIFF: JACOB SO BRANDI JENSEN, DEPUTY D.A.; DEBBIE BEEMER, P& PAUL YOHEY WITH DEFENDANT WHO WAS IN CUSTODY. STATUS HEARING - ALSO CR6880 COURT FINDS FURTHER EVALUATION TO BE DONE AT LAKE'S CROSSING. MATTER RESET FOR OCTOBER 22, D.A. TO PREPARE ORDER TO LAKE'S CROSSING TO BE ABLE TO RETAIN MEDICAL RECORDS OF DEFENDANT.

10/22/2007 9:00:00 AM | ADS Hearing

Staff - STAFF

Involved via BizRule

Notes: STATUS HEARING/COMPETENCY - ALSO CR6880 CONTINUED TO NOV 19, 2007.

11/19/2007 9:00:00 AM | ADS Hearing

Staff - STAFF

Involved via BizRule

Notes: STATUS HEARING WAITING FOR LAKE'S CROSSING EVALUATION. MATTE CONTINUED TO DECEMBER 24, 2007.

12/24/2007 9:00:00 AM | ADS Hearing

Staff - STAFF

Involved via BizRule

Notes: STATUS HEARING JUDGE: DAVID A. HUFF; CLERK: KATHY THOMAS; CO REPORTER: TONJA GILL; BAILIFF: NIA WOOLLISCRO ROBERT BRYANT, OBO STATE; DEBBIE BEEMER, DEPT PAROLE & PROBATION; JESSE KALTER, OBO DEFENDANT PARTIES REVIEWED THE REPORT FROM LAKE'S CROSSING COURT ORDERED: DEFT FOUND COMPETENT. MATTER REMANDED TO JUSTICE COURT FOR PRELIMINARY HEARING

2/11/2008 9:00:00 AM | ADS Hearing

Staff - STAFF

Involved via BizRule

Notes: ARRAIGNMENT CONTINUED TO FEB 20, 2008

2/20/2008 9:00:00 AM | ADS Hearing

Staff - STAFF

Involved via BizRule

Notes: ARRAIGNMENT CONTINUED TO MARCH 3, 2008

3/3/2008 9:00:00 AM | ADS Hearing

Staff - STAFF

Involved via BizRule

Notes: JUDGE DAVID A. HUFF; CLERK: DEANN PEEPLES; BAILIFF: EREK PUCCIO; JEREMY REICHENBERG, DEP D.A.; DEBBIE BEEMER, P&P; REPORTER: KATHY TER KEN WARD WITH DEFENDANT WHO WAS IN CUSTODY. ARRAIGNMENT DEFENSE COUNSEL HAD RECEIVED A COPY OF THE INFORMATION AND WAIVED FORMAL READING. COURT ADVISED DEFENDANT OF THE CHARGES AND POSSIBLE PENALTIES INVOLVED. DEFENDANT ADVISED OF HIS RIGHTS AND PROCESS. GUILTY PLEA AGREEMENT PRESENTED TO COURT. MR. WARD INFORMED COURT OF CURRENT MEDICATIONS DEFENDANT IS ON. DEFENDANT STATED HE IS AWARE OF WHAT IS GOING ON. MR. W PRESENTED FACTUAL BASIS FOR PLEA. JUDGMENT AND SENTENCING SET FOR JUNE 9, 2008.

8/11/2008 9:00:00 AM | ADS Hearing

Staff - STAFF

Involved via BizRule

Notes: JUDGMENT AND SENTENCING MATTER CONTINUED TO AUGUST 25, 2008. KEN WARD DO ORDER TO PRODUCE.

8/25/2008 9:00:00 AM | ADS Hearing

Staff - STAFF

Case Summary

Involved via BizRule

Notes: CONT JUDGMENT AND SENTENCING DAVID A. HUFF, JUDGE; TANYA SCEIRINE, CLERK; GILL, REPORTER; JEREMY REICHENBERG, DEP D.A.; DEBBIE BEEMER, P&P; KEN WARD WITH DEFENDANT APPEARING IN CUSTODY. COURT AT REQUEST OF MR. WARD ALLOWED MR. KALT TO REVIEW FILE FOR A SECOND OPINION. MR. KALT ADVISED COURT HE WAS FAMILIAR WITH THE REPORT AND WOULD GIVE NO DIFFERENT ADVISED TO MR. KI COURT CONTINUED WITH SENTENCING. THERE WERE NO FACTUAL CORRECTIONS TO THE PSI; COURT HEARD STATEMENTS OF COUNSEL AND DEFENDA COURT FOUND DEFENDANT GUILTY OF THE CLASS A F LEWDNESS WITH A CHILD UNDER 14 YEARS OF AGE. COURT SENTENCED DEFENDANT TO A TERM OF LIFE W THE POSSIBILITY OF PAROLE AFTER SERVING 10 YE DEFENDANT WAS GIVEN CREDIT FOR 299 DAYS AND SENTENCED IS TO RUN CONCURRENT TO CR6880. \$25

6/2/2010 1:30:00 PM | ADS Hearing

Staff - STAFF

Involved via BizRule

Notes: :WRIT OF HABEAS CORPUS - 2 HOURS EVIDENTIARY HEARING (4 DAYS) - VACATED - JUDGE: DAVID A. HUFF; CLERK: KATHY THOMAS; COURT REPORTER: KATHY TERHUNE; BAILIFF: EMILY HOWELL; JOE REYNOLDS, OBO THE STATE; ROBERT FRY, APPOINTED COUNSEL OBO THE DEFENDANT. COUNSEL PRESENTED ARGUMENT TO THE COURT. COURT ORDERED: ALL REQUESTS FOR RELIEF ARE DENIED. MR. FRY'S APPOINTMENT WILL END AT THE ENTRY OF THE ORDER. MR. REYNOLDS TO PREPARE ORDER.

3/29/2017 1:00:00 PM | ADS Hearing

Staff - STAFF

Involved via BizRule

Notes: TELEPHONIC CONFERENCE - JUDGE: LEON A. ABERASTURI; CLERK: KATHY THOMAS; COURT REPORTER: KATHY TERHUNE; IMELA BIZZARO, FEDERAL PUBLIC DEFENDER'S OFFICE; MOREEN SCULLY, OBO THE STATE PARTIES SUBMITTED STATEMENTS TO THE COURT COURT ORDERED: PARTIES WILL BRIEF THE COURT ON THE CONFLICT IF A CONFLICT EXSISTS. COURT WILL DETERMINE IF KEN WARD HAD A CONFLICT AT THE HEARING. TESTIMONY WILL BE LIMITED TO TESTIMONY AS TO CONFLICT OF ATTORNEYS.

4/4/2017 9:00:00 AM | ADS Hearing

Staff - STAFF

Case Summary

Involved via BizRule

Notes: EVIDENTIARY HEARING (4 DAYS) - PRESENT: LEON A. ABERASTURI, JUDGE; ANDREA ANDERSEN, CLERK; SHELLY LOOMIS, COURT REPORTER; JAVS RECORDED, COURTROOM B; RICK ZIERENBERG, BAILIFF; ADAM WYNOTT, LAW CLERK; MOREEN SCULLY, DEPUTY D.A. CHAD PACE, DEPUTY D.A. AMELIA BIZZARO AND MEGAN HOFFMAN WITH DEFENDANT. DEFENDANT IN CUSTODY OF NSP. FOR PURPOSES OF THIS HEARING ONLY, DEFENDANT WILL BE THE PLAINTIFF AND NOT THE DEFENDANT FOR EXHIBITS. PLAINTIFF'S EXHIBITS 1-60 AND DEFENDANT'S EXHIBITS A-F WERE MARKED. MS. BIZZARO REQUESTED ONE OF THE DEFENDANT'S HANDS BE RELEASED FROM THE HANDCUFFS SO HE MAY TAKE NOTES. NSP OFFICER INFORMED THE COURT THAT IS AGAINST THEIR POLICY. COURT WILL NOT INTERFERE WITH THEIR POLICY. MR. BIZARRO INFORMED THE COURT MR. KINFORD WITHDRAWS THE PRO SE MOTION PREVIOUSLY RESERVED FOR TODAY. COURT HEARD BRIEF OPENING STATEMENTS FROM MS. BIZARRO AND MS. SCULLY. PAUL YOHEY WAS SWORN AND TESTIFIED. PLAINTIFF'S EXHIBITS 3, 8, 9, 21 AND 22 WERE OFFERED AND ADMITTED. STATE OBJECTED TO EXHIBIT 5 DUE TO THE NATURE OF THE DOCUMENT. MS. HOFFMAN ARGUED THE NECESSITY OF THE DOCUMENT. OBJECTION OVERRULED. MS. SCULLY OBJECTED TO PLAINTIFF'S EXHIBITS 49 AND 51 AS TO HEARSAY. MS. HOFFMAN ADDRESSED OBJECTION. COURT ALLOWED 49 AND 51 NOT FOR CONTENT BUT FOR PURPOSE THEY WERE RECEIVED AND PROMPTED ACTION. MS. SCULLY OBJECTED TO PLAINTIFF'S EXHIBIT 33. COURT OVERRULED OBJECTION. MS. SCULLY OBJECTED TO PLAINTIFF'S EXHIBIT 49, 50 AND 54. COUNSEL ARGUED OBJECTION. COURT OVERRULED OBJECTION. PLAINTIFF'S EXHIBITS 2, 5, 11, 24, 28-34, 29, 51, 53-55 AND 59 WERE ADMITTED. JESSE KALTER WAS SWORN AND TESTIFIED. PLAINTIFF'S EXHIBITS 1, 10, 25, 43-45, 47, 48 AND 60 WERE ADMITTED. COUNSEL STIPULATED TO THE ADMISSION OF PLAINTIFF'S EXHIBITS 16, 17, 23, 26, 27, 35-42 AND 52. DEFENDANT'S EXHIBITS A, C AND F WERE ADMITTED. COURT HEARD BRIEF CLOSING ARGUMENT FROM MS. BIZZARO. COUNSEL AGREED ON ADDITIONAL BRIEFING. COURT ADVISED COUNSEL HE DOES NOT SEE A CONFLICT WITH MR. WARD, HOWEVER, HE WILL ALLOW ADDITIONAL BRIEFS WITH POINTS AND AUTHORITIES AS TO HOW MR. YOHEY AND MR. KALTER COULD HAVE CONFLICTS. COURT DIRECTED COUNSEL AS TO WHAT INFORMATION IS NEEDED IN THE ADDITIONAL BRIEFING. COUNSEL AGREED TO HOLD AN EVIDENTIARY HEARING IF THE COURT IS NOT RESTRICTED BY THE CANVASS AND PREVIOUS FINDINGS. COURT ORDERED BRIEFS BE FILED WITH THE COURT WITHIN NINETY (90) DAYS OF RECEIVING THE TRANSCRIPT. REPLY BRIEFS DUE THIRTY (30) DAYS AFTER FILING OF BRIEFS. *****UPON REVIEW OF PLAINTIFF'S EXHIBIT 5 COURT ORDERED PLAINTIFF'S EXHIBIT 5 BE SEALED BY ORDER OF THE COURT.*****

FILED

STEVEN KINFORD #B4984

2019 JUN 28 AM 10:26

P.O. Box 650

Indian Springs, NV. 89020

TANIA S. S. S. S.
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Victoria Toran

THIRD JUDICIAL DISTRICT COURT

LYON COUNTY, NEVADA

STEVEN KINFORD,

Plaintiff,

vs

STATE OF NEVADA,

Respondent(s)

Case No. CR 6913

Pepl. No. 11

REQUEST FOR APPROVAL OF
REHABILITATION/EDUCATION
PROGRAM

COMES NOW, Steven Kinford, Plaintiff, in pro se, in this above entitled action. The Plaintiff is now hoping that this Request is the proper avenue to obtain what he now needs. Just recently (6-21-19) the Plaintiff received Court documents from the U.S. District Court (Doc 37, Case No. 3:12-cr-00191-RCWJC) in this document it states, per United States v. Osborne, 988 F.2d 47, 49 ("[A] Court of law must refer to the sentencing Court") that the approval the Plaintiff seeks needs to come from this Court.

(1)

Per Borchelt v. Apfel, 25 P. Supp. 2d 1012, 1021 (B.D. Mo. 1998)
(holding that rehabilitation program must ameliorate the
underlying disability that entitles one to social security
benefits).

After this statement by the court and the stated
case law it can plainly be seen that the Plaintiff falls
into these lines.

This statement can be seen in the definition of
"Rehabilitation".

"Rehabilitation": To restore to a former capacity,
rank, or right: 2 To restore to
good condition or health. (The
Merriam-Webster Dictionary).

After this definition, and if the court records are looked
at, it can be seen that the Plaintiff has a documented head
injury, or TBI (Traumatic Brain Injury). From this injury
it greatly impaired the past school knowledge that he had.
So due to his impairments and the loss of memory (education)
it is hard for him to do daily work activities.

In stating that if the Plaintiff was able to go back
to college he can relearn, learn more, and finish his college
degree. At this point he is only five (5) classes away

from completing his degree. Although this is true, the Plaintiff would like to do more than the five classes needed to not only finish his degree, but regain the knowledge he has lost.

If something is needed for this court to see that he can do school work well, he has done a class through "Stratford Career Institute" and completed the course with a 82.7%

As seen in Bx1. in the underlined portion of the document from social security it states that benefits can be reinstated if "he" is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by a court of law.

Not to skip around, but again according to the Federal Court in here, the approval would need to come from this court.

At this point in the Plaintiff's sentence he is approximately 14 months to his next Parole Eligibility Date. He feels that being in school, and being able to finish his degree will not only help him get, but keep a job. Thus making it so he does not need SSI.

CONCLUSION

In conclusion the Plaintiff humbly requests that this court could approve the education program for the Plaintiff. This would not only help him learn, but

make it so he would not need SST upon his release
from prison.

Respectfully Sent this 24th day of June, 2019



Steven Kindorf

EXHIBIT 1

Social Security Administration
~~Retirement, Survivors and Disability Insurance~~

SOCIAL SECURITY
1170 HARVARD WAY
RENO, NV 89502-2107
Date: October 14, 2014
Claim Number:
260

STEVEN M. KINFORD
C/O NNCC
PO BOX 7000
INMATE ID 64984
CARSON CITY, NV 89702-0000

Dear STEVEN M. KINFORD

According to the Code of Federal Regulations, no monthly benefits will be paid to any individual for any month of which the individual is confined in a jail, prison, or other correctional facility for conviction of a felony. However, this rule does not apply if a prisoner who is entitled to benefits on the basis of a disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by a court of law.

It is my understanding that you are not "actively and satisfactorily participating in a rehabilitation program." Therefore, based on the evidence you have provided, we can not reinstate your Social Security disability benefits at this time.

If you are interested in participating in such a program, you should ask your case manager for assistance. Once you are able to prove that you are participating in a program specifically approved by a court of law, Social Security will then determine whether or not the program is expected to result in you being able to do substantial gainful activity upon your release. If the program is accepted by Social Security on this basis, only then would your disability benefits be reinstated. Keep in mind, no benefits will be paid for any month prior to the approval of the program.

I hope this letter adequately answers your question. If you have any other questions or if you require any other assistance, please feel free to contact us.

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you should contact any Social Security office or the nearest United States Embassy or consulate. Or, if you live in the Philippines, you may contact the Veterans Administration Regional Office, Social Security Division, 1131 Roxas Boulevard, Manila.

See Next Page

38

1 Steven Kinzer #64984
2 / In Propria Personam
3 Post Office Box 650 (HDSP)
4 Indian Springs, Nevada 89018

FILED

2019 JUN 28 AM 10:26

TANIA S. S. S. S. S.
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

5 THIRD JUDICIAL DISTRICT
6 Victoria Town
7 COURT LYON COUNTY, NEVADA

8 STEVEN KINZRO

9 Agent

10 vs.

11 STATE OF NEVADA

12 Respondent(s)

Case No. CR6913

Dept No. 11

Docket _____

14 **NOTICE OF MOTION**

15 YOU WILL PLEASE TAKE NOTICE, that Request for Approval of
16 Rehabilitation / Education Program.

17 will come on for hearing before the above-entitled Court on the ____ day of _____, 20____
18 at the hour of ____ o'clock ____ M. In Department ____ of said Court.

20 CC:FILE

22 DATED: this 24 day of June, 2019.

24 BY: [Signature]

25 Steven Kinzer # 64984
26 /In Propria Personam

CERTIFICATE OF SERVICE BY MAILING

I, Steven Kindorf, hereby certify, pursuant to NRCP 5(b), that on this 24th
day of June, 2011, I mailed a true and correct copy of the foregoing, "Request For
Approval of Rehabilitation / Education Program"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Lyon County Dist. Court
511 Harveyway
Verdugo, NV. 89447

Lyon County District Attorney
51 Main St.
Verdugo, NV. 89447

CC:FILE

DATED: this 24th day of June, 2011.


Steven Kindorf

C7584

/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Case No.: CR 6913

Dept. No.: II

FILED

2019 JUL -3 PM 3:19

JANVA SCHOEN
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Andrea Andersen

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF LYON

STEVEN KINFORD,

Petitioner,

v.

THE STATE OF NEVADA,

Respondent.

**ORDER DENYING REQUEST FOR
APPROVAL OF
REHABILITATION/EDUCATION
PROGRAM**

On June 28, 2019, in the above-entitled matter, the Petitioner filed a Request for Approval of Rehabilitation/Education Program. The Pleading refers to a federal court decision and attaches a copy of a letter he received from the Social Security Administration Retirement, Survivors and Disability Insurance.

The Pleading does not indicate any relevant Nevada statutory or case law regarding prison education programs or a district court's authority to grant such a program. The pleading does not indicate who it is directed at. The caption generically states the State of Nevada. Nevada law, and in particular, NRS Chapter 34, requires the petitioner to denominate what procedure he is using. NRS Chapter 34 would also require service upon the appropriate officer or agency. Finally, depending upon the procedure used and the officer or agency it is directed at, this Court may not be an appropriate venue.

Based upon the above and good cause appearing, the requested relief is **DENIED** without

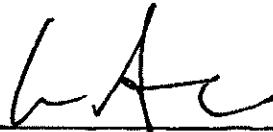
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1 prejudice. The Petitioner is admonished that he must follow Nevada law and Rules of Civil
2 Procedure.

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4 DATED this 3rd day of July, 2019.

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7 _____
8 Hon. LEON ABERASTURI
9 DISTRICT JUDGE
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CERTIFICATE OF SERVICE

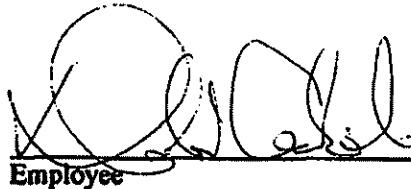
I hereby certify that I, D. CARLISE, am an employee of the Honorable Leon Aberasturi, District Judge, and that on this date, pursuant to NRCP 5(b), I deposited for mailing at Yerington, Nevada, a true copy of the foregoing document addressed to:

Lyon County District Attorney
31 S. Main Street
Yerington, NV 89447

Nevada Attorney General's Office
Deputy Attorney General Sheryl Serreze
100 N. Carson St.
Carson City NV 89701

Steven Kinford #64984
P.O. Box 650 HDSP
Indian Springs NV 89018

DATED this 3rd day of July 2019.


Employee

FILED

Steven Kinford #64984

P.O. Box 650

Indian Springs, Nv. 89070

2019 JUL -5 AM 10

TANYA SCERNE
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

[Signature]

THIRD JUDICIAL DISTRICT COURT

LYON COUNTY, NEVADA

STEVEN KINFORD,

Plaintiff,

VS

STATE OF NEVADA,

Respondent(s)

Case NO.: CB6913

Dept. NO. 11

REQUEST FOR SUBMISSION

I, Steven Kinford, acting in Proper Person, request that the following document be submitted to this Honorable Court for consideration and determination:

#1, Request for Approval of Rehabilitation/Education Program. (sent to this court 6-25-19)

Dated this 30th day of June, 2019

[Signature]
Steven Kinford


CERTIFICATE OF SERVICE

I, Steven Kindard, hereby certify, pursuant to NRC P 5637,
that on this 30th day of June, 2019, I mailed a true and
correct copy of the foregoing "Request for Submission" by
depositing it in the High Desert State Prison Mail Box,
First Class Postage, fully prepaid addressed as follows:

Lyon County District Court
911 Harvey Way
Yerington, NV. 89447

CC: File

Dated this 30th day of June, 2019.


Steven Kindard #64984

P.O. Box 650

Indian Springs, NV.

89620

Case No. CR 6913

Dept. No. II

FILED

2019 JUL 11 AM 9:18

TANYA L. BROWN
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Andrea Andersen

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

* * *

STEVEN KINFORD,

Petitioner,

v.

THE STATE OF NEVADA,

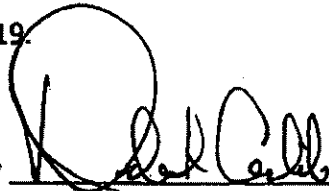
Respondent.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on the 3rdrd day of July, 2019, the court entered an ORDER DENYING REQUEST FOR APPROVAL OF REHABILITATION/EDUCATION PROGRAM in this matter, a true and correct copy of which is attached to this notice.

Dated: This 11th day of July, 2019.

By



1
2 **CERTIFICATE OF SERVICE BY MAIL**

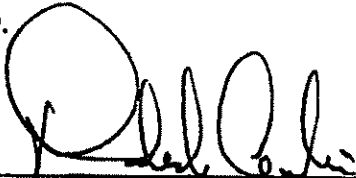
3 I the undersigned hereby certify that I am an employee of the Third Judicial District
4 Court, and that on this date I deposited for mailing at Yerington, Nevada a copy of the
5 foregoing Notice of Entry of Order addressed to:
6

7
8 Lyon County District Attorney
9 *Deposited in TJDC Mail Box*

10 Nevada Attorney General's Office
11 Deputy Attorney General Sheryl Serreze
12 100 N. Carson Street
13 Carson City, NV 89701

14 Steven Kinford, #64984
15 P.O. Box 650 NDSP
16 Indian Springs, NV 89018

17 DATED: this 11th day of July, 2019.

18 
19 _____
20 Employee

1 Case No.: CR 6913

2 Dept. No.: II

FILED

2019 JUL -3 PM 3:19

JANET S. BROWN
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Andrea Andersen

6 **IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF LYON**

8 * * * * *

9 STEVEN KINFORD,

10 Petitioner,

11 v.

12 THE STATE OF NEVADA,

13 Respondent.

ORDER DENYING REQUEST FOR
APPROVAL OF
REHABILITATION/EDUCATION
PROGRAM

14 On June 28, 2019, in the above-entitled matter, the Petitioner filed a Request for Approval
15 of Rehabilitation/Education Program. The Pleading refers to a federal court decision and attaches
16 a copy of a letter he received from the Social Security Administration Retirement, Survivors and
17 Disability Insurance.

18 The Pleading does not indicate any relevant Nevada statutory or case law regarding prison
19 education programs or a district court's authority to grant such a program. The pleading does not
20 indicate who it is directed at. The caption generically states the State of Nevada. Nevada law, and
21 in particular, NRS Chapter 34, requires the petitioner to denominate what procedure he is using.
22 NRS Chapter 34 would also require service upon the appropriate officer or agency. Finally,
23 depending upon the procedure used and the officer or agency it is directed at, this Court may not
24 be an appropriate venue.

25 Based upon the above and good cause appearing, the requested relief is **DENIED** without

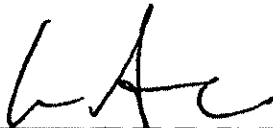
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1 prejudice. The Petitioner is admonished that he must follow Nevada law and Rules of Civil
2 Procedure.

3
4 DATED this 3rd day of July, 2019.

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7 _____
8 Hon. LEON ABERASTURI
9 DISTRICT JUDGE
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2 **CERTIFICATE OF SERVICE**
3

4 I hereby certify that I, D. CARLISE, am an employee of the
5 Honorable Leon Aberasturi, District Judge, and that on this date, pursuant to NRCP 5(b), I
6 deposited for mailing at Yerington, Nevada, a true copy of the foregoing document addressed to:

7 Lyon County District Attorney
8 31 S. Main Street
9 Yerington, NV 89447

10 Nevada Attorney General's Office
11 Deputy Attorney General Sheryl Serreze
12 100 N. Carson St.
13 Carson City NV 89701

14 Steven Kinford #64984
15 P.O. Box 650 HDSP
16 Indian Springs NV 89018

17 DATED this 3rd day of July 2019.

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Employee

FILED

Case No.: CH913

2019 JUL 15 AM 9:44

Repl. No.: 11

JANITA BEEBING
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Nathy Thomas

IN THE THIRD JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF LYON

STEVEN KINFORD,
Petitioner

v.

THE STATE OF NEVADA
Respondent.

MOTION FOR EXTENTION
OF TIME TO FILE A REPLY
TO ORDER TO DENY REQUEST
FOR APPROVAL OF REHABILITATION/
EDUCATION PROGRAM.

COMES NOW, Petitioner, Steven Kinford in this above
entitled Motion. The reason behind this motion is due
to the Petitioner thinking he can better explain in
a response or Reply.

The Petitioner is not only a pro se litigant, but he is
a bit slow ~~to~~ due to his documented head injury. This
injury is what he is trying to work on. This on top of
him at the mercy of the Law Library makes it hard to
litigate in a timely manner. It often takes weeks to

get an appointment to go to the Law Library, and putting matters like this in the hands of another inmate that works in the Law Library makes things difficult. If, and when the Petitioner can do his own research.

It is now humbly being requested for a 45 day extension of time for the Petitioner to Reply or respond to the order Denying Request for Approval of Rehabilitation / Education Program.

Dated this 10th day of July, 2019


Steven Kander

CERTIFICATE OF SERVICE BY MAILING

I, Steven Kinfel, hereby certify, pursuant to NRCP 5(b), that on this 10th
day of July, 2015, I mailed a true and correct copy of the foregoing, "Motion For
Extension of time."

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

Lyon County District Court
511 Harvey Way
Yerington, NV. 89447

Lyon County District Attorney
31 Main St.
Yerington, NV. 89447

CC:FILE

DATED: this 10th day of July, 2015.

Steven Kinfel #64929
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

Dear Court Clerk,

I, Steven Kindorf write this letter as a request.
Could you please send back a stamped "Nol" copy
of the enclosed?

Thank you for your time.



Steven Kindorf

Steven Kindorf A64984

P.O. Box 650

Indian Springs, Wv.

26070

FILED

Case No.: CB6913

Dept. No.: 11

2019 JUL 22 AM 11:39

TANYA SCHEINE
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

~~Victoria Tovar~~ RETURN

IN THE THIRD JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF LYON

STEVEN KINFORD,

Petitioner,

vs.

SOCIAL SECURITY ADMIN.,

STATE OF NEVADA

Respondent.

SECOND REQUEST FOR APPROVAL

OF REHABILITATION/EDUCATION

PROGRAM

COMES NOW, Steven Kinford, Petitioner, in pro se, in this
above entitled action. On July 3rd, 2019 this motion was denied
as a "Request For Approval of Rehabilitation/Education Program."
It is now hoped that this Second Request fixes all the
imperfections that was in the first.

As to pg 1 line 8 12-14 of the order Denying Request

"The Reading does not indicate my relevant
Nevada's Statutory or case law regarding prison
education programs, or a district court's
authority to grant such a program."

while the state has no obligation to provide inmates with access to education opportunities while imprisoned, if a state chooses to provide or allow inmates access to educational opportunities, it cannot deny an inmate equal access to such opportunities without a rational basis for such discriminatory treatment 127 Fed Appx 909 (8th Cir 2005), Little v. Terhune, 200 F Supp.2d 445, 450

Being this said and referred to in Exhibit 2 it shows that Social Security requires the "court of law" to approve said programs. As to this, the state is required by Federal case law that these opportunities cannot be denied under law according to 127 Fed Appx 909 (8th Cir 2005), Little v. Terhune, 200 F Supp.2d 445, 450

As to the Courts "authority" to grant such a program, As seen in Exhibit 2 it states that the program must be approved by a court of law. As stated in United States v. Osborn, 988 F.2d 47, 49 (7th Cir 1993) "[A] court of law must refer to the sentencing court"

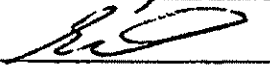
As to "Education Programs" and them being a form of rehabilitation - As seen in the Blacks law dictionary the definition of "rehabilitation is as such:

"The process of seeking to improve a criminals character and outlook so that he or she can function in ~~society~~ society without committing other crimes"

The reason the Petitioner is trying to get college as a form of his "rehabilitation" is due to why he was receiving disability benefits. The Plaintiff suffered a head injury making him lose a big part of his memory, to include educational knowledge. Thus giving him a chance to go back to college would not only able him to finish a degree, but be able to get and keep a job upon his release from prison. If this could be done he would no longer need Social Security.

In conclusion, as seen above it can be seen that the approval for the Petitioner's rehabilitation program can be approved by this Court of law. It should also be seen by the Blacks law definition of Rehabilitation that a educational program (college) can help the Petitioner's disability. There for it is hoped this Court could approve his rehabilitation Program.

This Second Request for Approval of Rehabilitation / Education Program is humbly sent this 15th day of July, 2015



Steven Kindred

Petitioner.

CERTIFICATE OF SERVICE BY MAILING

I, Steven Kinter, hereby certify, pursuant to NRCP 5(b), that on this 15th day of July, 2019, I mailed a true and correct copy of the foregoing, "Second Request for Approval of Rehabilitation / Detention Program." by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

Lyon County District Court
911 Harvey Way
Yerington, Nv. 89447


Social Security Administration
1170 Harvard Way
Reno, Nv. 89502-2107

Lyon County District Attorney
51 Main St.
Yerington, Nv. 89447

Nevada Attorney General
100 N. Carson St.
Carson City, Nv. 89201

CC:FILE

DATED: this 15 day of July, 2019.


Steven Kinter

#84984

/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

EXHIBIT 1

EXHIBIT 1

Social Security Administration

Retirement, Survivors and Disability Insurance

SOCIAL SECURITY
1170 HARVARD WAY
RENO, NV 89502-2107
Date: October 14, 2014
Claim Number: 260

STEVEN M. KINFORD
C/O NNCC
PO BOX 7000
INMATE ID 64984
CARSON CITY, NV 89702-0000

Dear STEVEN M. KINFORD

According to the Code of Federal Regulations, no monthly benefits will be paid to any individual for any month of which the individual is confined in a jail, prison, or other correctional facility for conviction of a felony. However, this rule does not apply if a prisoner who is entitled to benefits on the basis of a disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by a court of law.

It is my understanding that you are not "actively and satisfactorily participating in a rehabilitation program." Therefore, based on the evidence you have provided, we can not reinstate your Social Security disability benefits at this time.

If you are interested in participating in such a program, you should ask your case manager for assistance. Once you are able to prove that you are participating in a program specifically approved by a court of law, Social Security will then determine whether or not the program is expected to result in you being able to do substantial gainful activity upon your release. If the program is accepted by Social Security on this basis, only then would your disability benefits be reinstated. Keep in mind, no benefits will be paid for any month prior to the approval of the program.

I hope this letter adequately answers your question. If you have any other questions or if you require any other assistance, please feel free to contact us.

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you should contact any Social Security office or the nearest United States Embassy or consulate. Or, if you live in the Philippines, you may contact the Veterans Administration Regional Office, Social Security Division, 1131 Roxas Boulevard, Manila.

See Next Page

EXHIBIT 2

EXHIBIT 2

1
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3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
6

7 Steven Kinford,

8 Plaintiff,

9 vs.

10 Social Security Administration,

11 Defendant.
12

3:12-cv-00181-RCJ-WGC

ORDER

13 The Plaintiff filed Motion for Approval of Rehabilitation (ECF No. 35). In the motion, the
14 Plaintiff asks this Court to approve his pursuit of a college degree as a "rehabilitation program"
15 for the purposes of Social Security benefits under 42 U.S.C. § 402(x)(1). In order to receive these
16 benefits, the program must be approved by a "court of law." The federal courts of appeals have
17 held that the phrase "court of law" does not allow for any federal district court to approve a
18 rehabilitation program, rather, they have narrowly defined the phrase to include only the
19 sentencing court. *United States v. Osborne*, 988 F.2d 47, 49 (7th Cir. 1993) ("[A] court of law'
20 must refer to the sentencing court."); *Peeler v. Heckler*, 781 F.2d 649, 652 (8th Cir. 1986). This
21 Court agrees with the sound reasoning of these circuits.

22 The Plaintiff was convicted and sentenced by the state of Nevada; thus, the Plaintiff is in
23 the wrong forum and must seek approval from that court system. Accordingly, the Court denies
24 the Plaintiff's motion for being in the wrong forum. The Court further notes that the Plaintiff's

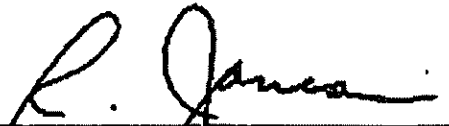
1 likelihood of getting such approval from any court is dubious as the Plaintiff seeks payment to
2 obtain a college degree as opposed to traditional notions of rehabilitation. *See Borchelt v. Apfel*,
3 25 F. Supp. 2d 1017, 1021 (E.D. Mo. 1998) (holding that the rehabilitation program must
4 ameliorate the underlying disability that entitles one to Social Security benefits).

5 **CONCLUSION**

6 IT IS HEREBY ORDERED that Plaintiff's Motion for Approval of Rehabilitation (ECF
7 No. 35) is DENIED.

8 IT IS SO ORDERED.

9
10 Dated this 21st day of May, 2019.

11
12 
13 ROBERT C. JONES
14 United States District Judge
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THIRD JUDICIAL DISTRICT COURT
COURT CLERK'S OFFICE
911 HARVEY WAY, #4
VERINGTON, NV 89447

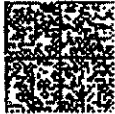


7017 1000 0000 6011 9889

Eighth Judicial District Court
Attn: Criminal Division
200 Lewis Ave.
Las Vegas, NV 89155-2311



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Steven D. Grierson

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Steven Kinford, Petitioner(s),

vs.

Nevada State of, et al., Respondent(s).

CASE NO.: A-19-801803-W
DEPARTMENT 28

Hearing Date: November 19, 2019
Hearing Time: 9:00 a.m.

HEARING REQUESTED

ORDER TO SHOW CAUSE

TO: Steven Kinford
Petitioner in Proper Person

Order

PLEASE TAKE NOTICE that this matter will be heard in District Court, 200 Lewis Avenue, Department 28, Las Vegas, Clark County, Nevada, on Tuesday, November 19, 2019, at 9:00 a.m. to show cause why this matter should not be transferred to the 11th Judicial District, Pershing County, Nevada, as Petitioner is incarcerated at the Lovelock Correctional Center, Lovelock, Nevada.

DATED: This 4th day of November, 2019.

Ronald J. Israel

RONALD J. ISRAEL
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on or about the date signed, a copy of this Order was mailed, postage prepaid, by United States mail to the proper parties as follows:

Steven Kinford
Inmate No. 64984
Lovelock Correctional Center
1200 Prison Road
Lovelock NV 89419
Petitioner in Proper Person

Sandra Jeter

Sandra Jeter
Judicial Executive Assistant
A-19-801803-W
Order to Show Cause

Gender: M: 84394

Search By Demographics

First Name: Wildcard %

Last Name: Wildcard %

Submit

The information provided here represents raw data. As such, the Nevada Department of Corrections makes no warranty or guarantee that the data is error free. The information should not be used as an official record by any law enforcement agency or any other entity.

Any questions regarding an inmate, please call Family Services at (775) 887-3367. Victims looking for inmate information please contact Victim Services at (775) 887-3333. Any questions regarding the web portal for law enforcement access to inmate information should be referred to PIO Scott Kelley, email: sckelley@doc.nv.gov or (775) 887-3309.

Currently the following web browsers are supported for the Inmate Search: Internet Explorer 11, Chrome, Firefox and Opera. If you are unable to view inmate photos, please use a supported browser.

Download Inmate Photos

Demographic: Alias, Booking, Photo, Release

Up to date as of 2019-11-04

Demographic: Alias, Booking, Photo, Release															
Name	Offender ID	Gender	Race	Age	Height	Weight	Build	Complexion	Hair	Eyes	Scars/Tattoos	Current Level	Aliases	Inmate Photo	Release
STEVEN MICHAEL KINGSTON	64154	Male	Caucasian	41	5'10"	205lb	Medium	Fair	Brown	Brown	Left cheek, chest, back	Medium	STEVEN MICHAEL KINGSTON, STEVEN MICHAEL KINGSTON, KINGSTON, STEVEN	YES	2019-11-04



RONALD J. ISRAEL
DISTRICT JUDGE

EIGHTH JUDICIAL DISTRICT COURT
REGIONAL JUSTICE CENTER
200 LEWIS AVENUE
LAS VEGAS, NEVADA 89155

RETURN SERVICE REQUESTED

Steven Kinford
Inmate No. 64984
Lovelock Correctional Center
1200 Prison Road
Lovelock NV 89419

FILED

NOV 18 2019

27

Steven Kinford #64984

1200 Prison Rd.

Lovelock, Nv. 89419

CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

A-19-801803-W
Dept: XXVIII

STEVEN KINFORD,

Petitioner,

CASE NO.: A-19-01803-W

vs.

DEPARTMENT 28

Nevada State of, et al

Respondent(s)

REQUEST TO BE PRESENT

FOR HEARING VIA

TELECONFERENCE

COMES NOW, Petitioner, Steven Kinford in this above entitled Request. It is the Petitioner's understanding that there will be a hearing held for the Hearing Requested on November 19th 2019 at 9:00 AM. It is hereby Requested that the Petitioner could be part of said hearing via telephone.

The Petitioner is currently housed at Lovelock Correctional Center and will admit that this case should be transferred to Pershing County. It is just thought that this case could be solved now since it is a simple "approval" that is being requested.

RECEIVED

NOV 18 2019

CLERK OF THE COURT

A-19-801803-W
REQ
Request
4876527



and it is just for an education program.

This Request To Be Present For Hearing Via Teleconference
is hereby sent this 11th day of November, 2019

Respectfully sent,


Steven Knab

Petitioner

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing Request To Be Present For Hearing via Teleconference to the below address(es) on this 11th day of November, 2019, by placing same into the hands of prison staff for posting in the U.S. Mail:

Eighth Judicial District Court
Judge Ronald Israel
200 Lewis Ave 3rd Floor
Las Vegas, NV, Nevada 89155

Attorney For _____

☒ check for additional address(es) below

Steven Kinder # 64984
 Lovelock Correctional Center
 1200 Prison Road
 Lovelock, Nevada 89419

Petitioner In Pro Se

ADDRESS(ES) Continued from Above (If Applicable):

Nevada Attorney General
Sheryl Genere
100 N. Carson St
Carson City, Nevada 89701

Attorney For State

_____, Nevada 89____

Attorney For _____

_____, Nevada 89____

Attorney For _____

Steven Kinber

- 64984

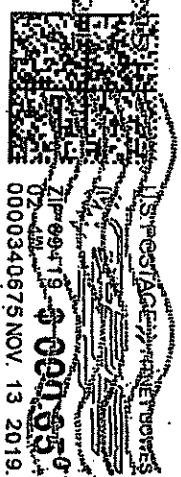
1200 Person Rd.

Lovelock, NV

85419

Lovelock Correctional Center

13 NOV 2019 PM 3



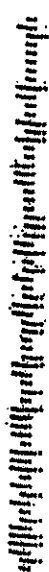
INMATE LEGAL
MAIL CONFIDENTIAL

Eight Judicial District Court
Judge Ronald Zisrael
200 Lewis Ave 3rd Floor
Las Vegas, NV

89155

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NOV 18 2019
CLERK OF THE COURT

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NOV 12 2019

LOVELL LAW LIBRARY



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

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

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

CERTIFICATION OF COPY

STEVEN D. GRIERSON, Clerk of the Court Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the complete court record. In the action entitled:

Steven Kinford

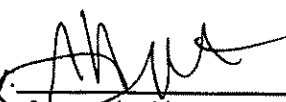
vs. Case No. **A-19-801803-W**

State of Nevada

now on file and of record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Eighth Judicial District Court at my office, Las Vegas, Nevada, the 3 day of December 2019.

STEVEN D. GRIERSON, CLERK of the COURT

By: 
Amanda Hampton, Deputy

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

ROBIN SWEET
Director and
State Court Administrator



JOHN MCCORMICK
Assistant Court Administrator
Judicial Programs and Services

RICHARD A. STEFANI
Deputy Director
Information Technology

December 4, 2019

Ms. Lacey Donaldson
P.O. Box 820
Lovelock, Nevada 89419

RE: 2019 Annual Report of the Nevada Judiciary

Dear Ms. Donaldson:

A copy of the fiscal year 2019 Annual Report of the Nevada Judiciary is enclosed. The official release of this report will occur on December 5, 2019.

The report celebrates improvements throughout the Nevada Judiciary, highlights many accomplishments of the Administrative Office of the Courts, and contains an analysis of caseload statistics. Through this report, we aim to increase public awareness of Judicial Branch programs, services, and performance. We intermingle that with examples of improvement of the justice system in collaboration with the other branches of state government to serve the citizens of Nevada. Our hope is that our citizens see and feel that a successful democratic society maintains a coequal balance, with the appropriate levels of continued independence, collaboration, and control.

The Administrative Office of the Courts publishes these reports each year, as required by NRS 1.360(10)(a). An electronic version of the report as well as the data appendices can be found at the Supreme Court of Nevada website: www.nvcourts.gov.

If you have comments or suggestions to improve the report, please let me know. If you would like additional copies of the report, please contact Hans Jessup at (702) 486-9333. Detailed information about the report including electronic copies will be available on December 5, 2019, and online at www.nvcourts.gov.

Sincerely,

Robin Sweet

RS/hj

Supreme Court Building ♦ 201 South Carson Street, Suite 250 ♦ Carson City, Nevada 89701 ♦ (775) 684-1700 ♦ Fax (775) 684-1723
Supreme Court Building ♦ 408 East Clark Avenue ♦ Las Vegas, Nevada 89101

1 Case No. 27CV-TT12-2019-0178

2 Dept. No. _____

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

7 IN AND FOR THE COUNTY OF PERSHING

8

* * * * *

9 STEVEN KINFORD,)

10 Petitioner,)

11 -VS-)

12 SOCIAL SECURITY)
ADMINISTRATION,)

13 Respondent.)

14

ORDER TO PROCEED
IN FORMA PAUPERIS

15 Upon consideration of kinford's Application to Proceed
16 In Forma Pauperis and it appearing that there is not sufficient
17 income, property or resources with which to commence and
18 maintain the action, and with good cause appearing:

19 IT IS HEREBY ORDERED that Petitioner, kinford,
20 shall be permitted to proceed In Forma Pauperis in this action,
21 with no fees, costs or securities being necessary towards the
22 filing or issuance of any writ, process, pleading or papers.

23 IT IS FURTHER ORDERED that the Sheriff shall make personal
24 service of any necessary pleadings in this action without fees.

25 IT IS SO ORDERED.

26 Dated this 24th day of December, 2019.

27

28

District Court Judge

STEVEN KINFORZ # 64984

1200 PRISON RD.

LOVELOCK, NV. 89419

ELEVENTH JUDICIAL DISTRICT COURT IN
AND FOR THE COUNTY OF PERISHING

STEVEN KINFORZ

PETITIONER,

VS

SOCIAL SECURITY
ADMINISTRATION
Respondent

CASE No.:

DEPT. No.:

PETITION FOR REQUEST OF
REHABILITATION / EDUCATION
PROGRAM

COMES NOW, Petitioner, Steven Kinforz in this above
entitled Petition. In this Petition the Plaintiff would like
for it to be noted that he is a pro se litigant and per
Haines v. Kerner, 404 U.S. 514, 520-21, 52 S.Ct. 514, 30 L.Rd. 22
652 (1972) "we hold pro se civil right plaintiffs to less stringent
pleading standards than represented parties".

This "issue" or "Request" started in the United States
District Court, District of Nevada. (see Ex 1). In this
Response "order" it states: Lines 16-19

"the program must be approved by a "Court of Law."

The Federal Court of appeals have held that the

phrase "court of law" does not allow for any federal district court to approve a rehabilitation program. rather, they have narrowly defined the phrase to include only the sentencing court. *United States vs. Osborne*, 988 F.2d 47 (7th Cir 1993) ("[A] Court of law" must refer to the sentencing court".)

After this response from the US District Court was received, the Petitioner then wrote a "Request For Approval of Rehabilitation/Education Program to his Sentencing Court Lyon County, NV. This was also denied. A "Second Request" was sent with more info in it. Still again this was denied. In the response "order Transferring Matter Pursuant To WRS 34.738" (see Bx2) it states that the "petition must be filed with the clerk of the district court for the county in which the petitioner is incarcerated. (See pg 2 line 7-8 of Bx2) The Petitioner now hopes he is in the correct venue.

It is understood that the state has no obligation to provide inmates with access to education opportunities while imprisoned. If a state chooses to provide or allow inmate access to educational opportunities, it cannot deny an inmate equal access to such opportunities without a rational basis for such discriminatory treatment. 127 Fed. Appx. 909 (8th Cir 2005) Little v. Terhune 200 F. Supp. 2d 445

Being this said and referred to in (Ex 3) It shows that Social Security requires the "court of law" to approve said programs. As to this, the state is required by Federal case law that these opportunities can not be denied.

As to the courts "authority" to grant such a program, As seen in (Ex 1) it states that the program must be approved by a court of law. As stated in United States v. Osborn 988 F.2d 47, 48 (7th Cir 1993) a court of law must refer to the sentencing court. The sentencing court "Lynn County" refers to HRS 34.738 as seen in (Ex 2).

As to "Education Program" and them being a form of rehabilitation. As seen in the Blacks Law Dictionary the definition of "Rehabilitation" is stated as such:

"The Process of seeking to improve a Criminals character and outlook so that he or she can function in society without committing other crimes."

The reason the Piskiner is trying to get college as a form of "Rehabilitation" is due to why he was receiving disability benefits. The Piskiner suffered a head injury making him lose a big part of his memory, to include educational knowledge. Thus giving him a chance to go back

the college would not only able him to finish a degree,
but able him to work on his disability.

Conclusion

In conclusion, as seen above it can be seen that the approval for the Petitioner's rehabilitation program can be approved by this court of law. It should also be seen by the Black's law definition of "Rehabilitation" that a educational program (college) can help with the Petitioner's disability. Therefore it is hoped this court could approve his Rehabilitation program.

It is now hoped that this court would give the Plaintiff the needed approval for his rehabilitation program (college) so he can get the funding that is need to go to school/college.


This Petition For Request of Rehabilitation/ Education Program is Respectly Sent this 25th day of October, 2019



Steven Kindred

Petitioner.

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64184
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

CERTIFICATE OF SERVICE BY MAIL

~~Warden
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada~~

Eleventh Judicial District Court
P.O. Box 14 County District Attorney
Love/ock, No. 894115

(District Attorney of County of Conviction)

Petitioner In Pro Se

EXHIBIT 1

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Steven Kinford,

Plaintiff,

vs.

Social Security Administration,

Defendant.

3:12-cv-00181-RCJ-WGC

ORDER

The Plaintiff filed Motion for Approval of Rehabilitation (ECF No. 35). In the motion, the Plaintiff asks this Court to approve his pursuit of a college degree as a "rehabilitation program" for the purposes of Social Security benefits under 42 U.S.C. § 402(x)(1). In order to receive these benefits, the program must be approved by a "court of law." The federal courts of appeals have held that the phrase "court of law" does not allow for any federal district court to approve a rehabilitation program, rather, they have narrowly defined the phrase to include only the sentencing court. *United States v. Osborne*, 988 F.2d 47, 49 (7th Cir. 1993) ("[A] court of law' must refer to the sentencing court."); *Peeler v. Heckler*, 781 F.2d 649, 652 (8th Cir. 1986). This Court agrees with the sound reasoning of these circuits.

The Plaintiff was convicted and sentenced by the state of Nevada; thus, the Plaintiff is in the wrong forum and must seek approval from that court system. Accordingly, the Court denies the Plaintiff's motion for being in the wrong forum. The Court further notes that the Plaintiff's

1 likelihood of getting such approval from any court is dubious as the Plaintiff seeks payment to
2 obtain a college degree as opposed to traditional notions of rehabilitation. *See Borchelt v. Apfel*,
3 25 F. Supp. 2d 1017, 1021 (E.D. Mo. 1998) (holding that the rehabilitation program must
4 ameliorate the underlying disability that entitles one to Social Security benefits).

5 **CONCLUSION**

6 IT IS HEREBY ORDERED that Plaintiff's Motion for Approval of Rehabilitation (ECF
7 No. 35) is DENIED.

8 IT IS SO ORDERED.

9
10 Dated this 21st day of May, 2019.

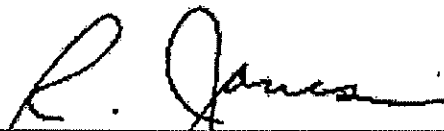
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13 ROBERT C. JONES
14 United States District Judge
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EXHIBIT 2

EXHIBIT 2

1 Case No.: CR 6913

2 Dept. No.: II

FILED

2019 JUL 25 AM 11:04

TANYA BROWN
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Victoria Tovar DEPUTY

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6 IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF LYON

8 * * * * *

9 STEVEN KINFORD,

10 Petitioner,

11 v.

12 THE STATE OF NEVADA,

13 Respondent.

ORDER TRANSFERRING MATTER
PURSUANT TO NRS 34.738

14 On June 28, 2019, in the above-entitled matter, the Petitioner filed a Request for Approval
15 of Rehabilitation/Education Program. The Pleading refers to a federal court decision and attaches
16 a copy of a letter he received from the Social Security Administration Retirement, Survivors and
17 Disability Insurance.

18 The Pleading did not indicate any relevant Nevada statutory or case law regarding prison
19 education programs or a district court's authority to grant such a program. The pleading did not
20 indicate who it was directed at. The caption generically stated the State of Nevada. Nevada law,
21 and in particular, NRS Chapter 34, requires a petitioner to denominate what procedure he is
22 using. NRS Chapter 34 would also require service upon the appropriate officer or agency.
23 Finally, depending upon the procedure used and the officer or agency it is directed at, this Court
24 may not be an appropriate venue.

25 The Court filed an order in response to the Petition on July 3, 2019. The Order pointed
26 out the above deficiencies. The requested relief to order the State to provide the Petitioner
27 educational opportunities was denied.

28 On July 22, 2019, the Petitioner filed a Second Request for Approval of Rehabilitation/

1 Education Program. The caption now includes what appears to be a federal agency, "Social
2 Security Admin." as well as the State of Nevada. The allegations insist that he is being denied
3 rights as a prisoner. The Nevada Department of Corrections appears to be the State Agency the
4 pleading is requesting relief from in the form of an educational program.

5 NRS 34.738 states:

6 1. A petition that challenges the validity of a conviction or sentence must be
7 filed with the clerk of the district court for the county in which the conviction
8 occurred. Any other petition must be filed with the clerk of the district court for
9 the county in which the petitioner is incarcerated.

10 2. A petition that is not filed in the district court for the appropriate county:

11 (a) Shall be deemed to be filed on the date it is received by the clerk of the
12 district court in which the petition is initially lodged; and

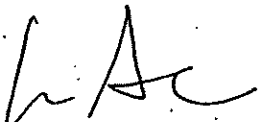
13 (b) Must be transferred by the clerk of that court to the clerk of the district
14 court for the appropriate county.

15 3. A petition must not challenge both the validity of a judgment of conviction
16 or sentence and the computation of time that the petitioner has served pursuant to
17 that judgment. If a petition improperly challenges both the validity of a judgment
18 of conviction or sentence and the computation of time that the petitioner has
19 served pursuant to that judgment, the district court for the appropriate county shall
20 resolve that portion of the petition that challenges the validity of the judgment of
21 conviction or sentence and dismiss the remainder of the petition without prejudice.

22 Emphasis added.

23 Based upon the above and good cause appearing, **IT IS HEREBY ORDERED** the Court
24 Clerk shall transfer the matter to the Eighth Judicial District Court of the State of Nevada in and
25 for the County of Clark, as the pleading indicated that the Petitioner is serving his sentence in the
26 High Desert State Prison in Indian Springs, Nevada.

27 DATED this 25th day of July, 2019.

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Hon. LEON ABERASTURI
DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that I, Debbie Gilmore, am an employee of the Honorable Leon Aberasturi, District Judge, and that on this date, pursuant to NRCP 5(b), I deposited for mailing at Yerington, Nevada, a true copy of the foregoing document addressed to:

Lyon County District Attorney
31 S. Main Street
Yerington, NV. 89447

Nevada Attorney General's Office
Deputy Attorney General Sheryl Serreze
100 N. Carson St.
Carson City NV 89701

Steven Kinford #64984
P.O. Box 650 HDSP
Indian Springs NV 89018

DATED this 25th day of July 2019.

Employee Debbie Gilmore

EXHIBIT 3

EXHIBIT 3

Social Security Administration
~~Retirement, Survivors and Disability Insurance~~

SOCIAL SECURITY
1170 HARVARD WAY
RENO, NV 89502-2107
Date: October 14, 2014
Claim Number: 260

STEVEN M. KINFORD
C/O NNCC
PO BOX 7000
INMATE ID 64984
CARSON CITY, NV 89702-0000

Dear STEVEN M. KINFORD

According to the Code of Federal Regulations, no monthly benefits will be paid to any individual for any month of which the individual is confined in a jail, prison, or other correctional facility for conviction of a felony. However, this rule does not apply if a prisoner who is entitled to benefits on the basis of a disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by a court of law.

It is my understanding that you are not "actively and satisfactorily participating in a rehabilitation program." Therefore, based on the evidence you have provided, we can not reinstate your Social Security disability benefits at this time.

If you are interested in participating in such a program, you should ask your case manager for assistance. Once you are able to prove that you are participating in a program specifically approved by a court of law, Social Security will then determine whether or not the program is expected to result in you being able to do substantial gainful activity upon your release. If the program is accepted by Social Security on this basis, only then would your disability benefits be reinstated. Keep in mind, no benefits will be paid for any month prior to the approval of the program.

I hope this letter adequately answers your question. If you have any other questions or if you require any other assistance, please feel free to contact us.

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you should contact any Social Security office or the nearest United States Embassy or consulate. Or, if you live in the Philippines, you may contact the Veterans Administration Regional Office, Social Security Division, 1131 Roxas Boulevard, Manila.

See Next Page

58

STEVEN KINFORD #64984
1200 PRISON RD.
LOVELOCK, NV. 89419

ELEVENTH JUDICIAL DISTRICT COURT IN
AND FOR THE COUNTY OF PERISHING

STEVEN KINFORD,
Petitioner,
vs
SOCIAL SECURITY
ADMINISTRATION,
Respondent.

Case No.:

Dept. No.:

TORT ACTION FOR
REQUEST OF REHABILITATION
EDUCATION PROGRAM

COMES NOW, Petitioner, Steven Kinford in this above entitled Tort action. In this Tort action the Plaintiff would like for it to be noted that he is a pro se litigant and per Haines v. Kerner, 404 U.S. 59, 520-21, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972) "we hold pro se civil rights plaintiffs to less stringent pleading standards than represented parties."

This "Issue" or "Request" started in the United States District Court, District of Nevada. (See Ex 1) In this Response "order" it states: (Lines 16-19)

"the program must be approved by a "court of law".

The Federal Court of appeals have held that the

phrase "court of law" does not allow for any federal district court to approve a rehabilitation program, rather, they have narrowly defined the phrase to include only the Sentencing Court. *United States v. Osborne*, 988 F.2d 417 (7th Cir 1993) ("[A] court of law must refer to the Sentencing Court".)

After this response from the U.S. District Court was received, the Petitioner then wrote a "Request for Approval of Rehabilitation/Education Program to his Sentencing Court Lyon County, NV. This was also denied. A "Second Request" was sent with more info in it. Still again this was denied. In the response "Order Transferring Matter Pursuant to WBS 34,738" (see ex 2), it states that the "petition must be filed with the clerk of the district court for the county in which ~~the~~ the petitioner is incarcerated. (see pg 2 line 7-8). The petitioner now hopes he is in the correct venue.

It is understood that the State has no obligation to provide inmates with access to education opportunities while imprisoned, if a State chooses to provide or allow inmates access to educational opportunities, it cannot deny an inmate equal access to such opportunities without a rational basis for such discriminatory treatment.

127 Fed. Appx 909 (8th Cir 2005) Little v. Terhune
200 F. Supp. 2d 445,

Being this said and referred to in (EX3) it shows that Social Security requires the "court of law" to approve said programs. As to this, the state is required by Federal case law that these opportunities can not be denied.

As to the Courts "authority" to grant such a program, As seen in Exhibit 1. it states that the program must be approved by a court of law. As stated in United States v. Osborn, 185 F.2 247, 49 (7th Cir 1953) a court of law must refer to the sentencing court. The sentencing court Lyon County refers to HR 534.73F as seen in (EX2)

As to "Education Programs" and them being a form of rehabilitation. As seen in the Blacks Law dictionary the definition of "Rehabilitation" is states as such:

"The Process of seeking to improve a criminals character and outlook so that he or she can function in society without committing other crimes."

The reason the petitioner is trying to get college as a form of "rehabilitation" is due to why he was receiving disability benefits. The Petitioner suffered a head injury making him lose a big part of his memory, to include educational knowledge. Thus giving him a chance to go back to college would not only able him to finish a degree,

but able him to work on his disability.

In conclusion, as seen above it can be seen that the approval for the Petitioner's rehabilitation program can be approved by this Court of law. It should also be seen by the Blacks law definition of Rehabilitation that a educational program (college) can help with the petitioner's disability. Therefore it is hoped this Court could approve his rehabilitation program.

It is now hoped that this Court would give the Plaintiff the needed approval for his rehabilitation program (college) so he can get the funding that is needed to go to school.

This work is respectfully sent this 26th day of September, 2019.

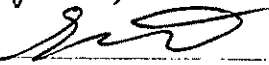

Steven Kniford
Petitioner.

EXHIBIT 1

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Steven Kinford,

Plaintiff,

vs.

Social Security Administration,

Defendant.

3:12-cv-00181-RCJ-WGC

ORDER

The Plaintiff filed Motion for Approval of Rehabilitation (ECF No. 35). In the motion, the Plaintiff asks this Court to approve his pursuit of a college degree as a "rehabilitation program" for the purposes of Social Security benefits under 42 U.S.C. § 402(x)(1). In order to receive these benefits, the program must be approved by a "court of law." The federal courts of appeals have held that the phrase "court of law" does not allow for any federal district court to approve a rehabilitation program, rather, they have narrowly defined the phrase to include only the sentencing court. *United States v. Osborne*, 988 F.2d 47, 49 (7th Cir. 1993) ("[A] court of law' must refer to the sentencing court."); *Peeler v. Heckler*, 781 F.2d 649, 652 (8th Cir. 1986). This Court agrees with the sound reasoning of these circuits.

The Plaintiff was convicted and sentenced by the state of Nevada; thus, the Plaintiff is in the wrong forum and must seek approval from that court system. Accordingly, the Court denies the Plaintiff's motion for being in the wrong forum. The Court further notes that the Plaintiff's

1 likelihood of getting such approval from any court is dubious as the Plaintiff seeks payment to
2 obtain a college degree as opposed to traditional notions of rehabilitation. *See Borchelt v. Apfel*,
3 25 F. Supp. 2d 1017, 1021 (E.D. Mo. 1998) (holding that the rehabilitation program must
4 ameliorate the underlying disability that entitles one to Social Security benefits).

5 **CONCLUSION**

6 IT IS HEREBY ORDERED that Plaintiff's Motion for Approval of Rehabilitation (ECF
7 No. 35) is DENIED.

8 IT IS SO ORDERED.

9
10 Dated this 21st day of May, 2019.


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13 ROBERT C. JONES
14 United States District Judge
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EXHIBIT 2

EXHIBIT 2

1 Case No.: CR 6913

2 Dept. No.: II

FILED

2019 JUL 25 AM 11:04

TANYA STEIN
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Victoria Tovar

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5
6 **IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF LYON**

8 * * * * *

9 STEVEN KINFORD,

10 Petitioner,

11 v.

12 THE STATE OF NEVADA,

13 Respondent.

ORDER TRANSFERRING MATTER
PURSUANT TO NRS 34.738

14 On June 28, 2019, in the above-entitled matter, the Petitioner filed a Request for Approval
15 of Rehabilitation/Education Program. The Pleading refers to a federal court decision and attaches
16 a copy of a letter he received from the Social Security Administration Retirement, Survivors and
17 Disability Insurance.

18 The Pleading did not indicate any relevant Nevada statutory or case law regarding prison
19 education programs or a district court's authority to grant such a program. The pleading did not
20 indicate who it was directed at. The caption generically stated the State of Nevada. Nevada law,
21 and in particular, NRS Chapter 34, requires a petitioner to denominate what procedure he is
22 using. NRS Chapter 34 would also require service upon the appropriate officer or agency.
23 Finally, depending upon the procedure used and the officer or agency it is directed at, this Court
24 may not be an appropriate venue.

25 The Court filed an order in response to the Petition on July 3, 2019. The Order pointed
26 out the above deficiencies. The requested relief to order the State to provide the Petitioner
27 educational opportunities was denied.

28 On July 22, 2019, the Petitioner filed a Second Request for Approval of Rehabilitation/

1 Education Program. The caption now includes what appears to be a federal agency, "Social
2 Security Admin." as well as the State of Nevada. The allegations insist that he is being denied
3 rights as a prisoner. The Nevada Department of Corrections appears to be the State Agency the
4 pleading is requesting relief from in the form of an educational program.

5 NRS 34.738 states:

6 1. A petition that challenges the validity of a conviction or sentence must be
7 filed with the clerk of the district court for the county in which the conviction
8 occurred. Any other petition must be filed with the clerk of the district court for
9 the county in which the petitioner is incarcerated.

10 2. A petition that is not filed in the district court for the appropriate county:

11 (a) Shall be deemed to be filed on the date it is received by the clerk of the
12 district court in which the petition is initially lodged; and

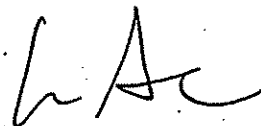
13 (b) Must be transferred by the clerk of that court to the clerk of the district
14 court for the appropriate county.

15 3. A petition must not challenge both the validity of a judgment of conviction
16 or sentence and the computation of time that the petitioner has served pursuant to
17 that judgment. If a petition improperly challenges both the validity of a judgment
18 of conviction or sentence and the computation of time that the petitioner has
19 served pursuant to that judgment, the district court for the appropriate county shall
20 resolve that portion of the petition that challenges the validity of the judgment of
21 conviction or sentence and dismiss the remainder of the petition without prejudice.

22 Emphasis added.

23 Based upon the above and good cause appearing, **IT IS HEREBY ORDERED** the Court
24 Clerk shall transfer the matter to the Eighth Judicial District Court of the State of Nevada in and
25 for the County of Clark, as the pleading indicated that the Petitioner is serving his sentence in the
26 High Desert State Prison in Indian Springs, Nevada.

27 DATED this 25th day of July, 2019.

28 

Hon. LEON ABERASTURI
DISTRICT JUDGE

1
2 CERTIFICATE OF SERVICE
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4 I hereby certify that I, Debbie Gilmore, am an employee of the
5 Honorable Leon Aberasturi, District Judge, and that on this date, pursuant to NRCP 5(b), I
6 deposited for mailing at Yerington, Nevada, a true copy of the foregoing document addressed to:

7 Lyon County District Attorney
8 31 S. Main Street
9 Yerington, NV. 89447

10 Nevada Attorney General's Office
11 Deputy Attorney General Sheryl Serreze
12 100 N. Carson St.
13 Carson City NV 89701

14 Steven Kinford #64984
15 P.O. Box 650 HDSP
16 Indian Springs NV 89018

17 DATED this 25th day of July 2019.
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Employee Debbie Gilmore

EXHIBIT 3

EXHIBIT 3

Social Security Administration
~~Retirement, Survivors and Disability Insurance~~

SOCIAL SECURITY
1170 HARVARD WAY
RENO, NV 89502-2107
Date: October 14, 2014
Claim Number:
260

STEVEN M. KINFORD
C/O NNCC
PO BOX 7000
INMATE ID 64984
CARSON CITY, NV 89702-0000

Dear STEVEN M. KINFORD

According to the Code of Federal Regulations, no monthly benefits will be paid to any individual for any month of which the individual is confined in a jail, prison, or other correctional facility for conviction of a felony. However, this rule does not apply if a prisoner who is entitled to benefits on the basis of a disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by a court of law.

It is my understanding that you are not "actively and satisfactorily participating in a rehabilitation program." Therefore, based on the evidence you have provided, we can not reinstate your Social Security disability benefits at this time.

If you are interested in participating in such a program, you should ask your case manager for assistance. Once you are able to prove that you are participating in a program specifically approved by a court of law, Social Security will then determine whether or not the program is expected to result in you being able to do substantial gainful activity upon your release. If the program is accepted by Social Security on this basis, only then would your disability benefits be reinstated. Keep in mind, no benefits will be paid for any month prior to the approval of the program.

I hope this letter adequately answers your question. If you have any other questions or if you require any other assistance, please feel free to contact us.

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you should contact any Social Security office or the nearest United States Embassy or consulate. Or, if you live in the Philippines, you may contact the Veterans Administration Regional Office, Social Security Division, 1131 Roxas Boulevard, Manila.

See Next Page

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing York Action for Request of Rehabilitation / Education Program to the below address(es) on this 26th day of September, 2014, by placing same into the hands of prison staff for posting in the U.S. Mail:

Eleventh Judicial District Court

Р. а. В. с. х. н.

Love|ock, H.v.

., Nevada 89411

Attorney For NA

☒ check for additional address(es) below

Steven Kinford # 64924
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Petitioner In Pro Se

ADDRESS(ES) Continued from Above (If Applicable):

Social Security Admin

1170 Harvard way

Berg, Nr.

., Nevada 89502-2107

Attorney For

Attorney For

1, Nevada 89

Attorney For

Steven Kindorf # 64984

1200 Prison Rd.

Levelock, Nv. 89419

ELEVENTH JUDICIAL DISTRICT COURT IN
AND FOR THE COUNTY OF PERSHING

STEVEN KINPORD,

Petitioner,

VS

SOCIAL SECURITY
ADMINISTRATION

Respondent.

Case No.: 27CV-TT12-2019-0178

Dept. No.:

REQUEST FOR SUBMISSION

I, Steven Kindorf, acting in Proper Person, request that
the following document be submitted to this Honorable
Court for consideration and determination:

#1: Petition For Request of Rehabilitation/Recreation
Program. This Doc. was filed with this Court
Dec. 31st 2019.

This Request For Submission is being sent this
8th day of March, 2020

Respectfully Sent, 

Steven Kindorf

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing Request For Submission to the below address(es) on this 8th day of March, 2020, by placing same into the hands of prison staff for posting in the U.S. Mail:

Eleventh Judicial District Court

P.O. Box H.

Lovelock, Nr. 89419

, Nevada 89

Attorney For _____

() check for additional address(es) below

Steven Kniford # 64384
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Pitkin In Pro Se

ADDRESS(ES) Continued from Above (If Applicable):

_____, Nevada 89

Attorney For _____

_____, Nevada 89

Attorney For _____

_____, Nevada 89

Attorney For _____

1 Steven Kinford #64984
(Name)
2 1200 Prison Rd
(Mailing Address)
3 Levelock, NV. 89419
(City, State, Zip)

4 In Proper Person

5
6
7 In The 11th Judicial District Court of the State of Nevada

8
9 In and for Pershing County

10
11 STEVEN KINFORD)
12 Petitioner)
13 vs. SOCIAL SECURITY ADMIN)
14 Respondent)


Case No. 27CV-TT12-2019-0178
Dept. No. _____

REQUEST FOR STATUS
CHECK

15
16
17 I Steven Kinford, appearing in Proper Person,
18 request that the Court enter an Order granting me the following:

19
20 In this Request, it is hoped that it is being done correctly. The
21 Petitioner is a Pro Se litigant and is having a hard time getting help
22 with his pleadings. In this Request for Status Check, the
23 Petitioner would like to find out the status of two (2) filings.
24 In this above entitled case, the first question comes from
25 a filing that was done 12-31-19 "Petition For Request of Rehabilitation
26 Education Program". The question about this filing is the status,
27 could you please give the Petitioner the status of this?
28

1 The second question comes from a response letter from this
2 Court dated March 13, 2020. In this letter it speaks of
3 *filing a "Request For Submission" at the proper time. The
4 Petitioner has tried to do the research on the "proper time" to
5 file such a document, but is at a loss. Could this Court
6 please tell the Petitioner the proper time frame for filing
7 a "Request For Submission?"

8 This Request For Status Check is sent this 22nd day
9 of April, 2020. 

10 Steven Kinford

11 Peter Blane

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This document does not contain the Social Security number of any person.

I declare under penalty of perjury under the law of the State of Nevada that the forgoing is true and correct.

DATED this 22nd day of April, 2020

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Eleventh Judicial District Court
(Name of other Party)

(Name of other Party)

P.O. Box N
(Address)

(Address)

Covelock, NV. 89419
(City, State, Zip)

(City, State, Zip)

Dated this 22nd day of April, 2020.


(Signature)

1 CASE NO. 27CV-TT12-2019-0178

2 Pursuant to NRS 239B.030, the
3 undersigned hereby affirms this document
4 does not contain the social security number
5 of any person

6 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,**
7 **IN AND FOR THE COUNTY OF PERSHING**
8

9 STEVEN KINFORD,

10 Petitioner,

ORDER TO RESPOND

11 vs.

12 SOCIAL SECURITY ADMINISTRATION,

13 Respondent.

14 Petitioner, STEVEN KINFORD, a Nevada prisoner, in pro se, having submitted a TORT
15 ACTION FOR REQUEST OF REHABILITATION/EDUCATION PROGRAM, and

16 The Court has reviewed the complaint and has determined that a response would assist
17 the Court in determining whether petitioner should be granted a rehabilitation/education
18 program. Respondent shall, within 45 days after the date of this order, answer or otherwise
19 respond to the Petition and file a return in accordance with the provisions of NRS 34.360 to
20 34.380, inclusive.

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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration

Case Number: 27CV-TT12-2019-0178

Type: Order to Respond

It is so Ordered.

A handwritten signature in cursive script, appearing to read "J. Shirley", is positioned above the printed name of the judge.

Judge Shirley

1 CASE NO. 27CV-TT12-2019-0178

2 DEPT. NO. 1

3
4
5
6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF PERSHING
8

9 STEVEN KINFORD,

10 Plaintiff,

NOTICE OF ENTRY
OF ORDER

11 vs.

12 SOCIAL SECURITY ADMINISTRATION,

13 Defendant.

14 PLEASE TAKE NOTICE that the Court entered the following: ORDER TO
15 RESPOND on July 02, 2020, a true and correct copy of which is attached to this notice.

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

19 DATED this 9 day of July 2020.

20
21 KATRENA M. MARTIN
22 CLERK OF THE COURT

23 By *Adriana Lamo*
24 Deputy
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2

3 Pursuant to NRCP 5(b), I certify that I am an employee of the Eleventh Judicial District

4 Court, and that on the date below, I caused to be served through the United States Postal Service,

5 hand delivery and/or by electronic mail, a true and correct copy ORDER TO RESPOND on the

6 following:

7

8 Steven Kinford #64984

9 1200 Prison Road/ LCC

10 Lovelock, NV 89419

11 Attorney General's Office

12 100 N. Carson St.

13 Carson City, NV. 89701

14 DATED this 9 day of July 2020.

15

16 *Alicia Ramos*

17 Deputy Clerk

18

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1 CASE NO. 27CV-TT12-2019-0178

2 Pursuant to NRS 239B.030, the
3 undersigned hereby affirms this document
4 does not contain the social security number
5 of any person

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

8
9 STEVEN KINFORD,

10 Petitioner,

11 vs.

ORDER TO RESPOND

12 SOCIAL SECURITY ADMINISTRATION,

13 Respondent.

14 Petitioner, STEVEN KINFORD, a Nevada prisoner, in pro se, having submitted a TORT
15 ACTION FOR REQUEST OF REHABILITATION/EDUCATION PROGRAM, and

16 The Court has reviewed the complaint and has determined that a response would assist
17 the Court in determining whether petitioner should be granted a rehabilitation/education
18 program. Respondent shall, within 45 days after the date of this order, answer or otherwise
19 respond to the Petition and file a return in accordance with the provisions of NRS 34.360 to
20 34.380, inclusive.

21 ///

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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration
Case Number: 27CV-TT12-2019-0178
Type: Order to Respond

It is so Ordered.

A handwritten signature in black ink, appearing to read "Shirley", is written over a horizontal line.

Judge Shirley

1 CASE NO. 27CV-TT12-2019-0178

2 DEPT. NO. 1

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this
5 document does not contain the
6 personal information of any person

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

9 STEVEN KINFORD,

10 Petitioner,

11 vs.

12 SOCIAL SECURITY ADMINISTRATION,

13 Respondent.

**RESPONSE TO TORT ACTION FOR
REQUEST OF
REHABILITATION/EDUCATION
PROGRAM**

14 The Office of the Nevada Attorney General, by and through counsel of record, Aaron
15 Ford, Nevada Attorney General, and Wade J. VanSickle, Deputy Attorney General, hereby
16 submits this response to Tort Action For Request Of Rehabilitation/Education Program in
17 compliance with the order of this Court.

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 **I. INTRODUCTION**

20 The Court should not order the Nevada Department of Corrections (NDOC) to
21 provide Petitioner Steven Kinford (Petitioner) with a rehabilitation/education program
22 allowing him to earn free college credits for at least two separate and independent reasons.
23 First, the Petition is premature because Petitioner fails to identify the educational program
24 he intends to pursue or how the program will prepare him for gainful activity soon after
25 his release from incarceration. Without this information, the Court cannot determine
26 whether Petitioner qualifies for Social Security benefits.

27 ///

28 ///

1 Second, due to his current Level 2 custody status, Petitioner is ineligible to pursue
2 colleges courses conducted on LCC premises at this time. Furthermore, it is not certain
3 that Petitioner will become eligible (Level 1) in the future, and even if so, it is not certain
4 that Petitioner would remain eligible prior to completing the education program. As such,
5 the Petitioner should be denied.

6 **A. Petitioner's Background**

7 On March 3, 2008, Petitioner plead guilty to lewdness with a child under the age of
8 fourteen years in violation of NRS 201.230. Exhibit A. This Court sentenced Petitioner to
9 a term of life with the possibility of parole after ten years has been served concurrent to his
10 conviction in Case No. CR6880 and an administrative assessment fee of \$25.00. *Id.* He is
11 currently classified as a Level 2 inmate, and housed in a general population unit at
12 Lovelock Correctional Center (LCC) in Lovelock, Nevada. Exhibit B at 1, ¶¶ 5, 8.

13 **B. AR 516 – Level System**

14 AR 516 governs the classification level of inmates. Exhibit C. While AR 516 sets forth
15 the ability for each medium and maximum security system to create up to three different
16 classification levels, §519.01(6), it also explicitly informs inmates that nothing in AR 516
17 “create[s] any liberty interest, or rights to any classification status, work assignment, or
18 placement.” *Id.* at § 516.01(9). AR 516 also makes clear that no liberty interest shall “be
19 implied from the implementation of the classification “level system.”

20 Each level provides the inmate with the ability to have more privileges. *Id.* The
21 Medium security institution level system has three levels. Level 1 inmates are permitted
22 the most privileges as they are able to meet six performance/behavioral criteria, including
23 “access to education, law library, gym, chapel, culinary and other such areas as
24 institutional schedules permit.” *Id.* at 3-4, §516.02(1)(A)(1), (B)(3).

25 Level 2 inmates- Petitioner's current classification - meet five behavior/performance
26 criteria and are afforded less privileges than Level 1 inmates. *Id.* at 4, § 516.02(2)(A)-(B).
27 Pursuant to LCC Operational Procedure (OP) §516.03(2)(E), Level 2 inmates may not
28

1 attend college courses with personal instruction conducted on LCC premises.¹ Exhibit B at
2 2, ¶10. Instead, Level 2 inmates are permitted to participate in college courses through
3 correspondence only.² *Id.*

4 Level 3 inmates either do not qualify for Level 1 or Level 2, have recently been
5 classified from segregation housing or close custody, or have pending disciplinary actions
6 which may result in removal from Level 1 or Level 2. Exhibit C at 4-5, §516.02(2)(A)-(B).
7 These inmates have limited access to programs and privileges. *Id.* As with Level 2, Level 3
8 inmates have not been awarded the privilege of educational opportunities. *Id.*

9 C. AR 850 – NDOC Academic Programs

10 AR 850 regulates academic programs offered by NDOC. Exhibit D. AR §850.01(5)
11 states that “[b]asic literacy and secondary education should be available to inmates at no
12 cost.” *Id.* at 2, §850.01(5). Provision (A) further states that “[i]nmates must pay for
13 accredited college or correspondence courses themselves.” *Id.*

14 LCC permits inmates to seek college credit from Great Basin Community College
15 (GBCC) in accordance with AR 516 and AR 850. Specifically, an inmate must be of a
16 qualifying classification and the inmate is responsible for the costs associated with the
17 college credit. Exhibit B at 3, ¶¶ 6-11, 14-17.

18 Furthermore, GBCC courses are independent from any official NDOC education
19 program. *Id.* at 3, ¶¶ 17-18. NDOC does not fund the GBCC courses. *Id.* It has no
20 involvement in determining GBCC enrollment (beyond the criteria set forth in AR 516), the
21 courses offered to NDOC inmates, or completion of the courses. *Id.*

22 II. RELEVANT PROCEDURAL HISTORY

23 On June 28, 2019, Petitioner filed a Request for Approval of
24 Rehabilitation/Education Program in the Third Judicial District Court, Lyon County,
25 Nevada. Exhibit E. On July 22, 2019, Petitioner filed a Second Request for Approval of
26

27 ¹College courses conducted on LCC premises that involve personal instruction are often referred to
as “onsite” courses.

28 ² Correspondence courses are college courses that are conducted without any personal interaction
between the inmate and educational institution.

1 Rehabilitation/Education Program which was interpreted as a petition for education made
2 pursuant to Nevada Revised Statute (NRS) Chapter 34. *Id.* On July 25, 2019, the Court
3 transferred the matter to the Eighth Judicial District Court, Clark County, Nevada, after
4 finding it did not have jurisdiction to entertain the petition. *Id.*

5 On December 3, 2019, the Eighth Judicial District Court found it did not have
6 jurisdiction to entertain the Petition, and transferred the instant Petition to this Court. *Id.*

7 Petitioner apparently filed a Petition for Request of Rehabilitation/Education
8 Program requesting the Court to approve a college education program so that he can qualify
9 for Social Security benefits. *Id.* Petitioner did not serve the Petition upon NDOC of the
10 Office of the Attorney General (OAG). On July 9, 2020, the Court ordered a response be
11 filed within 45 days. *Id.*

12 The OAG hereby submits this timely Response.

13 III. LEGAL DISCUSSION

14 "The Social Security Act provides in relevant part that an individual cannot receive
15 benefits for a month during which the individual 'is confined in a jail, prison, or other penal
16 institution or correctional facility pursuant to his conviction of a criminal offense.'" *Modica*
17 *v. Commissioner of Social Sec.* 2012 5198817 (citing 42 U.S.C. § 402(x)(1)(A)(i) and 20
18 C.F.R. §404.468). A vocational rehabilitation exception exists "if a prisoner who is entitled
19 to benefits on a the basis of disability is actively and satisfactorily participating in a
20 rehabilitation program which has been specifically approved for the individual by the court
21 of law." 20 C.F.R. § 404.468(d). Courts have held the Regulation permits only the
22 sentencing court to approve a rehabilitative program. *United States v. Osborne*, 988 F.2d
23 47, 49 (7th Cir. 1993)("'[A] court of law' must refer to the sentencing court."); *Peeler v.*
24 *Heckler*, 781 F.2d 649, 652 (8th Cir. 1986).

25 The program must be "expected to result in the individual being able to do
26 substantial gainful activity upon release and within a reasonable time." 20 C.F.R. §
27 404.468(d). The program must also "eliminate or even ameliorate the disability for which
28 [p]laintiff receives benefits." *Borchelt v. Apfel*, 25 F.Supp. 2d 1017, 1021 (E.D. Mo. 1998).

1 Here, Petitioner moves the Court for “the needed approval for his rehabilitation
2 program (college) so he can get the funding that is need (sic) to go to school/college.” Petition
3 at 4.

4 **A. The Petition Is Premature**

5 The Petition should be denied because it does not provide the Court with the
6 information necessary to determine whether the program Petitioner wishes to complete
7 will allow Petitioner to qualify for Social Security benefits. Specifically, Petitioner fails to
8 identify what college education program in which he intends to enroll or participate. *See*
9 *generally*, Petition. He also does not specify the institution from which he seeks to obtain
10 the credits. *Id.* Without this information, this Court cannot make an informed ruling on
11 whether the program will “ameliorate” Plaintiff’s alleged disability (memory loss). *Borchelt*,
12 25 F.Supp.2d at 1021.

13 Similarly, the Petition fails to provide the Court with the information necessary to
14 determine whether the educational program will result in Petitioner being able to do
15 substantial gainful employment upon release and within a reasonable time. 20 C.F.R.
16 §404.468(d). The Petition is devoid of any information regarding how Petitioner will be
17 able to obtain gainful employment within a reasonable time upon his release as a result of
18 the unidentified educational program he wishes to pursue. This is especially true given that
19 Petitioner is currently service a life sentence, he has provided no evidence of whether he is
20 likely to qualify for parole or be released in the near future.

21 In sum, the Petition does not provide the Court with the information required to
22 determine whether the unspecified college courses Plaintiff wishes to pursue constitute a
23 “rehabilitation program” for purposes under the Social Security Act. As such, the Petition
24 is premature and should be denied.

25 **B. Petitioner is Not Eligible To Pursue College Courses**

26 The Petition should also be denied because Petitioner is not eligible to seek college
27 credit through on-site class instruction given his current classification level. Pursuant to
28 AR 516, an inmate must be a Level 1 inmate in order to pursue higher education courses

1 conducted by GBCC instructors on LCC premises. Exhibit B at 2, ¶¶ 5-11; Exhibit C at 3,
2 §516.02(1)(A)(B). Petitioner is currently a Level 2 inmate. Exhibit B at 2, ¶5. He has not
3 satisfied the requisite behavioral and performance based criteria to meet earn the privilege
4 of seeking onsite college education. Exhibit B at 2, ¶¶ 5-11; Exhibit C at 3, §516.02(1)(A)(B).
5 Consequently, he has not demonstrated the necessary behavior that is indicative of
6 progress and rehabilitation. Mandating NDOC to allow Petitioner to attend college courses
7 conducted by GBCC instructors on LCC property even though he is ineligible under AR 516
8 undermines the rehabilitative goal of the Social Security Act. *Jensen v. Heckler*, 766 F.3d
9 383, 386 (8th Cir. 1985)(noting that “the statute was tailored to the Act’s goal of
10 rehabilitation...”).

11 Additionally, NDOC may face Fourteenth Amendment equal protection concerns if
12 the Court were to order NDOC to allow Petitioner to seek college credits even though he is
13 a Level 2 inmate. Specifically, NDOC applies AR 516 to all inmates in an equal manner.
14 Exhibit B at 2, ¶11. Consequently, only Level 1 inmates have been, and are, permitted to
15 pursue on site college credit. An order from the Court mandating NDOC to apply AR 516
16 differently with respect to Petitioner could implicate the Fourteenth Amendment rights of
17 other inmates who were previously denied certain educational opportunities due to their
18 classification levels. *Rico v. Rodriguez*, 121 Nev. 695, 702 (2005).

19 Furthermore, even if Petitioner was currently eligible to participate in educational
20 courses, it does not mean that he will remain eligible throughout the pendency of the
21 education course. An inmate’s Level 1 status can be revoked at any time for disciplinary
22 purposes. Exhibit C. This means that if Petitioner is charged with a disciplinary infraction
23 after he has begun the college program, he could become ineligible to finish the program.
24 *Id.* This is particularly important considering Petitioner has never been classified as a
25 Level 1 inmate since arriving at LCC. Exhibit B at 2, ¶8(a)-(e). However, if the Court orders
26 NDOC to allow Petitioner unfettered ability to pursue on-site college courses, NDOC would
27 be prohibited from properly and equally applying AR 516 to Petitioner. It could also result
28 in safety and security concerns given the special privileges Petitioner is being provided and

1 the fact that Petitioner would be required to interact with inmates of a different
2 classification level in order to participate in the education activities.

3 Similarly, an inmate may be transferred from one institution to another institution
4 for any reason. *See Olim v. Wakinekona*, 461 U.S. 238 (1983)(noting that “officials may
5 transfer a prisoner for whatever reason or for not reason at all”). NDOC regularly transfers
6 inmates for valid penological purposes such as medical care, protective segregation, or
7 overcrowding issues. This particularly important consider the nature Petitioner’s
8 conviction and potential need for protective housing and his allegations of the need for
9 specialized medical care.³ Exhibit A. However, if the Court orders NDOC to permit
10 Petitioner to pursue on-site college education from a specific educational institution (such
11 as GBCC), it would eliminate NDOC’s ability to transfer Petitioner to a facility other than
12 LCC. *Bell v. Wolfish*, 441 U.S. 520, 547 (1979)(noting that “[p]rison administrators []
13 should be accorded wide-ranging deference in the adoption and execution of policies and
14 practices that in their judgment are needed to preserve internal order and discipline and
15 to maintain institutional security.”). This may not only place a burden on NDOC and its
16 ability to efficiently operate its facilities, but it could negatively affect Petitioner’s interests
17 and safety. Consequently, no order should issue.

18 **C. Alternatively, Any Order from The Court Should Coincide with AR 516**
19 **and AR 850**

20 To the extent the Court determines Petitioner should be permitted to pursue college
21 credits, it should not order NDOC to bear the costs associated therewith. As set forth by
22 AR 850.01(5)(A), NDOC requires inmates to pay for any college credits. Exhibit D; *see also*
23 *Knight v. State of Ariz.* 39 F.3d 1187 (9th Cir. 1994)(*citing Rizzo v. Dawson*, 778 F.2d 527,
24 530-531 (9th Cir. 1985)) (“Inmates have no constitutional right to education or
25 rehabilitation”). Any order from the Court should coincide with AR 850.01(5)(A) to prevent
26

27 ³ In *Kinford v. Moyal, et al.*, Case No. 2:18-cv-01890-RFB-EJY, Petitioner asserts an Eighth
28 Amendment medical indifference claim based upon allegations of need for medical care relating to ongoing
medical issues stemming from an automobile accident that occurred prior to his current incarceration. The
Court may take judicial notice of this proceeding. NRS 41.130 NRS 41.150.

1 equal protection issues from arising.

2 Likewise, the order should subject Petitioner's access to college education to the
3 requirements of AR 516. More specifically, Petitioner should be permitted access to onsite
4 college courses so long as he maintains the requisite custody level, i.e. Level 1. Exhibit B
5 at 2, ¶¶ 5-11; Exhibit C at 3, §516.02(1)(A)(B). This would not only alleviate 14th
6 Amendment concerns, it would also further the Social Security Act's goal of rehabilitation
7 and permit NDOC to efficiently and properly operate its facilities.

8 Accordingly, any order issued by the Court should not grant Petitioner free and
9 unrestrained access to education. Instead, Petitioner's ability to pursue college education
10 should be conditioned upon his ability to pay for the courses and his eligibility pursuant to
11 AR 516.

12 IV. CONCLUSION

13 Based upon the foregoing, no order should issue mandating NDOC to provide
14 Petitioner Steven Kinford with a rehabilitation program allowing him to earn free college
15 credit.

16 DATED this 20th day of August, 2020.

17 Respectfully submitted,
18 AARON D. FORD
19 Attorney General

20
21 By: /s/ Wade J. VanSickle
22 Wade J. VanSickle (Bar No. 13604)
23 Deputy Attorney General
24 State of Nevada
25 Office of the Attorney General
26 555 E. Washington Ave., Suite 3900
27 Las Vegas, NV 89101
28 Phone: (702) 486-3216
Fax: (702) 486-3773
Attorneys for Special Appearing Party

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Steven Kinford #64984
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419
lclawlibrary@doc.nv.gov
Petitioner, Pro Se

/s/ Sheri Regalado
Sheri Regalado, an employee of the
Office of the Nevada Attorney General

EXHIBIT A

ID# 64984

YAZBB 2008-032021

Case No. CR6913

Dept No. I

DA Case No. 07.0640

FILED

2008 AUG 27 AM 11:16

NIKKI A. BRYAN
LYON COUNTY CLERK

Tanya Sealine

DEPUTY

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

THE STATE OF NEVADA,
Plaintiff,

vs.

JUDGMENT OF CONVICTIONSTEVEN KINFORD,
Defendant.

On March 3, 2008, the Defendant above-named appeared before the Court with Defendant's Counsel, Kenneth V. Ward and entered a plea of guilty to the crime of LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN (14) YEARS, committed between August 1, 2005 and October 1, 2005, in violation of NRS 201.230, a CATEGORY A FELONY.

On August 25, 2008, the Defendant appeared before the Court for sentencing with Defendant's Counsel, Kenneth V. Ward and the State was represented by the Lyon County District Attorney's office. No sufficient legal cause was shown by the Defendant as to why judgment should not be pronounced against him. The Court adjudged the Defendant guilty of the crime of LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN (14) YEARS.

The Court then sentenced the Defendant to imprisonment in the State Prison of the State of Nevada for a term of LIFE WITH THE POSSIBILITY OF PAROLE AFTER A MINIMUM OF TEN (10) YEARS HAS BEEN SERVED to be

SL

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1 served concurrent to CR6880 and an administrative assessment fee of \$25.00. It is
2 further recommended that a special sentence of Lifetime supervision comment after
3 any period of probation, or any term of imprisonment, or after any period of release
4 on parole.
5

6 The Defendant was given credit for Two Hundred and Ninety-Nine
7 (299) day(s) presentence confinement time. Further, that any bond heretofore
8 posted in exonerated.

9 DATED this 27th day of August, 2008.

10
11 
12 District Judge

13 RECEIVED of Allen Vell, Sheriff of Lyon County, State of Nevada, on
14 the _____ day of _____, 2008, one STEVEN KINFORD, to be
15 committed to the State Prison of the State of Nevada for a term of LIFE WITH THE
16 POSSIBILITY OF PAROLE AFTER A MINIMUM OF TEN (10) YEARS HAS BEEN
17 SERVED to be served concurrent to CR6880, with credit given for Two Hundred and
18 Ninety-Nine (299) day(s) presentence confinement time, for the crime of
19 LEWDNESS WITH A CHILD UNDER FOURTEEN (14) YEARS.
20

21
22 **CERTIFIED COPY**

23 The document to which this certificate is
24 attached is a full, true and correct copy of the
25 original on file and of record in my office.

26 DATE: August 27, 2008
27 Nikki A. Bryan, County Clerk and Clerk of
28 the Third Judicial District Court of the State
of Nevada, in and for Lyon County.

By 
Deputy

Warden of the Nevada State
Prison

By:

1 Case No. CR6880

2 Dept No. I

3 DA Case No. 07.0110

FILED

2008 JAN 30 AM 11:37

NIKKI A. BRYAN
LYON COUNTY CLERK
DeAnn Peebles
DEPUTY

4 64984
5 2008-032021

6 IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7
8 IN AND FOR THE COUNTY OF LYON

9 THE STATE OF NEVADA,
10 Plaintiff,

11 vs.
12 STEVEN KINFORD,
13 Defendant./

JUDGMENT OF CONVICTION

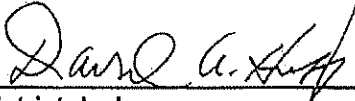
14 On May 30, 2007, the Defendant above-named appeared before the
15 Court with Defendant's Counsel, Jesse Kalter and entered a plea of guilty to the
16 crime of SEX OFFENDER FAILURE TO REGISTER, committed on December 26,
17 2006, in violation of NRS 179D.470 and NRS 179D.550, a CATEGORY D FELONY.

18 On January 14, 2008, the Defendant appeared before the Court for
19 sentencing with Defendant's Counsel, Jesse Kalter and the State was represented
20 by the Lyon County District Attorney's office. No sufficient legal cause was shown by
21 the Defendant as to why judgment should not be pronounced against him. The
22 Court adjudged the Defendant guilty of the crime of SEX OFFENDER FAILURE TO
23 REGISTER.

24 The Court then sentenced the Defendant to imprisonment in the State
25 Prison of the State of Nevada for a minimum term of Sixteen (16) Months and a
26 maximum term of Forty-Eight (48) Months, Extradition Costs in the amount of
27 \$2,043.63 and an administrative assessment fee of \$25.00.
28

The Defendant was given credit for Two Hundred and Ninety-Nine (299) day(s) presentence confinement time. Further, that any bond heretofore posted in exonerated.

DATED this 30th day of January, 2008.


District Judge

RECEIVED of Allen Veil, Sheriff of Lyon County, State of Nevada, on the _____ day of _____, 2008, one STEVEN KINFORD, to be committed to the State Prison of the State of Nevada for a minimum term of Sixteen (16) Months and a maximum term of Forty-Eight (48) Months, with credit given for Two Hundred and Ninety-Nine (299) day(s) presentence confinement time, for the crime of SEX OFFENDER FAILURE TO REGISTER.

Warden of the Nevada State
Prison


By: _____

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: January 30, 2008

Nikki A. Bryan, County Clerk and Clerk of the Third Judicial District Court of the State of Nevada, in and for Lyon County.

By 
Deputy

1 Case No. CR6880

2 Dept. No. I

3 DA Case No. 07.0110

FILED

2008 JAN 30 AM 11: 43

NIKKI A. BRYAN
LYON COUNTY CLERK

DeAnn Peebles

DEPUTY

4 64984
5 2008-032021

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

7 IN AND FOR THE COUNTY OF LYON

8 Yerington, Nevada, January 14, 2008

9 PRESENT: Honorable David A. Huff, District Judge;
10 Allen Veil, Sheriff; Nikki Bryan, Clerk.

11 THE STATE OF NEVADA,
12 Plaintiff

13 vs.

14 STEVEN KINFORD,
15 Defendant./

CONVICTED OF THE CRIME OF
SEX OFFENDER FAILURE TO
REGISTER

16 This being the time appointed for passing judgment and sentence, the
17 Defendant having been brought into Court, and his counsel, Jesse Kalter being
18 present in Court, ROBERT L. AUER, the District Attorney, also being present, the
19 Defendant was duly informed by the Court of the nature of the charge against him for
20 the crime of SEX OFFENDER FAILURE TO REGISTER committed on the 26th day
21 of December, 2006, of his arraignment and plea of guilty.

22 The Defendant was then asked if he had any legal cause to show why
23 judgment should not be pronounced against him.

24 WHEREUPON STEVEN KINFORD stated that there was none and no
25 sufficient cause being shown, the Court renders its judgment and decree; that the
26 said STEVEN KINFORD guilty of the crime of SEX OFFENDER FAILURE TO
27 REGISTER and that STEVEN KINFORD be punished by imprisonment in the State
28 Prison of the State of Nevada for a minimum term of Sixteen (16) Months and a

1 maximum term of Forty-Eight (48) Months. That the Defendant was then remanded
2 to the custody of the Sheriff of said Lyon County to be delivered into the custody of
3 the proper officials of the said State Prison.
4

5
6 State of Nevada)
7) ss:
8 County of Lyon)

9 I, Nikki Bryan, Clerk of the Third Judicial District Court of the State of
10 Nevada, in and for the County of Lyon, do hereby certify the foregoing to be a true
11 and correct copy of the judgment entered in said District Court in the above entitled
12 matter.

13 Attest my hand and Seal of the said District Court this 30th day of
14 January, 2008.

15
16 NIKKI BRYAN, CLERK OF THE COURT

17 *Debra Rappley*
18 By: Deputy Clerk
19
20
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1 Case No. CR6880

2
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5
6 IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF LYON

8 THE STATE OF NEVADA,

9 To the Sheriff of Lyon County and the Warden of Officers in charge of
10 the State Prison of the State of Nevada, GREETINGS:

11 WHEREAS, STEVEN KINFORD having been duly convicted in our
12 District Court of the crime of SEX OFFENDER FAILURE TO REGISTER, and
13 judgment having been pronounced against him, that STEVEN KINFORD be
14 punished by imprisonment in the State Prison of the State of Nevada for the
15 minimum term of Sixteen (16) Months and a maximum term of Forty-Eight (48)
16 Months. All of which appearing to us of record, and certified copy of the judgment
17 being endorsed herein and made a part hereof.

18 Now this is to command you, the said Sheriff, to safely deliver the said
19 STEVEN KINFORD into the custody of the said Warden or any officer in charge of
20 the State Prison of the State of Nevada forthwith.

21 And this is to command you, the said Warden or other officer in charge
22 of the State Prison of the State of Nevada, to receive from the said Sheriff the said
23 STEVEN KINFORD, convicted and sentenced as aforesaid, to the Nevada State
24 Prison and that the said STEVEN KINFORD be safely kept and imprisoned in the
25 said State Prison of the State of Nevada for the minimum term of Sixteen (16)
26
27
28

1 Months and a maximum term of Forty-Eight (48) Months, and these presents shall be
2 your authority so to do HEREIN FAIL NOT.

3 WITNESS, Honorable David A. Huff, Judge of the said District Court, at
4 the courthouse in the County of Lyon, this 30th day of January, 2008.

5 WITNESS, my hand and Seal of said Court, the day and year last
6 above-written.

7
8 NIKKI BRYAN, CLERK OF THE COURT

9 *Daleen Peoples*
10 By: Deputy Clerk

11
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20
21
22 **CERTIFIED COPY**

23 The document to which this certificate is
24 attached is a full, true and correct copy of the
original on file and of record in my office.

25 DATE: January 30, 2008

26 Nikki A. Bryan, County Clerk and Clerk of
the Third Judicial District Court of the State
of Nevada, in and for Lyon County.

27 By *Daleen Peoples*
28 Deputy

EXHIBIT B

1 AARON D. FORD
Attorney General
2 WADE J. VANSICKLE (Bar No. 13604)
Deputy Attorney General
3 State of Nevada
Office of the Attorney General
4 555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
5 (702) 486-3216 (phone)
(702) 486-3773 (fax)
6 Email: wvansickle@ag.nv.gov

7 *Attorneys for Special Appearing Party*

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

10 STEVEN KINFORD,

Case No.: 27CV-TT12-2019-0178

11 Petitioner,

12 vs.

13 SOCIAL SECURITY ADMINISTRATION,

14 Respondent.
15

16 **DECLARATION OF KARA LEGRAND**

17 I, Kara LeGrand, being first duly sworn, under penalty of perjury under the laws of Nevada
18 deposes and says:

- 19 1. I am employed as with the Nevada Department of Corrections (NDOC) as a
20 Correctional Casework Specialist III and am currently an Acting Associate Warden
21 at Lovelock Correctional Center (LCC).
22 2. Through my employment, as a Correctional Casework Specialist III and Acting
23 Associate Warden, I have access to records maintained by LCC related to programs
24 that are offered to inmates housed at LCC.
25 3. I also have access to inmate files that are maintained in the normal course of
26 business at LCC.
27 4. In connection with filing this declaration, I was contacted by the Nevada Attorney
28 General's Office, who, on information and belief, is involved in the matter entitled,

1 *Steven Kinford v. Social Security Administration*, now proceeding in the Eleventh
2 Judicial District Court of the State of Nevada, in and for the County of Pershing, as
3 case number 27CV-TT12-2019-0178. It was requested that I provide truthful and
4 accurate information concerning the Petitioner, Steven Kinford (Mr. Kinford).

5 5. Mr. Kinford is currently housed at LCC in a Medium Custody General Population
6 Unit.

7 6. Administrative Regulation (AR) 516 governs the NDOC level systems, and LCC
8 Operational Procedure (OP) 516 (current effective date of March 22, 2019) governs
9 the level system at LCC.

10 7. All inmates at LCC are subject to the custody level systems set forth in AR 516 and
11 LCC OP 516.

12 8. Mr. Kinford's housing history reveals that following his arrival at LCC on August
13 15, 2019, he was housed as follows:

14 a. Level III from August 15, 2019 through August 20, 2019;

15 b. Level II from August 20, 2019 through November 21, 2019;

16 c. Structured Living Program from November 21, 2019 through June 2, 2020;

17 d. Level III from June 2, 2020 through July 9, 2020; and

18 e. Level II from July 9, 2020 through the date of this Declaration.

19 9. Pursuant to LCC OP 516.02(2)(E), as a Level III inmate, Mr. Kinford would have
20 access to "Education-GED, High School and literacy by correspondence only".

21 10. Pursuant to LCC OP 516.03(2)(E), as a Level II inmate, Mr. Kinford would have
22 access to "Education-GED, High School, literacy, college (correspondence only)".

23 11. Pursuant to LCC OP 516.04(2)(D), Level I inmates have access to "Education-GED,
24 High School, literacy, [and] college".

25 12. Review of the records pertaining to Mr. Kinford's involvement in the Structured
26 Living Program (SLP), Mr. Kinford would have been in Receiving/Alpha while
27 housed within SLP.
28

- 1 13. Inmates who are housed in SLP Receiving/Alpha are considered Level III inmates.
2 SLP Bravo and Charlie inmates are considered Level II inmates with Level I
3 privileges.
4 14. AR 850 governs educational programs at all NDOC institutions and facilities
5 including LCC. AR 850.01(5)(A) requires inmates who seek to pursue college courses
6 to pay for said college courses themselves.
7 15. AR 850 applies to all inmates at LCC.
8 16. Level I inmates may seek college credit from Great Basin Community College
9 (GBCC) through attendance at onsite classes.
10 17. Although the educational programs offered by GBCC are recognized by the NDOC
11 and offered on LCC property, they are not NDOC run programs and the NDOC does
12 not provide funding for inmates to participate in these programs.
13 18. The NDOC is not involved in determining GBCC enrollment, the education courses
14 offered to NDOC inmates by GBCC, or the completion of the courses.

15
16 DATED this 13th day of August, 2020

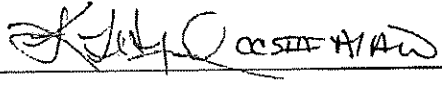
17
18 
19 KARA LEGRAND

EXHIBIT C

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
516**

LEVEL SYSTEM

Supersedes: AR 516 (Temporary, 10/11/11)
Effective Date: 06/17/12

AUTHORITY

NRS 209.131
NRS 209.352

RESPONSIBILITY

Institutional Wardens and Facility Managers are responsible to develop and maintain an inmate level system.

All classification program staff involved in the classification process are responsible to ensure they make every reasonable attempt to follow the Level System Operational Procedure for their facility.

516.01 LEVEL SYSTEM PROCEDURE

1. An institution may have a departmentally standardized level system which is to be monitored and evaluated annually and updated as needed.
 - A. Restitution Centers, Camps and Transitional Housing Centers may be excluded from this regulation.
 - B. Protective Segregation, Disciplinary Segregation, Administrative Segregation and other specialized program units may be excluded from this regulation.
2. Each level should have a performance based criteria which involves inmate performance including but not limited to:
 - A. Work
 - B. Disciplinary
 - C. Program compliance

D. Appearance

E. Environment

3. All institutions should develop a level system which is standardized and comparable throughout the Department depending on institutional/departamental needs which meet the diversity of the institution.

A. Inmates shall progress through the level system when eligible. Documentation within Nevada Offender Tracking Information System (NOTIS) is required.

B. Regressions from levels do not require disciplinary action but documentation within NOTIS is required.

C. A classification committee will be conducted on all level progressions and regressions.

D. Inmates transferred between institutions of like security level, not involving disciplinary actions or job terminations, may retain their level assignment upon transfer. This will be based on the needs of the institution.

(1) Inmates may be required to go through an initial evaluation/orientation period in the most restrictive Level, not to exceed thirty (30) days. Exceptions will be based on the needs of the institution.

4. The following rights or privileges are components of any level system and are not to be abridged by the Regulation:

A. Food

B. Mail

C. Legal access

D. Religious access

E. Access to medical treatment

5. The following privileges may be used as incentives:

A. Property

B. Appliances

C. Program access

- D. Work/pay
- E. Yard/tier time
- F. Phone access
- G. Canteen
- H. Recreation/gym access
- I. Clothing
- J. Packages
- K. Work assignments

6. Each medium security facility and maximum security prison may establish three (3) levels with Level 1 as the level that allows the maximum number of privileges. The institution may also consider factors including but not limited to ethnic balances, Security Threat Group and/or other institutional needs.

7. Newly arriving inmates may qualify for a level contingent upon review of their disciplinary history and other level criteria.

8. There is no set percentage of inmates assigned to each level.

9. This regulation does not create any liberty interest, or right to any classification status, work assignment or placement, on behalf of any inmate, nor is any liberty interest to be implied from the implementation of a level system.

516.02 MEDIUM SECURITY INSTITUTION LEVEL SYSTEMS

1. The following criteria should be followed for Level 1 inmates.

A. Performance based criteria

- (1) Work must include an assignment to full-time participation in work, education and/or special program assignment.
- (2) Inmates assigned to any Prison Industry Program must be housed in Level 1.
- (3) No major disciplinary convictions within the past twelve months; the committee may evaluate the overall disciplinary record.
- (4) Program compliance requires active involvement, participation and attendance.

(5) Appearance includes maintaining hygiene and grooming standards.

(6) The inmates must maintain a clean and orderly living area and comply with all housing rules and Operational Procedures.

B. Incentives and authorized activities:

(1) Inmates will have access to open yard activities and the multi-purpose activity centers.

(2) Inmates will have canteen as scheduled and authorized by Operational Procedures.

(3) Inmates shall have access to education, law library, gym, chapel, culinary and other such areas as institutional schedules permit.

2. The following criteria should be followed for Level 2 inmates:

A. Performance based criteria:

(1) Work may include an assignment to full-time participation in work, education and/or special program assignment.

(2) The committee should evaluate the overall disciplinary record.

(3) Program compliance requires active involvement, participation and attendance.

(4) Appearance includes maintaining hygiene and grooming standards.

(5) The inmates must maintain a clean and orderly living area and comply with all housing rules and Operational Procedures.

B. Incentive and authorized activities:

(1) Restrictions and/or limitations regarding access to work assignments and/or recreational activities can be imposed.

3. The following criteria should be followed for Level 3, the most restricted level:

A. Performance and criteria:

(1) Inmates who do not meet the criteria for Levels 1 or 2:

(a) New arrivals.

- (b) Removed from Level 1 or 2.
- (c) Recently classified from segregation housing or close custody.
- (d) Pending disciplinary action which may result in removal from Level 1 or 2.
- (e) Austere Housing.

B. Incentives and authorized activities:

- (1) Limitations and restrictions of activities as stated in 516.01.
- (2) Access to programs and education.

513.03 MAXIMUM SECURITY PRISON LEVEL SYSTEM

1. The following criteria should be followed for Level 1 inmates:

A. Performance based criteria

- (1) Work must include an assignment to full-time participation in work, education and/or special program assignment.
- (2) Inmates assigned to any Prison Industry Program must be housed in Level 1.
- (3) No major disciplinary convictions within the past twelve months; the committee may evaluate the overall disciplinary record.
- (4) Program compliance requires active involvement, participation and attendance.
- (5) Appearance includes maintaining hygiene and grooming standards.
- (6) The inmates must maintain a clean and orderly living area and comply with all housing rules and Operational Procedures.

B. Incentives and authorized activities:

- (1) Outside yard access as scheduled.
- (2) Canteen requests will be delivered to the designated housing unit.
- (3) All meals are served in the designated area of the institution.

- (4) Access to scheduled tier time.
- (5) Escorts and movement will be controlled by Operational Procedure.
- (6) The Warden will determine physical access to the education facilities.
- (7) The Warden will determine the number of participants who will have access to the institutional chapel.
- (8) Unit yard access as scheduled.
- (9) Recreational activities and gym access as scheduled and determined by Operational Procedures.

2. The following criteria should be followed for Level 2 inmates:

A. Performance based criteria:

- (1) Work must be able to be performed on a classified work assignment.
- (2) Having no major or general disciplinary convictions within the past six months.
- (3) Program compliance requires active involvement, participation and attendance.
- (4) Appearance includes maintaining hygiene and grooming standards.
- (5) The inmates must maintain a clean and orderly living area and comply with all housing rules and Operational Procedures.

B. Incentives and authorized activities;

- (1) Outside yard access as scheduled.
- (2) Canteen requests will be delivered to the designated housing unit.
- (3) All meals are served in the designated area of the institution.
- (4) Access to scheduled tier time.
- (5) Escorts and movement will be controlled by Operational Procedure.
- (6) The Warden will determine the number of participants who will have access to the institutional chapel.

(7) Unit yard access as scheduled.

(8) Recreational activities and gym access as scheduled and determined by Operational Procedures.

3. The following criteria should be followed for Level 3 inmates:

A. Performance based criteria:

(1) Compliance with housing rules and Operational Procedures is required to remain in this level.

(2) Inmates who have completed a disciplinary sanction or granted early release from the sanction.

(3) Inmates who have recently been received from the intake centers or who have been transferred as a management problem.

B. Incentives and authorized activities:

(1) Unit interior yard access as scheduled.

(2) Canteen requests will be delivered to the designated housing unit.

(3) All meals are served in the units.

(4) Escorts and movement will be controlled by Operational Procedure.

(5) Access to education via correspondence.

APPLICABILITY

1. This regulation applies to the operation of all institutions and facilities except for camps, restitution centers and transitional housing.

2. This regulation requires an Operational Procedure for all institutions with a level system.

3. This AR does not require an audit.



James G. Cox, Director

5/30/12

Date

EXHIBIT D

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
850**

EDUCATIONAL PROGRAMS

Supersedes: AR 850 (04/08/11); and AR 850 (Temporary, 11/04/14)
Effective date: 05/19/15

AUTHORITY: NRS 209.389; 209.391; 209.393; 209.396; 209.433; 209.443;
209.446; 209.4465; 209.449; 385.448; 388.573 – 388.579;
NAC 389.694.

RESPONSIBILITY

The Department of Corrections Education Programs Professional is responsible for serving as the liaison with the Department's education providers, including colleges and universities, and ensuring compliance with Department rules and regulations.

850.01 ACADEMIC PROGRAMS

1. Comprehensive academic and vocational education programs should be available at all Department institutions.

A. A state standardized Correctional Education curriculum should be offered in the Department by its education providers.

B. All college and university programs will be accredited by the Northwest Association of Schools and Colleges and Universities.

C. Performance-based academic programs will be implemented to monitor and ensure individual student progress.

D. At Intake, inmates should be assessed and prioritized according to NDOC's established criteria.

2. If not working or employed full-time or otherwise excused, eligible inmates may be engaged in academic pursuit full-time.

A. Inmates, if eligible, are encouraged to complete their secondary education, either through obtaining a High School Equivalency (HSE) or a High School Diploma. Upon completion, inmates are eligible for meritorious credits.

- B. Nevada Administrative Code permits an inmate with a HSE to later obtain a High School Diploma, including using the HSE completion to waive some of the regular subject-matter requirements. However, an inmate with a High School Diploma may not go back and obtain a HSE.
3. Nevada law precludes illiterate inmates or those who do not speak English proficiently, from working in prison industries or other vocational programs, unless the offender:
- A. Is pursuing education simultaneously, or
 - B. Has received an exception from the Director/designee for good cause.
4. Teachers and instructors provided to the Department by Nevada's school districts, colleges and universities should be educated and certified to ensure that their skills and credentials are comparable to teaching staff in the community.
5. Basic literacy and secondary education should be available to inmates at no cost.
- A. Inmates must pay for accredited college or correspondence courses themselves.
6. Correctional school programs should allow for flexible scheduling that permits entry at any time, and should be offered at a time when the majority of inmates can take advantage of the opportunity.
7. Correctional school programs should coordinate with other institutional services to provide instruction in functional social skills.
8. Correctional school programs should conduct an individualized assessment to determine literacy levels of newly enrolled students.
9. Accommodations should be provided by correctional school districts to meet the educational and vocational needs of inmates who require special placement because of physical, mental, emotional, or learning disabilities.
10. Correctional school programs should make counseling services available to inmates to assist them in making informed decisions regarding education and career choices.
11. Inmates will receive work credits for participation in approved educational programs offered in the Department.
12. Education records, such as, transcripts, attendance, grades, test scores or any other personal information is confidential.
- A. Inmates may not instruct classes.
 - B. Inmates are not permitted to keep attendance for a class.

C. Inmates are not permitted access to the educational records of other inmates.

13. Education providers, college and university instructors are considered volunteers and are subject to all Departmental rules, regulations, policies and procedures.

A. Volunteers must undergo criminal record background checks before they can be approved to enter a Department Institution.

B. Volunteers must provide proof of a current 2 step base line Tuberculosis test.

C. Volunteers must be re-tested for Tuberculosis and submit proof annually.

D. Volunteers must complete the Department's Volunteer and PREA training programs before entering a Department Institution.

850.02 VOCATIONAL PROGRAMS

1. All vocational programs will be recognized, certified, or licensed by the state Department of Education.

2. Vocational programs should provide training and experience in skills that will enable inmates to obtain employment in the community upon their release.

3. To the extent possible, vocational training programs should reflect the employment needs of the community.

4. To the extent possible, vocational training programs should be offered to inmates free of charge.

A. Inmates can be required to pay for tools, special clothing or other materials required for the vocational program.

5. Inmates may receive work credits for participation in approved vocational programs offered in the Department.

6. Inmates who complete a vocational training program according to established guidelines should receive a certificate acknowledging their completion and may receive meritorious credits for qualified vocational programs.

850.03 PROGRAM EVALUATIONS

1. Qualified individuals, professional groups, or appropriate trade organizations should evaluate academic and vocational training programs for effectiveness and achievement of stated objectives at least once every three (3) years.

2. School District supervisors must provide status reports to the Department of Corrections Education Programs annually, providing information identified by the Education Programs Professional, including, but not limited to:

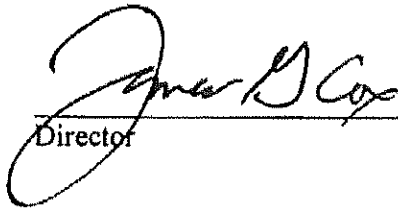
- A. Prior year activities.
- B. Review of outcomes.
- C. Changes that may need to be made.

APPLICABILITY


- 1. This AR requires an Operational Procedure (OP) for each institution and facility offering educational or vocational programs.
- 2. This AR does not require an audit.

REFERENCES:

ACA Standards, 4th Edition and 2008 Supplement, 4-4464, 4-4466, 4-4467, 4-4469, 4-4470, 4-4471, 4-4472, 4-4473, 4-4474, 4-4475, 4-4476, 4-4477, 4-4478, 4-4479 and 4-4480.



Director



Date

EXHIBIT E

FILED

Steven Kindford #64984

P.O. Box 650

Indian Springs, NV. 89070

2019 JUN 28 AM 10:26

TANIA BOWEN
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Victoria Toran

THIRD JUDICIAL DISTRICT COURT

LYON COUNTY, NEVADA

STEVEN KINDFORD

Plaintiff

vs

STATE OF NEVADA

Respondant(s)

Case No. CR 6913

Doc. No. 11

REQUEST FOR APPROVAL OF
REHABILITATION/EDUCATION
PROGRAM

COMES NOW, Steven Kindford, Plaintiff, in pro se, in this above entitled action. The Plaintiff is now hoping that this Request is the proper avenue to obtain what he now needs. Just recently (6-21-19) the Plaintiff received Court documents from the U.S. District Court (Doc 37, Case No 3:12-cr-00191-RCWFC) in this document it states, per United States v. Osborne, 988 F.2d 417, 419 ("[A] Court of law must refer to the sentencing Court") that the approval the Plaintiff seeks needs to come from this Court.

(1)

Per. Borchelt v. Apfel, 25 F. Supp. 2d 1012, 1021 (E.D. Mo. 1998)
(holding that rehabilitation program must ameliorate the
underlying disability that entitles one to social security
benefits).

After this statement by the court and the stated
case law it can plainly be seen that the Plaintiff falls
into these lines.

This statement can be seen in the definition of
"Rehabilitation".

"Rehabilitation": To restore to a former capacity,
rank, or right; 2 To restore to
good condition or health. (The
Merriam-Webster Dictionary).

After this definition, and if the court records are looked
at, it can be seen that the Plaintiff has a documented head
injury, or TBI (Traumatic Brain Injury). From this injury
it greatly impaired the past school knowledge that he had
so due to his impairments and the loss of memory (education)
it is hard for him to do daily work activities.

In stating this if the Plaintiff was able to go back
to college he can relearn, learn more, and finish his college
degree. At this point he is only five (5) classes away

from completing his degree. Although this is true, the Plaintiff would like to do more than the five classes needed to not only finish his degree, but regain the knowledge he has lost.

If something is needed for this court to see that he can do school work well, he has done a class through "Standard Career Institute" and completed the course with a 82.7%

As seen in Ex 1. in the underlined portion of the document from social security it states that benefits can be reinstated if "he" is actively and substantially participating in a rehabilitation program which has been specifically approved for the individual by a court of law.

Not to skip around, but again according to the Federal Court in here, the approval would need to come from this court.

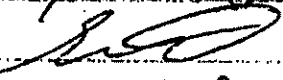
At this point in the Plaintiff's sentence he is approximately 14 months to his next Parole Eligibility Date. He feels that being in school, and being able to finish his degree will not only help him get, but keep a job. Thus making it so he does not need SSI.

CONCLUSION

In conclusion the Plaintiff humbly requests that this court could approve the education program for the Plaintiff. This would not only help him learn, but

make it so he would not need SST upon his release
from prison.

Respectfully Sent this 24th day of June, 2019


Steven Kinford

(4)

EXHIBIT 1

Social Security Administration
~~Retirement, Survivors and Disability Insurance~~

SOCIAL SECURITY
1170 HARVARD WAY
RENO, NV 89502-2107
Date: October 14, 2014
Claim Number: 260

STEVEN M. KINFORD
C/O NNCC
PO BOX 7000
INMATE ID 64984
CARSON CITY, NV 89702-0000

Dear STEVEN M. KINFORD

According to the Code of Federal Regulations, no monthly benefits will be paid to any individual for any month of which the individual is confined in a jail, prison, or other correctional facility for conviction of a felony. However, this rule does not apply if a prisoner who is entitled to benefits on the basis of a disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by a court of law.

It is my understanding that you are not "actively and satisfactorily participating in a rehabilitation program." Therefore, based on the evidence you have provided, we can not reinstate your Social Security disability benefits at this time.

If you are interested in participating in such a program, you should ask your case manager for assistance. Once you are able to prove that you are participating in a program specifically approved by a court of law, Social Security will then determine whether or not the program is expected to result in you being able to do substantial gainful activity upon your release. If the program is accepted by Social Security on this basis, only then would your disability benefits be reinstated. Keep in mind, no benefits will be paid for any month prior to the approval of the program.

I hope this letter adequately answers your question. If you have any other questions or if you require any other assistance, please feel free to contact us.

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you should contact any Social Security office or the nearest United States Embassy or consulate. Or, if you live in the Philippines, you may contact the Veterans Administration Regional Office, Social Security Division, 1131 Roxas Boulevard, Manila.

See Next Page

155

1 Steven Kindard #64984
(Name)
2 1200 Prison Rd.
(Mailing Address)
3 Levelock, NV. 89419
(City, State, Zip)

4 In Proper Person

5
6
7 In The Eleventh Judicial District Court of the State of Nevada

8
9 In and for Pershing County

10
11 STEVEN KINFORD)
12 Petitioner)
13 vs. Social Security ADMIN)
14 Respondent.)

Case No. 27CV-TT12-2019-0178
Dept. No. I

15 MOTION FOR EXTENSION OF
16 TIME TO RESPOND

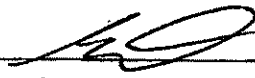
17 I Steven Kindard, appearing in Proper Person,
18 request that the Court enter an Order granting me the following:

19
20 COMES NOW, Petitioner Steven Kindard in this above entitled
21 Motion. It is hereby requested for a 30 day extension of time
22 to respond, or Reply to the Response of the Social Security
23 Administration. The reasons for this extension request are for
24 the following reasons.
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1. The Petitioner will need a little time to receive answers to request forms. This said request is being sent to the unit 4A case worker on 8-24-20. In this request, the answer will show this court that in fact Level two inmates do have access to education programs to include college.

2. The Petitioner will need a little time to get a copy of his enrollment form that he signed August 10th, 2020. Later on the morning of 8-24-20 the Petitioner signed his "Add, Drop" slip when the Petitioner requested a copy of the form from the college clerk, his response was that the Petitioner would receive an "official" copy in a week or so from the college.

For these above reasons the Petitioner humbly requests a 30 day extension of time to send his Reply to the Response of Social Security Admin. that was filed on Aug 20, 2020.


Steven Kniford
Petitioner.

This document does not contain the Social Security number of any person.

I declare under penalty of perjury under the law of the State of Nevada that the forgoing is true and correct.

DATED this 25th day of August, 2020

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Eleventh Judicial District Court
(Name of other Party)

Wade vanStickle
(Name of other Party)

P.O. Box H.
(Address)

555 E. Washington Ave
(Address)

Las Vegas, Nv. 89101
(City, State, Zip)

Las Vegas, Nv. 89101
(City, State, Zip)

Dated this 25th day of August, 2020


(Signature)

1 Case No. 27CV-TT12-2019-0178

2 Dept. No. 3

3

4

5

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

8

* * * * *

9 STEVEN KINFORD,)

10 Petitioner,)

11 -vs-)

12 SOCIAL SECURITY ADMIN.,)

13 Respondent.)

14

REQUEST FOR SUBMISSION
OF MOTION

15 It is requested that the Motion For Extension of Time To
16 Respond

17 which was filed on the 28th day of August, 2020, in
18 the above-entitled matter, be submitted to the Court for
19 decision.

20 Dated this 2nd day of September, 2020.

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Steven Kinford # 69384
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Petitioner In Pro Se

1 CERTIFICATE OF SERVICE BY MAIL

2 I do certify that I mailed a true and correct copy of the
3 foregoing REQUEST FOR SUBMISSION OF MOTION to the below
4 address(es) on this 2nd day of September, 2020, by
5 placing same in the U.S. Mail via prison law library staff,
6 pursuant to NRCP 5(b):

7
8 Eleventh Judicial District Court
9 P.O. Box H
10 Lovelock, Nv.
11 89419

12
13
14
15
16
17 STEVEN KIMBARD # 64584
18 Lovelock Correctional Center
19 1200 Prison Road
20 Lovelock, Nevada 89419
21 Petitioner In Pro Se

22 AFFIRMATION PURSUANT TO NRS 239B.030

23 The undersigned does hereby affirm that the preceding
24 REQUEST FOR SUBMISSION OF MOTION does not contain the social
25 security number of any person.

26 Dated this 2nd day of September, 2020.

27 STEVEN KIMBARD
28 Petitioner In Pro Se

STEVEN KINFORD #64984
1200 Prison Rd
Carlsbad, Nv 89414

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

STEVEN KINFORD

Plaintiff,

vs.

SOCIAL SECURITY ADMIN

Defendant

Case No.: 27CV-TT12-2019-0178

REPLY TO RESPONSE TO TORT
ACTION FOR REQUEST OF
REHABILITATION/EDUCATION
PROGRAM

COMES NOW, Steven Kinford in this above entitled Reply, to
Social Security Administration's Response To Tort Action for Request
of Rehabilitation/Education Program.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction.

The Petitioner in this case is not asking or requesting this court
to order the Department of Corrections (NDOC) to provide
Petitioner Steven Kinford (Petitioner) with "free" college
credits. The respondent is totally not understanding just
what is written, or has just sent a "side-plate" Reply.

1 In the Respondent's Response there are two "reasons"
2 stated as to why the Court should deny the Petitioner's Turk-
3 Claim. The Petitioner will now try to point out just what he is
4 trying to do, and try to help the Respondent better understand
5 just what is being asked for.

6 As stated on page 3 lines 2-3 of the Respondent's Response,
7 lines 2-3, "Level 2 inmates are permitted to participate in college
8 courses through correspondence only." Although this was not
9 stated to the Petitioner when he enrolled in the classes, this
10 should not matter. He can still take the courses.

11 Later in the Response (Pg 5 lines 5-7) it states:

12 "The Petitioner should be denied because it
13 does not provide the Court with the information
14 necessary to determine whether the Program
15 Petitioner wishes to complete will allow
16 Petitioner to qualify for Social Security
17 benefits".
18

19
20 The Petitioner would like for it to be noted that in fact
21 the Petitioner was receiving Social Security Benefits before
22 his conviction. (See Affidavit or Ex 1). Also as of this date
23 the Petitioner's children still receive the Petitioner's Benefits.

24 As to "what college education program in which he intends to
25 enroll or participate." (Pg 5 lines) - At this point the Petitioner
26 has set out a plan to complete a Associate of Applied Science in
27 General Business. These courses would be taken through Grete
28

1 Basin College, which comes to the prison. As of this date the
2 Petitioner has enrolled in two courses which would give him 512
3 credits upon completion.

4 5 B. CASE NOTES

6 As seen in Ex 2 the Petitioner has in the past, and since his
7 incarceration taken some college courses. These were taken through
8 Western Nevada College. As seen in Ex 2 the petitioner has earned
9 54 credits through this provider. It is now his understanding
10 that he only needs 8 classes or 24 credits to finish an
11 Associates of Applied Science Degree.

12 Later on pg 5 lines 13-24 it states that "Petitioner fails to
13 provide the court with information necessary to determine whether
14 the education program will result in Petitioner being able to do
15 substantial gainful employment upon release and within a reasonable
16 time."

17 It is hoped that this court will not take this wrong, but it is doubtful
18 that a college degree had by anyone would help get "gainful employment."

19 It should be seen in the work the Petitioner has done at the prison
20 that he wants to work. It is just hard getting a job, on par with
21 out of prison, and two when you need better education.

22 Again as to pg 5 "B." The Petitioner is able to pursue college courses
23 see Ex 3 from the unit 411 caseworker that indeed the Petitioner
24 can take college courses. Also see Ex 4 from the college stating
25 the same thing.

26
27 As to pg 6, lines 11-14 again it should be seen in the exhibits

1 the Inmate Level 1 Correctional Center (LCC) is letting level two
2 inmates go to college courses. Also in the Exhibits of the
3 Response Exh pg 4 "516.02(2)(A)(1)"

4
5 'work may include an assignment to full time
6 participation in work, education and/or special
7 program assignment."

8
9 Also as to pg 6 starting at 19 it is nice to see that the AG
10 thinks of the Petitioner as a trouble maker. Just because he is in
11 prison. If you look at this in a broader perspective any one in the
12 country faces the same thing as the Petitioner, you can never
13 tell when you'll get sick (COVID-19), or if something will happen
14 so you can't go to class. So it is thought to be unfair or
15 BIAS for the Respondent to state this.

16 As to pg 7 starting at 3, the Respondent is stating that
17 the Petitioner shouldn't be able to take courses because he could
18 be transferred. In a way this is true, but if the Attorney General
19 would do his research it can be seen that the Petitioner was sent
20 to LCC due to a settlement in the U.S. District Court. This
21 therefore minimizes him being transferred any time soon.

22 As to pg 7 "c" like stated above there is nothing stating
23 by LCC that the Petitioner cannot go to college as
24 a level two inmate. like stated above he is enrolled in two
25 courses. In this section "c" the Respondent is taking it as
26 the Petitioner is requesting that the prison pay for the
27 courses. In fact there is NOT true. This whole filing is just

1 to get an approval kind of a note from a court so the Petitioner
2 can get his social security benefits reinstated to pay for
3 school. Again as seen in EX 5 which is a letter from social
4 security stating that this can be done, "with a court order"
5 Lastly to pg 8 "IV conclusion"

6
7 "Based upon the foregoing, no order should issue
8 mandating NDCC to provide Petitioner Steven
9 kindred with "rehabilitation program allowing him
10 to earn free college credit."

11
12 Again the Petitioner is not asking for the NDCC to
13 "give" or "pay for" any rehabilitation program. All that is
14 being asked, or requested is for a approval by a court of law
15 for "rehabilitation program" so that the Petitioner can have
16 his SSI benefits reinstated like noted in EX 5

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18 

19 Steven Kindred
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CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Reply to Response to the below address(es) on this 8th day of September, 2020, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

Eleventh Judicial District Court	Wade Vansickle
P.O. Box 17	555 E Washington Ave
Lovelock, Nev.	Las Vegas, Nev.
89419	89101

Steven Kintard # 04989
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Plaintiff In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF MOTION does not contain the social security number of any person.

Dated this 8th day of September, 2020.

Steven Kintard
Plaintiff In Pro Se

EXHIBIT 1

EXHIBIT 1

1 AFFIDAVIT OF STEVEN KINFORD

2
3 I, Steven Kinford write this Affidavit in regards to
4 the Social Security Benefits, Disability Benefits I was receiving
5 before my conviction. Before my conviction due to a wreck I was
6 in and the head injury I had, I was receiving Disability Benefits.

7 Although I do have some impairments I can relearn things.
8 In a way this can be seen on the bottom part of Ex 2. These
9 shown courses taken, were taken after my wreck. Still I received
10 A's and B's in the courses.

11 Although I have to put in extra work I can finish and pass
12 the last classes I need for the degree.

13
14 

15 Steven Kinford
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EXHIBIT 2

EXHIBIT 2

Western Nevada College
WNC Unofficial Transcripts

Page 1 of 1
04/06/2018

Name: Kinford, Steven M
Student ID: 1003923218
DOB: 06/20/1978

Other Credits

Other Credits

	Att.	Earned	Points
Other Trans GPA: 0.00 Transfer Tot:	6.00	6.00	0.000

Beginning of Undergraduate Record
2001 Spr

Course	Description	Att.	Earned	Grade	Points
BIOL 100	General Biology I	0.00	0.00	W	0.000
BUS 109	Business Mathematics	3.00	3.00	A	12.000
CAPS 125	Job Search Techniques	3.00	3.00	A	12.000
CIS 201	Intro/Computer Info Sys	3.00	3.00	A	12.000

	Att.	Earned	GPA Unit	Points
Term GPA 4.00 Term Tot	9.00	9.00	9.000	36.000

2001 Fall

Course	Description	Att.	Earned	Grade	Points
BUS 107	Business Communication	3.00	3.00	A	12.000
CIS 145	Pc Operations	3.00	3.00	A-	11.100
CPD 116	Substance Abuse	3.00	3.00	A	12.000
ENG 98	Basic Writing III	3.00	3.00	B	9.000
MATH 111	Elementary Algebra	3.00	3.00	B	9.000
SOC 101	Prin of Sociology	3.00	3.00	A	12.000

	Att.	Earned	GPA Unit	Points
Term GPA 3.62 Term Tot	18.00	18.00	18.000	65.100

Term Honor/Award:

Dean's Honors List

2002 Spr

Course	Description	Att.	Earned	Grade	Points
BIOL 100	General Biology I	0.00	0.00	W	0.000
CIS 202	Comp Literacy Software	3.00	3.00	A	12.000
ECON 101	Prin of Macroeconomics	3.00	3.00	A	12.000
ENG 101	Composition I	3.00	3.00	C-	5.100
ENG 102	Composition II	3.00	3.00	D	3.000
GEOG 106	Intro: Cultural Geography	3.00	3.00	C	6.000
HIST 111	Surv of Am Const History	3.00	3.00	B	9.000

	Att.	Earned	GPA Unit	Points
Term GPA 2.62 Term Tot	18.00	18.00	18.000	47.100

2002 Fall

Course	Description	Att.	Earned	Grade	Points
ACC 202	Managerial Accounting	0.00	0.00	W	0.000
AUTO 101	Intro to General Mech	0.00	0.00	W	0.000
BUS 101	Intro to Business	0.00	0.00	W	0.000
MGT 201	Prin of Management	0.00	0.00	W	0.000

	Att.	Earned	GPA Unit	Points
Term GPA 0.00 Term Tot	0.00	0.00	0.000	0.000

2009 Fall

Course	Description	Att.	Earned	Grade	Points
ENV 100	Humans and Environment	3.00	3.00	A	12.000

	Att.	Earned	GPA Unit	Points
Term GPA 4.00 Term Tot	3.00	3.00	3.000	12.000

2017 Spr

Course	Description	Att.	Earned	Grade	Points
COM 102	Intro Interpersonal Comm	3.00	3.00	A-	11.100

	Att.	Earned	GPA Unit	Points
Term GPA 3.70 Term Tot	3.00	3.00	3.000	11.100

2017 Fall

Course	Description	Att.	Earned	Grade	Points
CRJ 270	Intro to Criminology	3.00	3.00	B-	8.100

	Att.	Earned	GPA Unit	Points
Term GPA 2.70 Term Tot	3.00	3.00	3.000	8.100

Undergraduate Career Totals

	Att.	Earned	GPA Unit	Points
Cum GPA: 3.32 Cum Tot	54.00	54.00	54.000	179.400

End of WNC Unofficial Transcripts

EXHIBIT 3

EXHIBIT 3

To Education

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
Steven Khford	64984	4A60B	8-24-20

4.) REQUEST FORM TO: (CHECK BOX)

☒ CASEWORKER

☐ MEDICAL

☐ MENTAL HEALTH

☐ CANTEEN

☐ EDUCATION

☐ VISITING

☐ LAW LIBRARY

☐ DENTAL

☐ SHIFT COMMAND

☐ LAUNDRY

☐ PROPERTY ROOM

☐ OTHER _____

5.) NAME OF INDIVIDUAL TO CONTACT: unit 4A case worker

6.) REQUEST: (PRINT BELOW) Can you please tell me as a level 2 inmate living in unit 4A, am I eligible to attend college courses at the school here at the prison?

Thank you for your time.

7.) INMATE SIGNATURE [Signature]

DOC # 64984

8.) RECEIVING STAFF SIGNATURE _____

DATE _____

9.) RESPONSE TO INMATE

Yes.

10.) RESPONDING STAFF SIGNATURE _____

DATE _____

EXHIBIT 4

EXHIBIT 4

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
Steven Kniford	64984	4A60B	8-24-20

4.) REQUEST FORM TO (CHECK BOX)

<input checked="" type="checkbox"/> CASEWORKER	<input type="checkbox"/> MEDICAL	<input type="checkbox"/> MENTAL HEALTH	<input type="checkbox"/> CANTEEN
<input checked="" type="checkbox"/> EDUCATION	<input type="checkbox"/> VISITING	<input type="checkbox"/> LAW LIBRARY	<input type="checkbox"/> DENTAL
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> PROPERTY ROOM	<input type="checkbox"/> SHIFT COMMAND	<input type="checkbox"/> OTHER

5.) NAME OF INDIVIDUAL TO CONTACT _____

6.) REQUEST (PRINT BELOW) Can you please give me verification that I can
enroll and take college courses being housed in unit 4A Level 2?
Thank you for your time.

7.) INMATE SIGNATURE [Signature] DOC # 64984

8.) RECEIVING STAFF SIGNATURE _____ DATE _____

9.) RESPONSE TO INMATE

Yes. Confirmed.

10.) RESPONDING STAFF SIGNATURE _____ DATE _____

EXHIBIT 5

EXHIBIT 5

Social Security Administration
Retirement, Survivors and Disability Insurance

SOCIAL SECURITY
1170 HARVARD WAY
RENO, NV 89502-2107
Date: October 14, 2014
Claim Number:
260

STEVEN M. KINFORD
C/O NNCC
PO BOX 7000
INMATE ID 64984
CARSON CITY, NV 89702-0000

Dear STEVEN M. KINFORD

According to the Code of Federal Regulations, no monthly benefits will be paid to any individual for any month of which the individual is confined in a jail, prison, or other correctional facility for conviction of a felony. However, this rule does not apply if a prisoner who is entitled to benefits on the basis of a disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by a court of law.

It is my understanding that you are not "actively and satisfactorily participating in a rehabilitation program." Therefore, based on the evidence you have provided, we can not reinstate your Social Security disability benefits at this time.

If you are interested in participating in such a program, you should ask your case manager for assistance. Once you are able to prove that you are participating in a program specifically approved by a court of law, Social Security will then determine whether or not the program is expected to result in you being able to do substantial gainful activity upon your release. If the program is accepted by Social Security on this basis, only then would your disability benefits be reinstated. Keep in mind, no benefits will be paid for any month prior to the approval of the program.

I hope this letter adequately answers your question. If you have any other questions or if you require any other assistance, please feel free to contact us.

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you should contact any Social Security office or the nearest United States Embassy or consulate. Or, if you live in the Philippines, you may contact the Veterans Administration Regional Office, Social Security Division, 1131 Roxas Boulevard, Manila.

See Next Page

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1 CASE NO. 27CV-TT12-2019-0178

2 DEPT. NO. I

3
4
5
6 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF PERSHING**

8 STEVEN KINFORD,

9 Petitioner,

10 vs.

11 SOCIAL SECURITY ADMINISTRATION,

12 Respondent.

**ORDER EXTENDING TIME TO RESPOND
AND
DIRECTING PREPARATION OF ORDERS**

13 The Court notes that, on the 28TH day of August, 2020, Petitioner filed a Motion for Extension of
14 Time to Respond. Said Motion is granted. A Reply was filed by Petitioner.

15 Petitioner and Respondent are ordered to prepare up proposed orders which will be used by the
16 Court to decide he matter. Respondent is directed to prepare the order in a digital document format saved
17 as a Word file. The proposed orders should state the legal premises that each order is based upon and have
18 appropriate citation to the record. The Orders shall be submitted on or before October 2, 2020.

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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration
Case Number: 27CV-TT12-2019-0178
Type: Order

It is so Ordered.

A handwritten signature in cursive script, appearing to read 'J. Shirley'.

Judge Shirley

1 CASE NO. 27CV-TT12-2019-0178

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 STEVEN KINFORD,

11 Petitioner,

NOTICE OF ENTRY
OF ORDER

12 vs.

13 SOCIAL SECURITY ADMINISTRATION,

14 Respondent.
15

16 PLEASE TAKE NOTICE that the Court entered the following: ORDER
17 EXTENDING TIME TO RESPOND AND DIRECTING PREPARATION OF ORDERS
18 in this matter, on September 11, 2020 a true and correct copy of which is attached to this
19 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 15 day of September 2020.

24 KATRENA M. MARTIN
25 CLERK OF THE COURT

26 By *Adriana Ramos*
27 Deputy
28

1 CERTIFICATE OF SERVICE

2
3 Pursuant to NRCP 5(b), I certify that I am an employee of the Eleventh Judicial District
4 Court, and that on the date below, I caused to be served through the United States Postal Service,
5 hand delivery and/or by electronic mail, a true and correct copy of the ORDER EXTENDING
6 TIME TO RESPOND AND DIRECTING PREPARATION OF ORDERS on the following:

7 Steven Kinford #64984
8 1200 Prison Rd/ LCC
9 Lovelock, NV 89419

10 Wade VanSickle
11 Office of the Attorney General
12 555 E. Washington Ave., Suite 3900
13 Las Vegas, NV 89101

14 DATED this 15 day of September 2020.

15
16 *Adriana Ramos*
17 Deputy Clerk
18
19
20
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1 CASE NO. 27CV-TT12-2019-0178

2 DEPT. NO. I

3

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6

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF PERSHING

8

STEVEN KINFORD,

9

Petitioner,

10

vs.

11

SOCIAL SECURITY ADMINISTRATION,

12

Respondent.

**ORDER EXTENDING TIME TO RESPOND
AND
DIRECTING PREPARATION OF ORDERS**

13

The Court notes that, on the 28TH day of August, 2020, Petitioner filed a Motion for Extension of Time to Respond. Said Motion is granted. A Reply was filed by Petitioner.

14

15

Petitioner and Respondent are ordered to prepare up proposed orders which will be used by the Court to decide he matter. Respondent is directed to prepare the order in a digital document format saved as a Word file. The proposed orders should state the legal premises that each order is based upon and have appropriate citation to the record. The Orders shall be submitted on or before October 2, 2020.

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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration

Case Number: 27CV-TT12-2019-0178

Type: Order

It is so Ordered.

A handwritten signature in cursive script, appearing to read "Shirley", is written in black ink.

Judge Shirley

Case No. 27CV-TT12-2019-0178

Dept. No. I

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

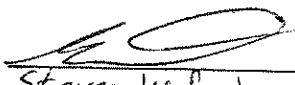
* * * * *

STEVEN KINFORD,)
)
Plaintiff,)
)
-VS-)
)
SOCIAL SECURITY ADMIN,)
)
Defendant.)

REQUEST FOR SUBMISSION
OF MOTION

It is requested that the Reply To Response To TORT ACTION
For Request of Rehabilitation/Education Program,
which was filed on the 10th day of September, 2020, in
the above-entitled matter, be submitted to the Court for
decision.

Dated this 15th day of September, 2020.


Steven Kinford # 64984
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Plaintiff In Pro Se

1 CERTIFICATE OF SERVICE BY MAIL

2 I do certify that I mailed a true and correct copy of the
3 foregoing REQUEST FOR SUBMISSION OF MOTION to the below
4 address(es) on this 15th day of September, 2020, by
5 placing same in the U.S. Mail via prison law library staff,
6 pursuant to NRCP 5(b):

7 Eleventh Judicial District Court
8 P.O. Box A-
9 Lovelock, NV. 89419

10
11
12
13
14
15
16
17 Steven Kinard # 64989
18 Lovelock Correctional Center
19 1200 Prison Road
20 Lovelock, Nevada 89419
21 Plaintiff In Pro Se

22 AFFIRMATION PURSUANT TO NRS 239B.030

23 The undersigned does hereby affirm that the preceding
24 REQUEST FOR SUBMISSION OF MOTION does not contain the social
25 security number of any person.

26 Dated this 15th day of September, 2020.

27 Steven Kinard
28 Plaintiff In Pro Se

Case No. 27CV-TT12-2019-0178

Dept. No. _____

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

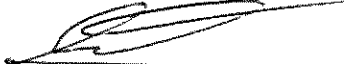
* * * * *

STEVEN WINFORD,)
)
Plaintiff,)
)
-VS-)
)
SOCIAL SECURITY ADMIN,)
)
Defendant.)

REQUEST FOR SUBMISSION
OF MOTION

It is requested that the Reply To Response To Tort Action
For Request of Rehabilitation/Education Program,
which was filed on the 10th day of September, 2020, in
the above-entitled matter, be submitted to the Court for
decision.

Dated this 21st day of September, 2020.


Steven Winford # 64554
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Plaintiff In Pro Se

CERTIFICATE OF SERVICE BY MAIL

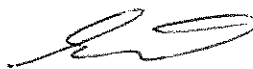
I do certify that I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION OF MOTION to the below address(es) on this 21st day of September, 2020, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCp 5(b):

Pershing County District Court

P.O. Box 13

Lovelock, NV.

894119



Steven Kniford # 64584
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Amicus In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding REQUEST FOR SUBMISSION OF MOTION does not contain the social security number of any person.

Dated this 21st day of September, 2020.



Steven Kniford
Plaintiff In Pro Se

1 Steven Kinford # 64984
2 1200 Prison Rd
3 Lowell, NV. 89419

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

9
10
11 STEVEN KINFORD

12 Plaintiff,

13 vs.

14 SOCIAL SECURITY ADMIN

15 Defendant

Case No.: 27CV-TT12-2019-0178

NOTICE TO THE COURT


16 COMES NOW, Petitioner Steven Kinford, in this above entitled Notice.
17 It is just hoped that this is being done correctly. This is being
18 stated due to the Petitioner being not only a Pro Se litigant, but new
19 at fillings.

20 In the "order Extending Time To Respond And Directing Preparation
21 of orders it states that both Petitioner, and Respondent were to
22 "prepare up proposed orders". This was and is still not fully
23 understood. In stating this it is hoped that the order enclosed with
24 this Notice has been prepared correctly.

25 If the "order" is not prepared correctly could this court
26 please give further instructions?

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This Notice To The Court is respectfully sent this
14th day of October, 2020


Steven Kindel

1 Steven Kindard # 64984
2 1200 Prison Rd.
3 Lowell, NV. 89419

ELECTRONICALLY FILED - NEVADA 11TH DISTRICT
2020 Nov 30 3:24 PM
CLERK OF COURT - PERISHING COUNTY
27CV-TT12-2019-0178

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5
6 IN THE ELEVENTH JUDICIAL DISTRICT
7 COURT OF THE STATE OF NEVADA IN AND FOR
8 THE COUNTY OF PERISHING

10
11 STEVEN KINDARD

12 Plaintiff,

13 vs.

14 SOCIAL SECURITY ADMIN

15 Defendant

Case No.: 27-CV-TT12-2019-0178

REQUEST FOR SUBMISSION OF
ORDER GRANTING REINSTATEMENT
OF SOCIAL SECURITY BENEFITS
FOR REHABILITATION PURPOSES

16
17 COMES NOW, Plaintiff Steven Kindard, in this above entitled
18 Request for Submission. This Request is submitted for the following
19 reasons.


20 On September 11, 2020 this Court enter an Order Extending Time
21 To Respond And Directing Preparation of Orders. Although this order
22 was not fully understood by the Plaintiff an order was written and
23 submitted to this Court.

24 The order titled "Order Granting Reinstatement of Social
25 Security Benefits For Rehabilitation Purposes" was sent to this Court
26 and Mr. VanSickle esq on Oct. 14th 2020. Although late no
27 response was give by the Attorney General, he did the AG submit

1 an order

2 Due to no response by the Attorney General it is thought
3 that he is not opposing the approval of the order, and therefore
4 the order shall be granted.

5 It is hereby requested that the Plaintiff's order granting
6 her statement of social security benefits for rehabilitation
7 purposes be approved and filed.

8 This Request for Submission is hereby sent this 23rd day
9 of November, 2020. 

10 Steven Kindred

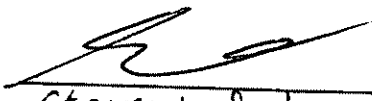
CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing Request For Submission to the below address(es) on this 23rd day of November, 2020, by placing same into the hands of prison staff for posting in the U.S. Mail:

Pershing County District Court
P.O. Box 11
Lovelock
_____, Nevada 89411

Attorney For _____

(☒) check for additional address(es) below


Steven Knicker # 649811
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Plaintiff In Pro Se

ADDRESS(ES) Continued from Above (If Applicable):

Wade Versickie Esq
555 E. Washington Ave. Suite 3900
Las Vegas,
_____, Nevada 89101

Attorney For Social Security Admin.

_____, Nevada 89_____
Attorney For _____

_____, Nevada 89_____
Attorney For _____

1 CASE NO. 27CV-TT12-2019-0178

2 DEPT. NO. 1

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this
5 document does not contain the
6 personal information of any person

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

8 **IN AND FOR THE COUNTY OF PERSHING**

9 STEVEN KINFORD,

10 Petitioner,

11 vs.

12 SOCIAL SECURITY ADMINISTRATION,

13 Respondent.

**ORDER DENYING TORT ACTION FOR
REQUEST OF
REHABILITATION/EDUCATION PROGRAM**

14 This matter having come before the Court, in chambers, on Petitioner Steven Kinford's
15 (Petitioner), pro se, Tort Action Request of Rehabilitation/Education Program. Having reviewed
16 the papers, pleadings on file herein, without any oral argument from the parties, the Court
17 hereby rules as follows:

18 **I. FINDINGS OF FACT**

19 **A. Petitioner's Background**

- 20 1. On March 3, 2008, Petitioner plead guilty to lewdness with a child under the age
21 of fourteen years in violation of NRS 201.230.
- 22 2. This Court sentenced Petitioner to a term of life with the possibility of parole after
23 ten years has been served concurrent to his conviction in Case No. CR6880 and
24 an administrative assessment fee of \$25.00.
- 25 3. Petitioner is currently classified as a Level 2 inmate, and housed in a general
26 population unit at Lovelock Correctional Center (LCC) in Lovelock, Nevada.
- 27 4. The NDOC employs a classification system that governs inmate housing and
28 activities.

1 **B. AR 516 – Level System**

- 2 1. AR 516 governs the classification level of inmates.
- 3 2. While AR 516 sets forth the ability for each medium and maximum security system
- 4 to crate up to three different classification levels, §519.01(6), it also explicitly
- 5 informs inmates that nothing in AR 516 "create[s] any liberty interest, or rights to
- 6 any classification status, work assignment, or placement."
- 7 3. AR 516 also makes clear that no liberty interest shall "be implied from the
- 8 implementation of the classification "level system."
- 9 4. Each level provides the inmate with the ability to have more privileges.. The
- 10 Medium security institution level system has three levels. Level 1 inmates are
- 11 permitted the most privileges as they are able to meet six performance/behavioral
- 12 criteria, including "access to education, law library, gym, chapel, culinary and
- 13 other such areas as institutional schedules permit."
- 14 5. Level 2 inmates- Petitioner's current classification - meet five
- 15 behavior/performance criteria and are afforded less privileges that Level 1
- 16 inmates.
- 17 6. Pursuant to LCC Operational Procedure (OP) §516.03(2)(E), Level 2 inmates may
- 18 not attend college courses with personal instruction conducted on LCC premises.
- 19 7. Instead, Level 2 inmates are permitted to participate in college courses through
- 20 correspondence only.
- 21 8. Level 3 inmates either do not qualify for Level 1 or Level 2, have recently been
- 22 classified from segregation housing or close custody, or have pending disciplinary
- 23 actions which may result in removal from Level 1 or Level 2.
- 24 9. Level 3 inmates have limited access to programs and privileges. *Id.* As with Level
- 25 2, Level 3 inmates have not been awarded the privilege of educational
- 26 opportunities.

27 **C. AR 850 – NDOC Academic Programs**

- 28 10. AR 850 regulates academic programs offered by NDOC.

1 11. AR §850.01(5) states that "[b]asic literacy and secondary education should be
2 available to inmates at no cost." *Id.* at 2, §850.01(5). Provision (A) further states
3 that "[i]nmates must pay for accredited college or correspondence courses
4 themselves."

5 12. LCC permits inmates to seek college credit from Great Basin Community College
6 (GBCC) in accordance with AR 516 and AR 850. Specifically, an inmate must be
7 of a qualifying classification and the inmate is responsible for the costs associated
8 with the college credit.

9 13. GBCC courses are independent from any official NDOC education program.

10 14. NDOC does not fund the GBCC courses. It has no involvement in determining
11 GBCC enrollment (beyond the criteria set forth in AR 516), the courses offered to
12 NDOC inmates, or completion of the courses.

13 **D. RELEVANT PROCEDURAL HISTORY**

14 15. On June 28, 2019, Petitioner filed a Request for Approval of
15 Rehabilitation/Education Program in the Third Judicial District Court, Lyon
16 County, Nevada.

17 16. On July 22, 2019, Petitioner filed a Second Request for Approval of
18 Rehabilitation/Education Program which was interpreted as a petition for
19 education made pursuant to Nevada Revised Statute (NRS) Chapter 34.

20 17. On July 25, 2019, the Court transferred the matter to the Eighth Judicial District
21 Court, Clark County, Nevada, after finding it did not have jurisdiction to entertain
22 the petition.

23 18. On December 3, 2019, the Eighth Judicial District Court found it did not have
24 jurisdiction to entertain the Petition, and transferred the instant Petition to this
25 Court.

26 19. Petitioner filed a Tort Action for Request of Rehabilitation/Education Program
27 (Petition) requesting the Court to approve a college education program so that he
28 can qualify for Social Security benefits.

20. Petitioner did not serve the Petition upon NDOC of the Office of the Attorney General (OAG).

21. On July 9, 2020, the Court ordered a response be filed within 45 days.

22. On August 20, 2020, the OAG filed a timely Response To Tort Action For Request Of Rehabilitation/Education Program (Response).

23. Petitioner filed a Reply To Request Of Rehabilitation/Education Program (Reply).

II. CONCLUSIONS OF LAW

1. "The Social Security Act provides in relevant part that an individual cannot receive benefits for a month during which the individual 'is confined in a jail, prison, or other penal institution or correctional facility pursuant to his conviction of a criminal offense." *Modica v. Commissioner of Social Sec.* 2012 5198817 (citing 42 U.S.C. § 402(x)(1)(A)(i) and 20 C.F.R. §404.468).
2. A vocational rehabilitation exception exists "if a prisoner who is entitled to benefits on a the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by the court of law." 20 C.F.R. § 404.468(d).
3. The Regulation permits only the sentencing court to approve a rehabilitative program. *United States v. Osborne*, 988 F.2d 47, 49 (7th Cir. 1993)("'[A] court of law' must refer to the sentencing court."); *Peeler v. Heckler*, 781 F.2d 649, 652 (8th Cir. 1986).
4. The program must be "expected to result in the individual being able to do substantial gainful activity upon release and within a reasonable time." 20 C.F.R. § 404.468(d). The program must also "eliminate or even ameliorate the disability for which [p]laintiff receives benefits." *Borchelt v. Apfel*, 25 F.Supp. 2d 1017, 1021 (E.D. Mo. 1998).
5. Petitioner fails to identify what college education program in which he intends to enroll or participate. See generally, Petition. He also does not specify the institution from which he seeks to obtain the credits. Without this information, this Court cannot make an informed ruling on whether the program will "ameliorate" Plaintiff's alleged disability (memory loss). *Borchelt*, 25 F.Supp.2d at 1021.

- 1 6. Petitioner fails to provide the Court with the information necessary to determine
2 whether the educational program will result in Petitioner being able to do substantial
3 gainful employment upon release and within a reasonable time. 20 C.F.R.
4 §404.468(d).
- 5 7. Petitioner is not eligible, pursuant to AR 516, to seek college credit through on-site
6 class instruction given his current Level 2 classification level.
- 7 8. Petitioner may be eligible to enroll in college classes that are conducted through
8 correspondence only.
- 9 9. Furthermore, even if Petitioner was currently eligible, or later became eligible, to
10 participate in onsite educational courses, it does not mean that he will remain eligible
11 throughout the pendency of the education course.
- 12 10. NDOC is not involved in determining Petitioner's enrollment into college courses.
- 13 11. NDOC is not required to fund any college courses in which Petitioner has enrolled,
14 or may enroll in the future.
- 15 12. Requiring NDOC to make an exception to its current policies regarding Level 2
16 inmates and education programs would inappropriately interfere with NDOC's ability
17 to manage its facilities and potentially give right to other litigation regarding equal
18 access.

19
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22 ///

23 **III. ORDER**

24 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Petitioner Steven
25 Kinford's Tort Action For Request Of Rehabilitation/Education Program is DENIED.

26 IT IS SO ORDERED.
27
28

1 Respectfully submitted by:

2 AARON D. FORD
3 Attorney General

4 By: /s/ Wade J. VanSickle
5 Wade J. VanSickle (Bar No. 13604)
6 Deputy Attorney General
7 *Attorneys for Special Appearing Party*
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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration
Case Number: 27CV-TT12-2019-0178
Type: Order

It is so Ordered.

Judge Shirley

1 CASE NO. 27CV-TT12-2019-0178

2 DEPT. NO. 1

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

9 Steven Kinford,

10 Plaintiff

NOTICE OF ENTRY
OF ORDER

11 Vs.

12 Social Security Administration,

13 Defendant.

14 PLEASE TAKE NOTICE that the Court entered the following: ORDER
15 DENYING TORT ACTION FOR REQUEST OF REHABILITATION/EDUCATION
16 PROGRAM on December 9, 2020. a true and correct copy of which is attached to this
17 notice.

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

21 DATED this 9 day of December 2020.

22
23 KATRENA M. MARTIN
CLERK OF THE COURT

24
25 By 
Deputy

1
2
3 **CERTIFICATE OF SERVICE**

4 Pursuant to NRCP 5(b), I certify that I am an employee of the Eleventh Judicial District
5 Court, and that on the date below, I caused to be served through the United States Postal Service,
6 hand delivery and/or by electronic mail, a true and correct ORDER DENYING TORT ACTION
7 FOR REQUEST OF REHABILITATION/EDUCATION PROGRAM on the following:
8

9 Steven Kinford #64984

10 1200 Prison Road/LCC

11 Lovelock, NV 89419
12

13 Wade Vansickel

14 Office of the Attorney General

15 555 E. Washington Ave., Suite 3900

16 Las Vegas, NV 89101

17 wvansickle@ag.nv.gov
18
19
20

21 DATED this 9 day of December 2020.
22
23

24 
25 Deputy Clerk
26
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28

1 CASE NO. 27CV-TT12-2019-0178

2 DEPT. NO. 1

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this
5 document does not contain the
6 personal information of any person

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

9 STEVEN KINFORD,

10 Petitioner,

11 vs.

12 SOCIAL SECURITY ADMINISTRATION,

13 Respondent.

**ORDER DENYING TORT ACTION FOR
REQUEST OF
REHABILITATION/EDUCATION PROGRAM**

14 This matter having come before the Court, in chambers, on Petitioner Steven Kinford's
15 (Petitioner), pro se, Tort Action Request of Rehabilitation/Education Program. Having reviewed
16 the papers, pleadings on file herein, without any oral argument from the parties, the Court
17 hereby rules as follows:

18 **I. FINDINGS OF FACT**

19 **A. Petitioner's Background**

- 20 1. On March 3, 2008, Petitioner plead guilty to lewdness with a child under the age
21 of fourteen years in violation of NRS 201.230.
- 22 2. This Court sentenced Petitioner to a term of life with the possibility of parole after
23 ten years has been served concurrent to his conviction in Case No. CR6880 and
24 an administrative assessment fee of \$25.00.
- 25 3. Petitioner is currently classified as a Level 2 inmate, and housed in a general
26 population unit at Lovelock Correctional Center (LCC) in Lovelock, Nevada.
- 27 4. The NDOC employs a classification system that governs inmate housing and
28 activities.

B. AR 516 – Level System

1. AR 516 governs the classification level of inmates.
2. While AR 516 sets forth the ability for each medium and maximum security system to create up to three different classification levels, §519.01(6), it also explicitly informs inmates that nothing in AR 516 “create[s] any liberty interest, or rights to any classification status, work assignment, or placement.”
3. AR 516 also makes clear that no liberty interest shall “be implied from the implementation of the classification “level system.”
4. Each level provides the inmate with the ability to have more privileges.. The Medium security institution level system has three levels. Level 1 inmates are permitted the most privileges as they are able to meet six performance/behavioral criteria, including “access to education, law library, gym, chapel, culinary and other such areas as institutional schedules permit.”
5. Level 2 inmates- Petitioner’s current classification - meet five behavior/performance criteria and are afforded less privileges than Level 1 inmates.
6. Pursuant to LCC Operational Procedure (OP) §516.03(2)(E), Level 2 inmates may not attend college courses with personal instruction conducted on LCC premises.
7. Instead, Level 2 inmates are permitted to participate in college courses through correspondence only.
8. Level 3 inmates either do not qualify for Level 1 or Level 2, have recently been classified from segregation housing or close custody, or have pending disciplinary actions which may result in removal from Level 1 or Level 2.
9. Level 3 inmates have limited access to programs and privileges. *Id.* As with Level 2, Level 3 inmates have not been awarded the privilege of educational opportunities.

C. AR 850 – NDOC Academic Programs

10. AR 850 regulates academic programs offered by NDOC.

1 11. AR §850.01(5) states that "[b]asic literacy and secondary education should be
2 available to inmates at no cost." *Id.* at 2, §850.01(5). Provision (A) further states
3 that "[i]nmates must pay for accredited college or correspondence courses
4 themselves."

5 12. LCC permits inmates to seek college credit from Great Basin Community College
6 (GBCC) in accordance with AR 516 and AR 850. Specifically, an inmate must be
7 of a qualifying classification and the inmate is responsible for the costs associated
8 with the college credit.

9 13. GBCC courses are independent from any official NDOC education program.

10 14. NDOC does not fund the GBCC courses. It has no involvement in determining
11 GBCC enrollment (beyond the criteria set forth in AR 516), the courses offered to
12 NDOC inmates, or completion of the courses.

13 **D. RELEVANT PROCEDURAL HISTORY**

14 15. On June 28, 2019, Petitioner filed a Request for Approval of
15 Rehabilitation/Education Program in the Third Judicial District Court, Lyon
16 County, Nevada.

17 16. On July 22, 2019, Petitioner filed a Second Request for Approval of
18 Rehabilitation/Education Program which was interpreted as a petition for
19 education made pursuant to Nevada Revised Statute (NRS) Chapter 34.

20 17. On July 25, 2019, the Court transferred the matter to the Eighth Judicial District
21 Court, Clark County, Nevada, after finding it did not have jurisdiction to entertain
22 the petition.

23 18. On December 3, 2019, the Eighth Judicial District Court found it did not have
24 jurisdiction to entertain the Petition, and transferred the instant Petition to this
25 Court.

26 19. Petitioner filed a Tort Action for Request of Rehabilitation/Education Program
27 (Petition) requesting the Court to approve a college education program so that he
28 can qualify for Social Security benefits.

1 20. Petitioner did not serve the Petition upon NDOC of the Office of the Attorney
2 General (OAG).

3 21. On July 9, 2020, the Court ordered a response be filed within 45 days.

4 22. On August 20, 2020, the OAG filed a timely Response To Tort Action For Request
5 Of Rehabilitation/Education Program (Response).

6 23. Petitioner filed a Reply To Request Of Rehabilitation/Education Program (Reply).

7 **II. CONCLUSIONS OF LAW**

8 1. "The Social Security Act provides in relevant part that an individual cannot receive
9 benefits for a month during which the individual 'is confined in a jail, prison, or other
10 penal institution or correctional facility pursuant to his conviction of a criminal
11 offense." *Modica v. Commissioner of Social Sec.* 2012 5198817 (citing 42 U.S.C. §
12 402(x)(1)(A)(i) and 20 C.F.R. §404.468).

13 2. A vocational rehabilitation exception exists "if a prisoner who is entitled to benefits
14 on a the basis of disability is actively and satisfactorily participating in a rehabilitation
15 program which has been specifically approved for the individual by the court of law."
16 20 C.F.R. § 404.468(d).

17 3. The Regulation permits only the sentencing court to approve a rehabilitative program.
18 *United States v. Osborne*, 988 F.2d 47, 49 (7th Cir. 1993)("'[A] court of law' must refer
19 to the sentencing court."); *Peeler v. Heckler*, 781 F.2d 649, 652 (8th Cir. 1986).

20 4. The program must be "expected to result in the individual being able to do substantial
21 gainful activity upon release and within a reasonable time." 20 C.F.R. § 404.468(d).
22 The program must also "eliminate or even ameliorate the disability for which [p]laintiff
23 receives benefits." *Borchelt v. Apfel*, 25 F.Supp. 2d 1017, 1021 (E.D. Mo. 1998).

24 5. Petitioner fails to identify what college education program in which he intends to enroll
25 or participate. *See generally*, Petition. He also does not specify the institution from
26 which he seeks to obtain the credits. Without this information, this Court cannot make
27 an informed ruling on whether the program will "ameliorate" Plaintiff's alleged
28 disability (memory loss). *Borchelt*, 25 F.Supp.2d at 1021.

- 1 6. Petitioner fails to provide the Court with the information necessary to determine
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3 gainful employment upon release and within a reasonable time. 20 C.F.R.
4 §404.468(d).
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6 class instruction given his current Level 2 classification level.
- 7 8. Petitioner may be eligible to enroll in college classes that are conducted through
8 correspondence only.
- 9 9. Furthermore, even if Petitioner was currently eligible, or later became eligible, to
10 participate in onsite educational courses, it does not mean that he will remain eligible
11 throughout the pendency of the education course.
- 12 10. NDOC is not involved in determining Petitioner's enrollment into college courses.
- 13 11. NDOC is not required to fund any college courses in which Petitioner has enrolled,
14 or may enroll in the future.
- 15 12. Requiring NDOC to make an exception to its current policies regarding Level 2
16 inmates and education programs would inappropriately interfere with NDOC's ability
17 to manage its facilities and potentially give right to other litigation regarding equal
18 access.

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23 **III. ORDER**

24 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Petitioner Steven
25 Kinford's Tort Action For Request Of Rehabilitation/Education Program is DENIED.

26 IT IS SO ORDERED.
27
28

1 Respectfully submitted by:

2 AARON D. FORD
3 Attorney General

4 By: /s/ Wade J. VanSickle
5 Wade J. VanSickle (Bar No. 13604)
6 Deputy Attorney General
7 Attorneys for Special Appearing Party
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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration

Case Number: 27CV-TT12-2019-0178

Type: Order

It is so Ordered.

Judge Shirley

CASE NO. 27CV-TT12-2019-0178

DEPT. NO. 1

Affirmation pursuant to NRS 239B.039

The undersigned affirms that this
document does not contain the
personal information of any person

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

STEVEN KINFORD,

Petitioner,

vs.

SOCIAL SECURITY ADMINISTRATION,

Respondent.

**ORDER DENYING TORT ACTION FOR
REQUEST OF
REHABILITATION/EDUCATION PROGRAM**

This matter having come before the Court, in chambers, on Petitioner Steven Kinford's (Petitioner), pro se, Tort Action Request of Rehabilitation/Education Program. Having reviewed the papers, pleadings on file herein, without any oral argument from the parties, the Court hereby rules as follows:

I. FINDINGS OF FACT

A. Petitioner's Background

1. On March 3, 2008, Petitioner plead guilty to lewdness with a child under the age of fourteen years in violation of NRS 201.230.
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3. Petitioner is currently classified as a Level 2 inmate, and housed in a general population unit at Lovelock Correctional Center (LCC) in Lovelock, Nevada.
4. The NDOC employs a classification system that governs inmate housing and activities.

1 **B. AR 516 – Level System**

- 2 1. AR 516 governs the classification level of inmates.
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- 15 behavior/performance criteria and are afforded less privileges than Level 1
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- 23 actions which may result in removal from Level 1 or Level 2.
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- 25 2, Level 3 inmates have not been awarded the privilege of educational
- 26 opportunities.

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1 11.AR §850.01(5) states that “[b]asic literacy and secondary education should be
2 available to inmates at no cost.” *Id.* at 2, §850.01(5). Provision (A) further states
3 that “[i]nmates must pay for accredited college or correspondence courses
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7 of a qualifying classification and the inmate is responsible for the costs associated
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9 13.GBCC courses are independent from any official NDOC education program.

10 14. NDOC does not fund the GBCC courses. It has no involvement in determining
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15 Rehabilitation/Education Program in the Third Judicial District Court, Lyon
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21 Court, Clark County, Nevada, after finding it did not have jurisdiction to entertain
22 the petition.

23 18.On December 3, 2019, the Eighth Judicial District Court found it did not have
24 jurisdiction to entertain the Petition, and transferred the instant Petition to this
25 Court.

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20. Petitioner did not serve the Petition upon NDOC of the Office of the Attorney General (OAG).

21. On July 9, 2020, the Court ordered a response be filed within 45 days.

22. On August 20, 2020, the OAG filed a timely Response To Tort Action For Request Of Rehabilitation/Education Program (Response).

23. Petitioner filed a Reply To Request Of Rehabilitation/Education Program (Reply).

II. CONCLUSIONS OF LAW

1. "The Social Security Act provides in relevant part that an individual cannot receive benefits for a month during which the individual 'is confined in a jail, prison, or other penal institution or correctional facility pursuant to his conviction of a criminal offense.'" *Modica v. Commissioner of Social Sec.* 2012 5198817 (citing 42 U.S.C. § 402(x)(1)(A)(i) and 20 C.F.R. §404.468).
2. A vocational rehabilitation exception exists "if a prisoner who is entitled to benefits on a the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by the court of law." 20 C.F.R. § 404.468(d).
3. The Regulation permits only the sentencing court to approve a rehabilitative program. *United States v. Osborne*, 988 F.2d 47, 49 (7th Cir. 1993)("[A] court of law' must refer to the sentencing court."); *Peeler v. Heckler*, 781 F.2d 649, 652 (8th Cir. 1986).
4. The program must be "expected to result in the individual being able to do substantial gainful activity upon release and within a reasonable time." 20 C.F.R. § 404.468(d). The program must also "eliminate or even ameliorate the disability for which [p]laintiff receives benefits." *Borchelt v. Apfel*, 25 F.Supp. 2d 1017, 1021 (E.D. Mo. 1998).
5. Petitioner fails to identify what college education program in which he intends to enroll or participate. *See generally*, Petition. He also does not specify the institution from which he seeks to obtain the credits. Without this information, this Court cannot make an informed ruling on whether the program will "ameliorate" Plaintiff's alleged disability (memory loss). *Borchelt*, 25 F.Supp.2d at 1021.

1 6. Petitioner fails to provide the Court with the information necessary to determine
2 whether the educational program will result in Petitioner being able to do substantial
3 gainful employment upon release and within a reasonable time. 20 C.F.R.
4 §404.468(d).

5 7. Petitioner is not eligible, pursuant to AR 516, to seek college credit through on-site
6 class instruction given his current Level 2 classification level.

7 8. Petitioner may be eligible to enroll in college classes that are conducted through
8 correspondence only.

9 9. Furthermore, even if Petitioner was currently eligible, or later became eligible, to
10 participate in onsite educational courses, it does not mean that he will remain eligible
11 throughout the pendency of the education course.

12 10. NDOC is not involved in determining Petitioner's enrollment into college courses.

13 11. NDOC is not required to fund any college courses in which Petitioner has enrolled,
14 or may enroll in the future.

15 12. Requiring NDOC to make an exception to its current policies regarding Level 2
16 inmates and education programs would inappropriately interfere with NDOC's ability
17 to manage its facilities and potentially give right to other litigation regarding equal
18 access.

19
20 ///

21 ///

22 ///

23 **III. ORDER**

24
25 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Petitioner Steven
26 Kinford's Tort Action For Request Of Rehabilitation/Education Program is DENIED.

27 IT IS SO ORDERED.
28

1 DATED this ____ day of ____, 2020.

2
3 DISTRICT COURT JUDGE
4

5
6 Respectfully submitted by:

7 AARON D. FORD
8 Attorney General

9 By: /s/ Wade J. VanSickle
10 Wade J. VanSickle (Bar No. 13604)
11 Deputy Attorney General
12 *Attorneys for Special Appearing Party*
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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration
Case Number: 27CV-TT12-2019-0178
Type: Order

It is so Ordered.

A handwritten signature in cursive script, appearing to read "J Shirley".

Judge Shirley

1 CASE NO. 27CV-TT12-2019-0178

2 *Pursuant to NRS 239B.030, the undersigned affirms*
3 *that 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 STEVEN KINFORD,
10

11 Petitioner,

NOTICE OF ENTRY
OF ORDER

12 vs.

13 SOCIAL SECURITY ADMINISTRATION,

14 Respondent.

15 PLEASE TAKE NOTICE that the Court entered the following ORDER DENYING
16 TORT ACTION FOR REQUEST OF REHABILITATION/EDUCATION PROGRAM in
17 this matter, on December 17, 2020, a true and correct copy of which is attached to this
18 notice.

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

22 DATED this 19 day of December 2020.

23 KATRENA M. MARTIN
24 CLERK OF THE COURT

25 By Adriana Ramos
26 Deputy
27
28

1 CERTIFICATE OF SERVICE

2
3 Pursuant to NRCP 5(b), I certify that I am an employee of the Eleventh Judicial District
4 Court, and that on the date below, I caused to be served through the United States Postal Service,
5 hand delivery and/or by electronic mail, a true and correct copy of the ORDER DENYING
6 TORT ACTION FOR REQUEST OF REHABILITATION/EDUCATION PROGRAM on the
7 following:

8
9 Steven Kinford #64984
10 1200 Prison Road/LCC
Lovelock, NV 89419

11 Wade VanSickle
12 Office of the Attorney General
13 vvansickle@ag.nv.gov

14 DATED this 19 day of December 2020.

15
16 *Adriana Ramirez*

17 Deputy Clerk
18
19
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23
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25
26
27
28

1 CASE NO. 27CV-TT12-2019-0178

2 DEPT. NO. 1

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this
5 document does not contain the
6 personal information of any person

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

9 STEVEN KINFORD,

10 Petitioner,

11 vs.

12 SOCIAL SECURITY ADMINISTRATION,

13 Respondent.

**ORDER DENYING TORT ACTION FOR
REQUEST OF
REHABILITATION/EDUCATION PROGRAM**

14 This matter having come before the Court, in chambers, on Petitioner Steven Kinford's
15 (Petitioner), pro se, Tort Action Request of Rehabilitation/Education Program. Having reviewed
16 the papers, pleadings on file herein, without any oral argument from the parties, the Court
17 hereby rules as follows:

18 **I. FINDINGS OF FACT**

19 **A. Petitioner's Background**

- 20 1. On March 3, 2008, Petitioner plead guilty to lewdness with a child under the age
21 of fourteen years in violation of NRS 201.230.
- 22 2. This Court sentenced Petitioner to a term of life with the possibility of parole after
23 ten years has been served concurrent to his conviction in Case No. CR6880 and
24 an administrative assessment fee of \$25.00.
- 25 3. Petitioner is currently classified as a Level 2 inmate, and housed in a general
26 population unit at Lovelock Correctional Center (LCC) in Lovelock, Nevada.
- 27 4. The NDOC employs a classification system that governs inmate housing and
28 activities.

1 **B. AR 516 – Level System**

- 2 1. AR 516 governs the classification level of inmates.
- 3 2. While AR 516 sets forth the ability for each medium and maximum security system
- 4 to crate up to three different classification levels, §519.01(6), it also explicitly
- 5 informs inmates that nothing in AR 516 “create[s] any liberty interest, or rights to
- 6 any classification status, work assignment, or placement.”
- 7 3. AR 516 also makes clear that no liberty interest shall “be implied from the
- 8 implementation of the classification “level system.”
- 9 4. Each level provides the inmate with the ability to have more privileges.. The
- 10 Medium security institution level system has three levels. Level 1 inmates are
- 11 permitted the most privileges as they are able to meet six performance/behavioral
- 12 criteria, including “access to education, law library, gym, chapel, culinary and
- 13 other such areas as institutional schedules permit.”
- 14 5. Level 2 inmates- Petitioner’s current classification - meet five
- 15 behavior/performance criteria and are afforded less privileges that Level 1
- 16 inmates.
- 17 6. Pursuant to LCC Operational Procedure (OP) §516.03(2)(E), Level 2 inmates may
- 18 not attend college courses with personal instruction conducted on LCC premises.
- 19 7. Instead, Level 2 inmates are permitted to participate in college courses through
- 20 correspondence only.
- 21 8. Level 3 inmates either do not qualify for Level 1 or Level 2, have recently been
- 22 classified from segregation housing or close custody, or have pending disciplinary
- 23 actions which may result in removal from Level 1 or Level 2.
- 24 9. Level 3 inmates have limited access to programs and privileges. *Id.* As with Level
- 25 2, Level 3 inmates have not been awarded the privilege of educational
- 26 opportunities.

27 **C. AR 850 – NDOC Academic Programs**

- 28 10. AR 850 regulates academic programs offered by NDOC.

1 11. AR §850.01(5) states that "[b]asic literacy and secondary education should be
2 available to inmates at no cost." *Id.* at 2, §850.01(5). Provision (A) further states
3 that "[i]nmates must pay for accredited college or correspondence courses
4 themselves."

5 12. LCC permits inmates to seek college credit from Great Basin Community College
6 (GBCC) in accordance with AR 516 and AR 850. Specifically, an inmate must be
7 of a qualifying classification and the inmate is responsible for the costs associated
8 with the college credit.

9 13. GBCC courses are independent from any official NDOC education program.

10 14. NDOC does not fund the GBCC courses. It has no involvement in determining
11 GBCC enrollment (beyond the criteria set forth in AR 516), the courses offered to
12 NDOC inmates, or completion of the courses.

13 **D. RELEVANT PROCEDURAL HISTORY**

14 15. On June 28, 2019, Petitioner filed a Request for Approval of
15 Rehabilitation/Education Program in the Third Judicial District Court, Lyon
16 County, Nevada.

17 16. On July 22, 2019, Petitioner filed a Second Request for Approval of
18 Rehabilitation/Education Program which was interpreted as a petition for
19 education made pursuant to Nevada Revised Statute (NRS) Chapter 34.

20 17. On July 25, 2019, the Court transferred the matter to the Eighth Judicial District
21 Court, Clark County, Nevada, after finding it did not have jurisdiction to entertain
22 the petition.

23 18. On December 3, 2019, the Eighth Judicial District Court found it did not have
24 jurisdiction to entertain the Petition, and transferred the instant Petition to this
25 Court.

26 19. Petitioner filed a Tort Action for Request of Rehabilitation/Education Program
27 (Petition) requesting the Court to approve a college education program so that he
28 can qualify for Social Security benefits.

20. Petitioner did not serve the Petition upon NDOC of the Office of the Attorney General (OAG).

21. On July 9, 2020, the Court ordered a response be filed within 45 days.

22. On August 20, 2020, the OAG filed a timely Response To Tort Action For Request Of Rehabilitation/Education Program (Response).

23. Petitioner filed a Reply To Request Of Rehabilitation/Education Program (Reply).

II. CONCLUSIONS OF LAW

1. "The Social Security Act provides in relevant part that an individual cannot receive benefits for a month during which the individual 'is confined in a jail, prison, or other penal institution or correctional facility pursuant to his conviction of a criminal offense.'" *Modica v. Commissioner of Social Sec.* 2012 5198817 (citing 42 U.S.C. § 402(x)(1)(A)(i) and 20 C.F.R. §404.468).
2. A vocational rehabilitation exception exists "if a prisoner who is entitled to benefits on a the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by the court of law." 20 C.F.R. § 404.468(d).
3. The Regulation permits only the sentencing court to approve a rehabilitative program. *United States v. Osborne*, 988 F.2d 47, 49 (7th Cir. 1993)("[A] court of law' must refer to the sentencing court."); *Peeler v. Heckler*, 781 F.2d 649, 652 (8th Cir. 1986).
4. The program must be "expected to result in the individual being able to do substantial gainful activity upon release and within a reasonable time." 20 C.F.R. § 404.468(d). The program must also "eliminate or even ameliorate the disability for which [p]laintiff receives benefits." *Borchelt v. Apfel*, 25 F.Supp. 2d 1017, 1021 (E.D. Mo. 1998).
5. Petitioner fails to identify what college education program in which he intends to enroll or participate. See generally, Petition. He also does not specify the institution from which he seeks to obtain the credits. Without this information, this Court cannot make an informed ruling on whether the program will "ameliorate" Plaintiff's alleged disability (memory loss). *Borchelt*, 25 F.Supp.2d at 1021.

- 1 6. Petitioner fails to provide the Court with the information necessary to determine
2 whether the educational program will result in Petitioner being able to do substantial
3 gainful employment upon release and within a reasonable time. 20 C.F.R.
4 §404.468(d).
- 5 7. Petitioner is not eligible, pursuant to AR 516, to seek college credit through on-site
6 class instruction given his current Level 2 classification level.
- 7 8. Petitioner may be eligible to enroll in college classes that are conducted through
8 correspondence only.
- 9 9. Furthermore, even if Petitioner was currently eligible, or later became eligible, to
10 participate in onsite educational courses, it does not mean that he will remain eligible
11 throughout the pendency of the education course.
- 12 10. NDOC is not involved in determining Petitioner's enrollment into college courses.
- 13 11. NDOC is not required to fund any college courses in which Petitioner has enrolled,
14 or may enroll in the future.
- 15 12. Requiring NDOC to make an exception to its current policies regarding Level 2
16 inmates and education programs would inappropriately interfere with NDOC's ability
17 to manage its facilities and potentially give right to other litigation regarding equal
18 access.

19
20 ///

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22 ///

23 **III. ORDER**

24 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Petitioner Steven
25 Kinford's Tort Action For Request Of Rehabilitation/Education Program is DENIED.

26 IT IS SO ORDERED.
27
28

1 DATED this _____ day of _____, 2020.

2
3 DISTRICT COURT JUDGE
4

5
6 Respectfully submitted by:

7 AARON D. FORD
8 Attorney General

9 By: /s/ Wade J. VanSickle
10 Wade J. VanSickle (Bar No. 13604)
11 Deputy Attorney General
12 Attorneys for Special Appearing Party
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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration
Case Number: 27CV-TT12-2019-0178
Type: Order

It is so Ordered.

A handwritten signature in cursive script, appearing to read "Shirley", is written in black ink.

Judge Shirley

1 Steven Kinford #B4984
2 1200 Prison Rd.
3 Levelock, NV. 89419

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

8
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11 STEVEN KINFORD

12 Plaintiff,

13 vs.

14 SOCIAL SECURITY ADMIN

15 Defendant

Case No.: 27cv-TT12-2019-0178

MOTION FOR

RECONSIDERATION

16 COMES NOW, Petitioner Steven Kinford, in this above entitled
17 Motion. This Motion is being written to try and fix the errors of
18 the Petitioner in his writings.

19 Not to sound "smack" or any thing of those lines, but the
20 Petitioner would like for this Court to see that he is not
21 a attorney and should be held to less stringent standards.

22 James v. Kerner, 404 U.S. 519; 520-21, 92 S.Ct. 594, 30 L.Ed. 2d 652
23 (1972)

24 To the order Denying Tort Action For Request of Rehabilitation/
25 Education Program. As to page 1, on lines 25-26 it states that
26 the "Petitioner is currently classified as a level 2 inmate." This
27 statement has been incorrect for sometime now. The Petitioner

1 is a level one inmate in good standing.

2 stating this should change the night of what is
3 written on pg 2 lines 1-26. Although the Petitioner was in
4 classes before, they are much easier to do now. Like already
5 stated the Petitioner is a level one inmate.

6 The next issue the Petitioner would like to point out is from
7 pg 2 lines 27, through pg 3 lines 12. The Petitioner is not
8 asking for "free" classes. All the Petitioner is lacking for is an
9 approval for a "Rehabilitation Program". The rest of what the
10 Petitioner is seeking will fall into place with social security.

11 This above is stated due to a program of social security
12 for Rehabilitation Programs. To even get this program started
13 he must have "approval" from a court of law. This "approval" will
14 cost the court nothing, it will cost the prison nothing. All
15 this "approval" does is start a process with social security, &
16 the Petitioner can receive his disability benefits for programming.
17 In this case would be school. This can be seen in Bx1.

18 Going to pg 4 of the order Denying Post Action. It can
19 also be seen in Bx1 that only some of what is stated in
20 the conclusion of law is correct.

21 Lines 8-12 are true in part. As seen again in Bx1 a letter
22 from social security that the only way to hinder, or change this
23 is if you are doing a Rehabilitation program.

24 As to lines 17-19, the process was first started with the
25 Lyon County District Court, and was denied. They stated that
26 they did not have jurisdiction over the matter. So the
27 Petitioner is now at a loss. He has tried the sentencing court.

1 the court where he is housed, and even the U.S. Dist
2 court, all point to some other court. So the Petitioner
3 does not know what to do. It is believed that he even
4 quoted the U.S. v Osborne case in his filings with no help.


5 To more from pg 4 lines 20-24, it is truly felt that
6 if the Petitioner can enroll in more classes he will be able to
7 ameliorate his disability. This is believed to fit right into
8 20 C.F.R. § 404.468(d) and Borchelt v. Apfel, 25 F. Supp. 2d 1017
9 1021 (E.D. Mo 1998)

10 The Petitioner will apologize for not stating the college
11 that he is, and plans to attend more of. As of now the
12 Petitioner would like to re-enroll in and take classes through
13 Great Basin College which offers courses at the Prison.

14 The program in which the Petitioner is currently seeking is
15 a AA degree in Business. For which the Petitioner would like to do
16 upon his release this would be more than helpful.

17 It is now hoped that this court will see what the Petitioner
18 is truly trying to do and approve his program.

19 Dated this 23rd day of December, 2020

20 
21 Steven Kinford
22
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26

EXHIBIT

1

EXHIBIT

1

Social Security Administration
~~Retirement, Survivors and Disability Insurance~~

SOCIAL SECURITY
1170 HARVARD WAY
RENO, NV 89502-2107
Date: October 14, 2014
Claim Number: 260

STEVEN M. KINFORD
C/O NNCC
PO BOX 7000
INMATE ID 64984
CARSON CITY, NV 89702-0000

Dear STEVEN M. KINFORD

According to the Code of Federal Regulations, no monthly benefits will be paid to any individual for any month of which the individual is confined in a jail, prison, or other correctional facility for conviction of a felony. However, this rule does not apply if a prisoner who is entitled to benefits on the basis of a disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by a court of law.

It is my understanding that you are not "actively and satisfactorily participating in a rehabilitation program." Therefore, based on the evidence you have provided, we can not reinstate your Social Security disability benefits at this time.

If you are interested in participating in such a program, you should ask your case manager for assistance. Once you are able to prove that you are participating in a program specifically approved by a court of law, Social Security will then determine whether or not the program is expected to result in you being able to do substantial gainful activity upon your release. If the program is accepted by Social Security on this basis, only then would your disability benefits be reinstated. Keep in mind, no benefits will be paid for any month prior to the approval of the program.

I hope this letter adequately answers your question. If you have any other questions or if you require any other assistance, please feel free to contact us.

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you should contact any Social Security office or the nearest United States Embassy or consulate. Or, if you live in the Philippines, you may contact the Veterans Administration Regional Office, Social Security Division, 1131 Roxas Boulevard, Manila.

See Next Page

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CASE NO. 27CV-TT12-2019-0178

DEPT. NO. 1

Affirmation pursuant to NRS 239B.039

The undersigned affirms that this
document does not contain the
personal information of any person

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

STEVEN KINFORD,

Petitioner,

vs.

SOCIAL SECURITY ADMINISTRATION,

Respondent.

**OPPOSITION TO MOTION FOR
RECONSIDERATION**

The Office of the Nevada Attorney General, by and through counsel of record, Aaron Ford, Nevada Attorney General, and Wade J. VanSickle, Deputy Attorney General, hereby submits this response in Opposition to Motion for Reconsideration.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Petitioner's Motion for Reconsideration (Motion) of this Court's Order Denying Tort Action for Request of Rehabilitation/Education Program should be denied because it fails to demonstrate any newly discovered evidence nor does it demonstrate the Court's ruling was erroneous.

II. RELEVANT PROCEDURAL POSTURE

On June 28, 2019, Petitioner filed a Request for Approval of Rehabilitation/Education Program in the Third Judicial District Court, Lyon County, Nevada. Exhibit A. On July 22, 2019, Petitioner filed a Second Request for Approval of Rehabilitation/Education Program which was interpreted as a petition for education made pursuant to Nevada Revised Statute (NRS) Chapter 34. *Id.* On July 25, 2019, the Court

1 transferred the matter to the Eighth Judicial District Court, Clark County, Nevada, after
2 finding it did not have jurisdiction to entertain the petition. *Id.*

3 On December 3, 2019, the Eighth Judicial District Court found it did not have
4 jurisdiction to entertain the Petition, and transferred the instant Petition to this Court. *Id.*

5 Petitioner apparently filed a Petition for Request of Rehabilitation/Education
6 Program (Petition) requesting the Court to approve a college education program so that he
7 can qualify for Social Security benefits. *Id.* Petitioner did not serve the Petition upon NDOC
8 of the Office of the Attorney General (OAG). On July 9, 2020, the Court ordered a response
9 be filed within 45 days. *Id.* On August 20, 2020, the OAG filed a timely Response.

10 On December 9, 2020, the Court denied the Petition because Petitioner failed to
11 identify what college education program in which he intended to enroll or participate,
12 Petitioner failed to provide the Court with information necessary to determine whether the
13 education program will result in Petitioner being able to do substantial gainful employment
14 upon realized and within a reasonable time as required by 20 C.F.R. §486(d), Petitioner
15 was not eligible, pursuant to Administrative Regulation (AR) 516, to seek college credit
16 through on-site class instruction given his current Level 2 classification level, Petitioner
17 could not prove that if he later became eligible to participate in onsite educational course,
18 he would remain eligible throughout the pendency of the education course, and NDOC is
19 not required to fund any college course in which Petitioner has enrolled or may enroll in
20 the future. *Id.*

21 Plaintiff filed the present Motion on or about December 23, 2020.

22 This Opposition follows.

23 **III. LEGAL DISCUSSION**

24 A district court may only reconsider a prior order where the moving party offers new
25 evidence or demonstrates that the prior order was clearly erroneous on new clarifying case
26 law. *Masonry and Tile Contractors Ass'n of Southern Nev. v. Jolley, Urga & Wirth, Ltd.*,
27 113 Nev. 737, 941 P.2d 486 (1997). "Only in very rare instances in which new issues of fact
28 or law are raised supporting a ruling contrary to the ruling already reached should a motion

1 for rehearing be granted. *Moore v. City of Las Vegas*, 551 P.2d 244, 246 (Nev. 1976).
2 "Rehearings are not granted as a matter of right, and are not allowed for the purpose of
3 reargument...." *Geller v. McCowan*, 178 P.2d 380, 381 (Nev. 1974).

4 Here, Petitioner seeks reconsideration on two bases, neither of which warrants
5 reconsideration. First, Petitioner alleges he is currently a Level 1 inmate, and therefore, is
6 eligible to attend college courses offered at Ely State Prison (ESP). Petitioner offers no
7 evidence to support this contention, let alone demonstrate he was a Level 1 inmate at the
8 time he initially submitted his Tort Action for Request of Rehabilitation/education Program
9 (Petition). Furthermore, Petitioner offers no evidence that he will remain a Level 1 inmate
10 throughout the pendency of any education program in which he is currently enrolled or
11 may enroll in the future.

12 Second, Petitioner asserts he "would like to re-enroll in and take classes through
13 Great Basin College" to receive an "AA in business." Petitioner provides no evidence to
14 support this allegation.

15 He also fails to demonstrate the Petition previously provided this Court with this
16 information or any other information that would have permitted the Court to determine
17 whether the education program would result in Petitioner being able to do substantial
18 gainful employment upon realized and within a reasonable time as required by 20 C.F.R.
19 §486(d). On the contrary, it is undisputed Petitioner did not provide the Court with the
20 name of the institution through which he sought to enroll, let alone provide evidence that
21 the educational program satisfied §486(d). Thus, Petitioner cannot prove the Court erred
22 in denying the Petition.

23 Finally, Petitioner does not dispute that NDOC has no obligation to fund any college
24 or educational program in which he may enroll in the future. He also does not dispute that
25 NDOC has no obligation to provide him with specialized accommodations or access to
26 education programs. Accordingly, to the extent the Court reconsiders its prior Order, it
27 should subject Petitioner's access to an education program to the classification
28 requirements of AR 516 and Petitioner's ability to pay for the courses.

1 **IV. CONCLUSION**

2 Based upon the foregoing, the Court should not reconsider its Order Denying Tort
3 Action for Request of Rehabilitation/Education Program because Petitioner has not
4 demonstrated any newly discovered evidence or that the Court's ruling was erroneous. To
5 the extent the Court does reconsider its Order, Petitioner's access to education programs
6 should be conditioned upon his ability to pay for the program and his classification level
7 pursuant to AR 516.

8 DATED this 6th day of January, 2021.

9 Respectfully submitted,

10 AARON D. FORD
11 Attorney General

12 By: /s/ Wade J. VanSickle
13 Wade J. VanSickle (Bar No. 13604)
14 Deputy Attorney General
15 State of Nevada
16 Office of the Attorney General
17 555 E. Washington Ave., Suite 3900
18 Las Vegas, NV 89101
19 Phone: (702) 486-3216
20 Fax: (702) 486-3773
21 Attorneys for Special Appearing Party
22
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Office of the Attorney
3 General, and that on January 6, 2021, I electronically filed the foregoing **OPPOSITION**
4 **TO MOTION FOR RECONSIDERATION** via this Court's electronic filing system. For
5 those parties not registered, service was made by e-mailing a copy addressed as follows:

6 Steven Kinford #64984
7 Lovelock Correctional Center
8 1200 Prison Road
9 Lovelock, NV 89419
10 **lcclawlibrary@doc.nv.gov**
11 *Petitioner, Pro Se*

12 /s/ Mary J. Pizzariello
13 An employee of the Office
14 of the Nevada Attorney General
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EXHIBIT A

EXHIBIT A

1 CASE NO. 27CV-TT12-2019-0178

2 DEPT. NO. 1

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5
6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF PERSHING
8

9 Steven Kinford,

10 Plaintiff

**NOTICE OF ENTRY
OF ORDER**

11 Vs.

12 Social Security Administration,


13 Defendant.

14 PLEASE TAKE NOTICE that the Court entered the following: ORDER
15 DENYING TORT ACTION FOR REQUEST OF REHABILITATION/EDUCATION
16 PROGRAM on December 9, 2020. a true and correct copy of which is attached to this
17 notice.

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

21 DATED this 9 day of December 2020.

22
23 KATRENA M. MARTIN
CLERK OF THE COURT

24
25 By 
Deputy

1
2
3 **CERTIFICATE OF SERVICE**

4 Pursuant to NRCP 5(b), I certify that I am an employee of the Eleventh Judicial District
5 Court, and that on the date below, I caused to be served through the United States Postal Service,
6 hand delivery and/or by electronic mail, a true and correct ORDER DENYING TORT ACTION
7 FOR REQUEST OF REHABILITATION/EDUCATION PROGRAM on the following:
8

9 Steven Kinford #64984

10 1200 Prison Road/LCC

11 Lovelock, NV 89419
12

13 Wade Vansickel

14 Office of the Attorney General

15 555 E. Washington Ave., Suite 3900

16 Las Vegas, NV 89101

17 wvansickle@ag.nv.gov
18
19
20

21 DATED this 9 day of December 2020.
22
23

24 
25 Deputy Clerk
26
27
28

1 CASE NO. 27CV-TT12-2019-0178

2 DEPT. NO. 1

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this
5 document does not contain the
6 personal information of any person

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

9 STEVEN KINFORD,

10 Petitioner,

11 vs.

12 SOCIAL SECURITY ADMINISTRATION,

13 Respondent.

**ORDER DENYING TORT ACTION FOR
REQUEST OF
REHABILITATION/EDUCATION PROGRAM**

14 This matter having come before the Court, in chambers, on Petitioner Steven Kinford's
15 (Petitioner), pro se, Tort Action Request of Rehabilitation/Education Program. Having reviewed
16 the papers, pleadings on file herein, without any oral argument from the parties, the Court
17 hereby rules as follows:

18 **I. FINDINGS OF FACT**

19 **A. Petitioner's Background**

- 20 1. On March 3, 2008, Petitioner plead guilty to lewdness with a child under the age
21 of fourteen years in violation of NRS 201.230.
- 22 2. This Court sentenced Petitioner to a term of life with the possibility of parole after
23 ten years has been served concurrent to his conviction in Case No. CR6880 and
24 an administrative assessment fee of \$25.00.
- 25 3. Petitioner is currently classified as a Level 2 inmate, and housed in a general
26 population unit at Lovelock Correctional Center (LCC) in Lovelock, Nevada.
- 27 4. The NDOC employs a classification system that governs inmate housing and
28 activities.

1 **B. AR 516 – Level System**

- 2 1. AR 516 governs the classification level of inmates.
- 3 2. While AR 516 sets forth the ability for each medium and maximum security system
- 4 to crate up to three different classification levels, §519.01(6), it also explicitly
- 5 informs inmates that nothing in AR 516 “create[s] any liberty interest, or rights to
- 6 any classification status, work assignment, or placement.”
- 7 3. AR 516 also makes clear that no liberty interest shall “be implied from the
- 8 implementation of the classification “level system.”
- 9 4. Each level provides the inmate with the ability to have more privileges.. The
- 10 Medium security institution level system has three levels. Level 1 inmates are
- 11 permitted the most privileges as they are able to meet six performance/behavioral
- 12 criteria, including “access to education, law library, gym, chapel, culinary and
- 13 other such areas as institutional schedules permit.”
- 14 5. Level 2 inmates- Petitioner’s current classification - meet five
- 15 behavior/performance criteria and are afforded less privileges that Level 1
- 16 inmates.
- 17 6. Pursuant to LCC Operational Procedure (OP) §516.03(2)(E), Level 2 inmates may
- 18 not attend college courses with personal instruction conducted on LCC premises.
- 19 7. Instead, Level 2 inmates are permitted to participate in college courses through
- 20 correspondence only.
- 21 8. Level 3 inmates either do not qualify for Level 1 or Level 2, have recently been
- 22 classified from segregation housing or close custody, or have pending disciplinary
- 23 actions which may result in removal from Level 1 or Level 2.
- 24 9. Level 3 inmates have limited access to programs and privileges. *Id.* As with Level
- 25 2, Level 3 inmates have not been awarded the privilege of educational
- 26 opportunities.

27 **C. AR 850 – NDOC Academic Programs**

- 28 10. AR 850 regulates academic programs offered by NDOC.

1 11. AR §850.01(5) states that "[b]asic literacy and secondary education should be
2 available to inmates at no cost." *Id.* at 2, §850.01(5). Provision (A) further states
3 that "[i]nmates must pay for accredited college or correspondence courses
4 themselves."

5 12. LCC permits inmates to seek college credit from Great Basin Community College
6 (GBCC) in accordance with AR 516 and AR 850. Specifically, an inmate must be
7 of a qualifying classification and the inmate is responsible for the costs associated
8 with the college credit.

9 13. GBCC courses are independent from any official NDOC education program.

10 14. NDOC does not fund the GBCC courses. It has no involvement in determining
11 GBCC enrollment (beyond the criteria set forth in AR 516), the courses offered to
12 NDOC inmates, or completion of the courses.

13 **D. RELEVANT PROCEDURAL HISTORY**

14 15. On June 28, 2019, Petitioner filed a Request for Approval of
15 Rehabilitation/Education Program in the Third Judicial District Court, Lyon
16 County, Nevada.

17 16. On July 22, 2019, Petitioner filed a Second Request for Approval of
18 Rehabilitation/Education Program which was interpreted as a petition for
19 education made pursuant to Nevada Revised Statute (NRS) Chapter 34.

20 17. On July 25, 2019, the Court transferred the matter to the Eighth Judicial District
21 Court, Clark County, Nevada, after finding it did not have jurisdiction to entertain
22 the petition.

23 18. On December 3, 2019, the Eighth Judicial District Court found it did not have
24 jurisdiction to entertain the Petition, and transferred the instant Petition to this
25 Court.

26 19. Petitioner filed a Tort Action for Request of Rehabilitation/Education Program
27 (Petition) requesting the Court to approve a college education program so that he
28 can qualify for Social Security benefits.

1 20. Petitioner did not serve the Petition upon NDOC of the Office of the Attorney
2 General (OAG).

3 21. On July 9, 2020, the Court ordered a response be filed within 45 days.

4 22. On August 20, 2020, the OAG filed a timely Response To Tort Action For Request
5 Of Rehabilitation/Education Program (Response).

6 23. Petitioner filed a Reply To Request Of Rehabilitation/Education Program (Reply).

7 **II. CONCLUSIONS OF LAW**

8 1. "The Social Security Act provides in relevant part that an individual cannot receive
9 benefits for a month during which the individual 'is confined in a jail, prison, or other
10 penal institution or correctional facility pursuant to his conviction of a criminal
11 offense." *Modica v. Commissioner of Social Sec.* 2012 5198817 (citing 42 U.S.C. §
12 402(x)(1)(A)(i) and 20 C.F.R. §404.468).

13 2. A vocational rehabilitation exception exists "if a prisoner who is entitled to benefits
14 on a the basis of disability is actively and satisfactorily participating in a rehabilitation
15 program which has been specifically approved for the individual by the court of law."
16 20 C.F.R. § 404.468(d).

17 3. The Regulation permits only the sentencing court to approve a rehabilitative program.
18 *United States v. Osborne*, 988 F.2d 47, 49 (7th Cir. 1993)("[A] court of law' must refer
19 to the sentencing court."); *Peeler v. Heckler*, 781 F.2d 649, 652 (8th Cir. 1986).

20 4. The program must be "expected to result in the individual being able to do substantial
21 gainful activity upon release and within a reasonable time." 20 C.F.R. § 404.468(d).
22 The program must also "eliminate or even ameliorate the disability for which [p]laintiff
23 receives benefits." *Borchelt v. Apfel*, 25 F.Supp. 2d 1017, 1021 (E.D. Mo. 1998).

24 5. Petitioner fails to identify what college education program in which he intends to enroll
25 or participate. *See generally*, Petition. He also does not specify the institution from
26 which he seeks to obtain the credits. Without this information, this Court cannot make
27 an informed ruling on whether the program will "ameliorate" Plaintiff's alleged
28 disability (memory loss). *Borchelt*, 25 F.Supp.2d at 1021.

- 1 6. Petitioner fails to provide the Court with the information necessary to determine
2 whether the educational program will result in Petitioner being able to do substantial
3 gainful employment upon release and within a reasonable time. 20 C.F.R.
4 §404.468(d).
- 5 7. Petitioner is not eligible, pursuant to AR 516, to seek college credit through on-site
6 class instruction given his current Level 2 classification level.
- 7 8. Petitioner may be eligible to enroll in college classes that are conducted through
8 correspondence only.
- 9 9. Furthermore, even if Petitioner was currently eligible, or later became eligible, to
10 participate in onsite educational courses, it does not mean that he will remain eligible
11 throughout the pendency of the education course.
- 12 10. NDOC is not involved in determining Petitioner's enrollment into college courses.
- 13 11. NDOC is not required to fund any college courses in which Petitioner has enrolled,
14 or may enroll in the future.
- 15 12. Requiring NDOC to make an exception to its current policies regarding Level 2
16 inmates and education programs would inappropriately interfere with NDOC's ability
17 to manage its facilities and potentially give right to other litigation regarding equal
18 access.

19
20 ///

21 ///

22 ///

23 **III. ORDER**

24 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Petitioner Steven
25 Kinford's Tort Action For Request Of Rehabilitation/Education Program is DENIED.

26 IT IS SO ORDERED.
27
28

1 Respectfully submitted by:

2 AARON D. FORD
3 Attorney General

4 By: /s/ Wade J. VanSickle
5 Wade J. VanSickle (Bar No. 13604)
6 Deputy Attorney General
7 *Attorneys for Special Appearing Party*
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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration

Case Number: 27CV-TT12-2019-0178

Type: Order

It is so Ordered.

Judge Shirley

Case No. 27CV-TT12-2019-0178

Dept. No. _____

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

* * * * *

STEVEN KINRORD,)

Petitioner,)

-vs-

SOCIAL SECURITY ADMIN,)

Respondent.)

REQUEST FOR SUBMISSION
OF MOTION

It is requested that the Motion For Reconsideration

which was filed on the 28th day of December, 2020, in
the above-entitled matter, be submitted to the Court for
decision.

Dated this 1st day of January, 2021.


Steven Kinford # 64984
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Petitioner In Pro Se

1 CERTIFICATE OF SERVICE BY MAIL

2 I do certify that I mailed a true and correct copy of the
3 foregoing REQUEST FOR SUBMISSION OF MOTION to the below
4 address(es) on this 1st day of January, 2021, by
5 placing same in the U.S. Mail via prison law library staff,
6 pursuant to NRCP 5(b):

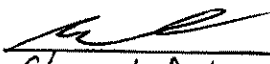
7 Wade van sikhle BSE
8 555 B. Washington Ave. Ste 3500
9 Las Vegas, NV.
10 89101

11
12
13
14
15
16
17  # 64989
18 Lovelock Correctional Center
19 1200 Prison Road
20 Lovelock, Nevada 89419
21 Petitioner In Pro Se

22 AFFIRMATION PURSUANT TO NRS 239B.030

23 The undersigned does hereby affirm that the preceding
24 REQUEST FOR SUBMISSION OF MOTION does not contain the social
25 security number of any person.

26 Dated this 1st day of January, 2021.

27 
28 Steven Kniford
Petitioner In Pro Se

1 Steven Kinford # 84984

2 Lovelock Correctional Center

3 1300 Prison Rd

4 Lovelock NV 89419

5 Petitioner in pro se

6 Pursuant to NRS 239B.030, the undersigned affirms that this document
7 does not contain the social security number of any person.

8
9 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE
10 OF NEVADA IN AND FOR THE COUNTY OF PERSHING
11

12 STEVEN KINFORD,

CASE NO. 27 CV-TT12-2019-0178

13 Petitioner,

Dept. no. 1

14 vs.

15 SOCIAL SECURITY ADMINISTRATION,

16 Respondent.

17
18 REPLY TO OPPOSITION TO MOTION FOR RECONSIDERATION
19

20 COMES NOW STEVEN KINFORD, Petitioner, in pro se,
21 and hereby submits this Reply to Opposition to Motion
22 for Reconsideration. This Reply is made and based on all
23 papers and pleadings on file in this matter, and
24 the following points and authorities:

25
26
27 EN 1) Petitioner was assisted with the execution of this document
28 by Daniel Riggs, an inmate at Lovelock Correctional Center.

Points and Authorities

I. Introduction

Petitioner's Motion for Reconsideration should be granted because this Court's Order was based on a mistaken assumption of material fact.

II. Relevant Procedural Posture

Petitioner does not dispute Respondent's assertions regarding the relevant procedural posture except to say that Petitioner did make all necessary showings in his petition, and that the Court's finding of facts were based on materially untrue assumptions.

The Respondent filed its Opposition on Jan. 06, 2021.
This Reply follows.

III. Facts In Dispute

1. Petitioner is a level 1 inmate.
2. No cause exists to speculate that Petitioner will later be reduced to a level 2 inmate.
3. Petitioner is eligible to seek onsite educational courses per Administrative Regulation (AR) 516.
4. The completion of said onsite educational courses will result in Petitioner being able to do substantial gainful employment within a reasonable time as

required by 20 C.F.R. § 486(d).

IV. Legal Discussion

Petitioner has at all times proceeded in pro se. As such, he is entitled to liberal construction of his pleadings and is to be held to less stringent standards than parties represented by counsel, such as the Respondent. Also, pleadings submitted in pro se serve, inter alia, as sworn statements with regards to assertions of fact. This is so because when a pro se litigant makes an assertion of fact of which he or she has personal knowledge, the litigant effectively verifies those assertions when he or she executes those pleadings.

In Respondent's Opposition, Respondent claims Petitioner offered no proof of being a level 1 inmate. But clearly Petitioner has knowledge of his inmate level, and his assertion of same is indeed evidence.

Likewise, Petitioner's assertion he "would like to re-enroll in and take classes through Great Basin College" to receive an "AA in Business" is evidenced by the pleading in which it was asserted. Respondent's statement "Petitioner ~~admits~~ provides no evidence to support this allegation" is particularly absurd — Petitioner's statement of what he would like to do is necessarily evidence of what he would like to do; to wit, receive an

1 "AA in business."

2
3 An "AA in business" would result in Petitioner
4 being able to do substantial gainful employment upon
5 completion of the educational program and his release
6 from prison, as required by 20 C.F.R. ss 486 (d).

7 Furthermore, Respondent's statement "[I]t is undisputed
8 Petitioner did not provide the Court with the name
9 of the institution through which he sought to

10 enroll" is belied by Respondent's own opposition, in which

11 Respondent quoted Petitioner's prior pleading stating he
12 he would like to take classes through Great Basin
13 College. Great Basin College is the institution.

14 Respondent inphazandly confuses this fact in its
15 opposition.

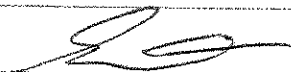
16
17 Next, Petitioner never asserted that the NDOC must
18 fund his education. Rather, he seeks the assistance
19 of the Respondent, the Social Security Administration
20 (SSA). The SSA has specific programs to fund the
21 education of disabled prisoners for rehabilitative purposes.
22 Such is what Petitioner seeks.

23
24 Petitioner sought merely for this Court to
25 recognize that ~~former~~ pursuing an associate's degree
26 in business administration would serve a rehabilitative
27 purpose for Petitioner and lead to gainful employment.
28

IV. Conclusion

Petitioner's motion for reconsideration should be granted for the reasons stated herein. Contrary to Respondent's assertions, Petitioner's access to educational program should not be conditioned on his ability to pay, and this Court should note Petitioner is eligible pursuant to AR 5-16.

Respectfully Submitted this 13th day of January, 2021.



Steven Kinford
Petitioner in pro se

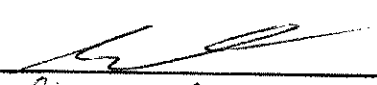
Certificate of service

I, Steven Klnford, hereby certify, pursuant to NRCP 5(b), that on
this 13th day of January, 2021, I mailed a true and correct copy of the
foregoing "Reply To Opposition To Motion For Reconsideration"

_____ " by placing it in the
hands of the warm springs correctional center law library supervisor, First-class
Postage, fully paid, and addressed as follows:

Wade Van Gichle ESQ
555 Washington Ave Ste 3100
Las Vegas, NV 89101

DATED THIS 13th DAY OF January, 2021.


Steven Klnford

Case No. 27-CV-TT12-2019-0178

Dept. No. 1

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

* * * * *

STEVEN KINPORD,)

Petitioner,)

-VS-

SOCIAL SECURITY ADMIN,)

Respondent.)

REQUEST FOR SUBMISSION
OF MOTION

It is requested that the Reply To opposition To Motion
For Reconsideration,
which was filed on ^{or about} ~~the~~ 14th day of January, 2021, in
the above-entitled matter, be submitted to the Court for
decision.

Dated this 15th day of January, 2021.

Steven Kinpord # 64984
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Petitioner In Pro Se

[illegible]

Pershing County District Court
P.O. Box 11.
Crescent, Nev.
89419

Steven Kimball # 64584
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

DeEllman In Pro Se

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Dated this 18th day of January, 2021.

Steven Kinkor
Petitioner In Pro Se

1 Case No. 27CV-TT12-2019-0178

2 Dept. No. 1

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5

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

7 IN AND FOR THE COUNTY OF PERSHING

8

* * * * *

9 STEVEN KINFORD,)

10 Petitioner,)

11 -vs-)

12 SOCIAL SECURITY ADMIN.,)

13 Respondent.)

14

REQUEST FOR SUBMISSION
OF MOTION

15 It is requested that the Reply To opposition To motion
16 For Reconsideration,

17 which was filed on the 1st day of January, 2021, in
18 the above-entitled matter, be submitted to the Court for
19 decision.

20 Dated this 22nd day of January, 2021.

21

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Steven Kinford #64984
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Petitioner In Pro Se

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION OF MOTION to the below address(es) on this 22nd day of January, 2021, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

Wade Vansickle B52
555 E. Washington Ave. Ste 3500
Las Vegas, NV
89101

Steven Kimbrell # 04984
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Petitioner In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding REQUEST FOR SUBMISSION OF MOTION does not contain the social security number of any person.

Dated this 22nd day of January, 2021.

Steven Kimbrell
Petitioner In Pro Se

1 CASE NO. 27CV-TT12-2019-0178

2 Pursuant to NRS 239B.030, the
3 undersigned hereby affirms this document
4 does not contain the social security number
5 of any person

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

8
9 STEVEN KINFORD,

10 Plaintiff,

11 vs.

12 SOCIAL SECURITY ADMINISTRATION,
13 Defendants.
14
15
16

**ORDER DIRECTING BOTH PARTIES TO
PREPARE A PROPOSED ORDER**

17
18 THE ABOVE-ENTITLED MATTER comes before the Court on Plaintiff's
19 Motion for Reconsideration. An Opposition was filed by the Attorney General to
20 the Motion. The Court hereby directs both parties to prepare up an order that
21 comports with the positions each has established in the Motion Documents. Said
22 proposed orders shall be submitted within 15 calendar days of this Order. The
23 Attorney General shall e-file its Proposed Order in a Word format. Plaintiff
24 shall submit the Proposed Order in neat and legible handwriting.

25 ///

26 ///

27 ///

28 ///

**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration
Case Number: 27CV-TT12-2019-0178
Type: Order

It is so Ordered.

Judge Shirley

1 CASE NO. 27CV-TT12-2019-0178

2 Pursuant to NRS 239B.030, the undersigned affirms
3 that 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 STEVEN KINFORD,
10 Plaintiff,

11 vs.

12 SOCIAL SECURITY ADMINISTRATION,
13 Defendant.

**NOTICE OF ENTRY
OF ORDER**

14 PLEASE TAKE NOTICE that the Court entered the ORDER DIRECTING BOTH
15 PARTIES TO PREPARE A PROPOSED ORDER, on February 5, 2021, a true and correct
16 copy of which is attached to this notice.

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

20 DATED this 5 day of February 2021.

21
22 KATRENA M. MARTIN
23 CLERK OF THE COURT

24 By Aduana Ramos
25 Deputy
26
27
28

1 CERTIFICATE OF SERVICE

2
3 Pursuant to NRCP 5(b), I certify that I am an employee of the Eleventh Judicial District
4 Court, and that on the date below, I caused to be served through the United States Postal Service,
5 hand delivery and/or by electronic mail, a true and correct copy of the ORDER DIRECTING
6 BOTH PARTIES TO PREPARE A PROPOSED ORDER in this matter, on February 5, 2021 on
7 the following:

8 Steven Kinford #64984
9 1200 Prison Rd.
10 Lovelock, NV 89419

11 Wade VanSickle
12 Nevada Attorney General's Office
13 wvansickle@ag.nv.gov

14 DATED this 5 day of February 2021.

15
16 
17 Deputy Clerk
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1 CASE NO. 27CV-TT12-2019-0178

2 Pursuant to NRS 239B.030, the
3 undersigned hereby affirms this document
4 does not contain the social security number
5 of any person

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

8
9 STEVEN KINFORD,

10 Plaintiff,

11 vs.

12 SOCIAL SECURITY ADMINISTRATION,
13 Defendants.
14
15
16

**ORDER DIRECTING BOTH PARTIES TO
PREPARE A PROPOSED ORDER**

17
18 THE ABOVE-ENTITLED MATTER comes before the Court on Plaintiff's
19 Motion for Reconsideration. An Opposition was filed by the Attorney General to
20 the Motion. The Court hereby directs both parties to prepare up an order that
21 comports with the positions each has established in the Motion Documents. Said
22 proposed orders shall be submitted within 15 calendar days of this Order. The
23 Attorney General shall e-file its Proposed Order in a Word format. Plaintiff
24 shall submit the Proposed Order in neat and legible handwriting.

25 ///

26 ///

27 ///

28 ///

**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration
Case Number: 27CV-TT12-2019-0178
Type: Order

It is so Ordered.

A handwritten signature in cursive script, appearing to read "Shirley", is written in black ink.

Judge Shirley

1 CASE NO. 27CV-TT12-2019-0178

2 DEPT. NO. 1

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this
5 document does not contain the
6 personal information of any person

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

9 STEVEN KINFORD,

10 Plaintiff,

11 vs.

12 SOCIAL SECURITY ADMINISTRATION

13 Defendants.

**NOTICE OF CHANGE OF DEPUTY
ATTORNEY GENERAL**

14 Defendant(s), by and through counsel, Aaron D. Ford, Attorney General of the
15 State of Nevada, and Christopher M. Guy, Deputy Attorney General, hereby notifies the
16 Court and respective parties that Deputy Attorney General Christopher M. Guy has
17 assumed responsibility for representing the interests of the Defendant in this action.

18 Deputy Attorney General Wade J. Vansickle is no longer associated with this case
19 and should no longer be noticed through the Court's system.

20 DATED this 3rd day of March, 2021.

21 AARON D. FORD
22 Attorney General

23 By: /s/ Christopher M. Guy
24 CHRISTOPHER M. GUY (Bar No. 15239)
25 Deputy Attorney General
26 *Attorneys for Defendants*
27
28

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the State of Nevada, Office of the Attorney
3 General, and that on March 3, 2021, I electronically filed the foregoing **NOTICE OF**
4 **CHANGE OF DEPUTY ATTORNEY GENERAL**, via this Court's electronic filing
5 system. For those parties not registered, service was made by e-mailing a copy to the
6 addressed as follows:

7 Steven Kinford #64984
8 Lovelock Correctional Center
9 1200 Prison Road
10 Lovelock, NV 89419
11 lcclawlibrary@doc.nv.gov
12 *Plaintiff, Pro Se*

11 /s/Sheri Regalado
12 Sheri Regalado, an employee of the
13 Office of the Nevada Attorney General
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CASE NO. 27CV-TT12-2019-0178

DEPT. NO. 1

Affirmation pursuant to NRS 239B.039

The undersigned affirms that this document does not contain the personal information of any person

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

STEVEN KINFORD,

Petitioner,

vs.

SOCIAL SECURITY ADMINISTRATION,

Respondent.

**ORDER DENYING TORT ACTION FOR
REQUEST OF
REHABILITATION/EDUCATION PROGRAM**

Petitioner Steven Kinford's (Kinford), pro se, Motion for Reconsideration came before this Court, in chambers. After review of the papers, pleadings, on file herein, without any oral argument from the parties, the Court rules as follows:

I. RELEVANT PROCEDURAL HISTORY

1. On December 3, 2019, as the Eighth Judicial District Court found it did not have jurisdiction to adjudicate Kinford's Petition, it transferred the Petitioner Kinford's Petition to this Court.
2. The Kinford filed a Tort Action for request of Rehabilitation/Education Program (Petition) which requested this Court approve a college education program so that he could qualify for Social Security benefits.
3. Kinford, however did not serve the Petition on the Officer of the Attorney General of Nevada (OAG).
4. On July 9, 2020, this Court ordered the OAG to respond the Petition within 45 days.

5. The OAG field a timely response on August 20, 2020.
6. Kinford filed a reply on September 8, 2020.
7. On December 9, 2020, the Court denied Petitioner Kinford's Petition.
8. Notice of entry of order was filed the same day.
9. Kinford filed his Motion for Reconsideration (the "Motion") on December 23, 2020.
10. The OAG filed an Opposition (the "Opposition") Kinford's Motion on January 6, 2021.

II. FINDING OF FACTS

1. Kinford sought reconsideration on two points: that he was a level 1 inmate rather than a level 2 inmate. Mot. At 1-2. And second, the institution he hopes to attend is Great Basin College to receive his AA in busines. Mot. At 3.
2. Kinford states that his Motion is written to try and "fix the errors" in his writings. Mot. at 1.
3. Kinford states that he has not been a Level 2 inmate for "some time." Mot. At 1.
4. He goes on to claim that the college that he plans to re-enroll in will be Great Basin College. There he will seek an AA degree in business. The Court presumes an AA means an associate degree. Mot. at 3.
5. Kinford has not argued that any new controlling law has emerged after the Court's December 9, 2020 Order.
6. Outside of an omission that he neglected to provide the Court with all relevant facts that support his matter, Kinford has not explained why he was unable to raise these facts in his original petition or in his reply.

III. CONCLUSIONS OF LAW

1. Under Nevada law, a district court may only "may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous." *Masonry and Tile Contractors Ass'n of Southern Nev. v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 941 P.2d 486 (1997).

2. "Only in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted. *Moore v. City of Las Vegas*, 551 P.2d 244, 246 (Nev. 1976).
3. "Rehearings are not granted as a matter of right and are not allowed for the purpose of reargument...." *Geller v. McCowan*, 178 P.2d 380, 381 (Nev. 1974).
4. Although Kinford now claims that he is not a level 2 inmate, he did not provide the Court with any evidence to support such a claim. Nor did he state his status as level one inmate was a new development. And therefore, he was not able to claim level one status in his Petition or reply. To the contrary, Kinford asserts that he has been at level two status for "sometime now." See *Achrem v. Expressway Plaza Ltd. P'ship*, 112 Nev. 737, 742, 917 P.2d 447, 450 (1996) (Points or contentions not raised in the first instance cannot be raised in a rehearing.)
5. Because Kinford has not presented new evidence that was not reasonably available to him at the time of his Petition, the Court will not now consider these new arguments. See *Geller v. McCowan*, 178 P.2d 380, 381 (Nev. 1974) ("Rehearings are not granted as a matter of right and are not allowed for the purpose of reargument....")
6. Kinford, next raises for the first time that he intends to re-enroll at Great Basin College. Again however, Kinford does not explain why he was not able to assert this intention in his Petition or reply. Further, Kinford does not state the has enrolled, but rather that he might re-enroll at Great Basin College. Because Kinford has not explained why he was unable to re-enroll at Great Basin College or why he was not able to inform the Court of his intentions prior its ruling, the Court will not now consider this revised argument. See *Geller v. McCowan*, 178 P.2d 380, 381 (Nev. 1974) ("Rehearings are not granted as a matter of right and are not allowed for the purpose of reargument....")
7. Finally, Kinford does not claim that new controlling law has been decided since this Courts December 9, 2020 Order. Nor does Kinford explain why the Court's ruling is

1 clearly erroneous based on the facts and law the Court relied upon to make its ruling.
2 As there appears to be no new evidence or law that is substantially different from that
3 the Court relied on to makes it rule, the Court denies Kinford's Motion for
4 Reconsideration. See *Masonry and Tile Contractors Ass'n of Southern Nev. v. Jolley,*
5 *Urga & Wirth, Ltd.*, 113 Nev. 737, 941 P.2d 486 (1997) (requiring substantially
6 different evidence or clear error in order to reconsider a previously decided issue).

7 **IV. ORDER**

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Petitioner Steven Kinford's
9 Motion for Reconsideration is **denied**.

10 IT IS SO ORDERED.

11
12
13 Respectfully submitted by:

14 AARON D. FORD
15 Attorney General

16 By: /s/ Christopher M. Guy
17 Christopher M. Guy (Bar No. 15239)
18 Deputy Attorney General
19 Attorneys for Special Appearing Party
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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration

Case Number: 27CV-TT12-2019-0178

Type: Order - Decision

It is so Ordered.

A handwritten signature in cursive script, appearing to read 'J Shirley', is positioned above the printed name of the judge.

Judge Shirley

1 CASE NO. 27CV-TT12-2019-0178

2 *Pursuant to NRS 239B.030, the undersigned affirms*
3 *that this document does not contain social security numbers.*
4
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6
7 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF PERSHING

9 STEVEN KINFORD,

10 Petitioner,

11 vs.

12 SOCIAL SECURITY ADMINISTRATION,

13 Respondent.

NOTICE OF ENTRY
OF ORDER

14 PLEASE TAKE NOTICE that the Court entered the ORDER DENYING TORT
15 ACTION FOR REQUEST OF REHABILITATION/EDUCATION PROGRAM on March
16 9, 2021, a true and correct copy of which is attached to this notice.

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

20 DATED this 9 day of March 2021.

21
22 KATRENA M. MARTIN
23 CLERK OF THE COURT

24 By 
25 Deputy
26
27
28

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DATED this 9 day of March 2021.

271

1 CASE NO. 27CV-TT12-2019-0178

2 DEPT. NO. 1

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this
5 document does not contain the
6 personal information of any person

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

9 STEVEN KINFORD,

10 Petitioner,

11 vs.

12 SOCIAL SECURITY ADMINISTRATION,

13 Respondent.

**ORDER DENYING TORT ACTION FOR
REQUEST OF
REHABILITATION/EDUCATION PROGRAM**

14
15 Petitioner Steven Kinford's (Kinford), pro se, Motion for Reconsideration came before
16 this Court, in chambers. After review of the papers, pleadings, on file herein, without any oral
17 argument from the parties, the Court rules as follows:

18 **I. RELEVANT PROCEDURAL HISTORY**

- 19 1. On December 3, 2019, as the Eighth Judicial District Court found it did not have
20 jurisdiction to adjudicate Kinford's Petition, it transferred the Petitioner Kinford's
21 Petition to this Court.
22 2. The Kinford filed a Tort Action for request of Rehabilitation/Education Program
23 (Petition) which requested this Court approve a college education program so that he
24 could qualify for Social Security benefits.
25 3. Kinford, however did not serve the Petition on the Officer of the Attorney General of
26 Nevada (OAG).
27 4. On July 9, 2020, this Court ordered the OAG to respond the Petition within 45 days.
28

5. The OAG field a timely response on August 20, 2020.
6. Kinford filed a reply on September 8, 2020.
7. On December 9, 2020, the Court denied Petitioner Kinford's Petition.
8. Notice of entry of order was filed the same day.
9. Kinford filed his Motion for Reconsideration (the "Motion") on December 23, 2020.
10. The OAG filed an Opposition (the "Opposition") Kinford's Motion on January 6, 2021.

II. FINDING OF FACTS

1. Kinford sought reconsideration on two points: that he was a level 1 inmate rather than a level 2 inmate. Mot. At 1-2. And second, the institution he hopes to attend is Great Basin College to receive his AA in business. Mot. At 3.
2. Kinford states that his Motion is written to try and "fix the errors" in his writings. Mot. at 1.
3. Kinford states that he has not been a Level 2 inmate for "some time." Mot. At 1.
4. He goes on to claim that the college that he plans to re-enroll in will be Great Basin College. There he will seek an AA degree in business. The Court presumes an AA means an associate degree. Mot. at 3.
5. Kinford has not argued that any new controlling law has emerged after the Court's December 9, 2020 Order.
6. Outside of an omission that he neglected to provide the Court with all relevant facts that support his matter, Kinford has not explained why he was unable to raise these facts in his original petition or in his reply.

III. CONCLUSIONS OF LAW

1. Under Nevada law, a district court may only "may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous." *Masonry and Tile Contractors Ass'n of Southern Nev. v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 941 P.2d 486 (1997).

- 1 2. "Only in very rare instances in which new issues of fact or law are raised supporting
2 a ruling contrary to the ruling already reached should a motion for rehearing be
3 granted. *Moore v. City of Las Vegas*, 551 P.2d 244, 246 (Nev. 1976).
- 4 3. "Rehearings are not granted as a matter of right and are not allowed for the purpose
5 of reargument...." *Geller v. McCowan*, 178 P.2d 380, 381 (Nev. 1974).
- 6 4. Although Kinford now claims that he is not a level 2 inmate, he did not provide the
7 Court with any evidence to support such a claim. Nor did he state his status as level
8 one inmate was a new development. And therefore, he was not able to claim level
9 one status in his Petition or reply. To the contrary, Kinford asserts that he has been
10 at level two status for "sometime now." See *Achrem v. Expressway Plaza Ltd. P'ship*,
11 112 Nev. 737, 742, 917 P.2d 447, 450 (1996) (Points or contentions not raised in the
12 first instance cannot be raised in a rehearing.)
- 13 5. Because Kinford has not presented new evidence that was not reasonably available
14 to him at the time of his Petition, the Court will not now consider these new
15 arguments. See *Geller v. McCowan*, 178 P.2d 380, 381 (Nev. 1974) ("Rehearings
16 are not granted as a matter of right and are not allowed for the purpose of
17 reargument....")
- 18 6. Kinford, next raises for the first time that he intends to re-enroll at Great Basin
19 College. Again however, Kinford does not explain why he was not able to assert this
20 intention in his Petition or reply. Further, Kinford does not state the has enrolled, but
21 rather that he might re-enroll at Great Basin College. Because Kinford has not
22 explained why he was unable to re-enroll at Great Basin College or why he was not
23 able to inform the Court of his intentions prior its ruling, the Court will not now consider
24 this revised argument. See *Geller v. McCowan*, 178 P.2d 380, 381 (Nev. 1974)
25 ("Rehearings are not granted as a matter of right and are not allowed for the purpose
26 of reargument....")
- 27 7. Finally, Kinford does not claim that new controlling law has been decided since this
28 Courts December 9, 2020 Order. Nor does Kinford explain why the Court's ruling is

1 clearly erroneous based on the facts and law the Court relied upon to make its ruling.
2 As there appears to be no new evidence or law that is substantially different from that
3 the Court relied on to makes it rule, the Court denies Kinford's Motion for
4 Reconsideration. See *Masonry and Tile Contractors Ass'n of Southern Nev. v. Jolley,*
5 *Urga & Wirth, Ltd.*, 113 Nev. 737, 941 P.2d 486 (1997) (requiring substantially
6 different evidence or clear error in order to reconsider a previously decided issue).

7 **IV. ORDER**

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Petitioner Steven Kinford's
9 Motion for Reconsideration is **denied**.

10 IT IS SO ORDERED.

11
12
13 Respectfully submitted by:

14 AARON D. FORD
15 Attorney General

16 By: /s/ Christopher M. Guy
17 Christopher M. Guy (Bar No. 15239)
18 Deputy Attorney General
19 Attorneys for Special Appearing Party
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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration
Case Number: 27CV-TT12-2019-0178
Type: Order - Decision

It is so Ordered.

A handwritten signature in cursive script, appearing to read "J Shirley".

Judge Shirley

CASE NO. 27CV-TT12-2019-0178

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

STEVEN KINFORD

Petitioner

vs

SOCIAL SECURITY ADMINISTRATION,
Respondent.

NOTICE OF APPEAL

Notice is hereby given that Steven Kinford, the Petitioner named above, hereby appeals to the Supreme Court of Nevada from the order dismissing the above-entitled case on the 9th day of March, 2021.

Dated this 15th day of March, 2021


Steven Kinford #64984

1200 Prison Rd.

Lovelock, NV 89419-5910

Plaintiff in Pro Se.

Certificate of Service.

I, Steven Kindard, hereby certify, pursuant to NRCPS(b), that on this 15th day of March, 2021, I mailed a true and correct copy of the foregoing "Notice of Appeal" by placing it in the hands of the Lovelock Correctional Center Law Library Supervisor, First class Postage, fully paid and addressed as follows:

Eleventh Judicial District Court

P.O. Box 11.

Lovelock, Nev.

894119


Nevada Attorney General

555 E. Washington Ave.

Las Vegas, Nev.

89101

Done this 15th day of March, 2021



1 Case No. 27CV-TT12-2019-0178

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

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

8
9 Steven Kinford,

10 Petitioner,

11 vs.

12 Social Security Administration,

13 Respondent.
14

15 **CASE APPEAL STATEMENT**

16 1. Name of appellant filing this case appeal statement:

17 Steven Kinford

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

19 Honorable Jim C. Shirley

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

22 Steven Kinford #64984

23 Pro Per
24 1200 Prison Road
Lovelock Correctional Center
Lovelock, NV. 89419

- 1
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4
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

5
6

Social Security Administration

Office of the Attorney General
100 North Carson Street
Carson City, NV. 89701-4717

- 7
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9
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

10
11

N/A

- 12
13
6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

14
15

No, Pro Per

- 16
17
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

18
19

No

- 20
21
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

22
23

An Order to Proceed in Forma Pauperis was filed on 12/31/19.

- 24
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9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

A Petition for Request of Rehabilitation/Education Program was filed on 12/31/19.

- 26
27
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:

Petitioner filed a Petition for Request of Rehabilitation/Education Program on 12/31/19. An Order Denying Tort Action for Request of

1 Rehabilitation/Education Program was filed on 03/09/21. A Notice of
2 Appeal was filed on 03/18/21, which resulted in this instant appeal.

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

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

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

- 8 13. If this is a civil case, indicate whether this appeal involves the possibility of
9 settlement: No, an Order Denying Tort Action for Request of
10 Rehabilitation/Education Program was filed.

11 Dated this 22nd day of March 2021.

12 /s/ Carol Elerick
13 Carol Elerick
14 Senior Court Clerk
15 P.O. Box H
16 Lovelock, NV. 89419
17 (775) 273-2410
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1 Case No. 27CV-TT12-2019-0178

2 *Pursuant to NRS 239B.030, the undersigned affirms that this*

3 *Document does not contain social security numbers.*

4

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IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8

IN AND FOR THE COUNTY OF PERSHING

9

STEVEN KINFORD,

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Appellant,

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vs.

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SOCIAL SECURITY ADMINISTRATION,

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Respondent.

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**ORDER DIRECTING
TRANSMISSION OF RECORD**

282

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN KINFORD,
Appellant,
vs.
SOCIAL SECURITY
ADMINISTRATION,
Respondent.

No. 82665

FILED

MAR 31 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DIRECTING TRANSMISSION OF RECORD

Having reviewed the documents on file in this pro se appeal this court concludes that review of the complete record is warranted. NRAP 10(a)(1). Accordingly, within 30 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the trial court record in District Court Case No. 27CV-TT12-2019-0178. See NRAP 11(a)(2) (providing that the complete "record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court," as well as "any previously prepared transcripts of the proceedings in the district court"). The record shall not include any exhibits filed in the district court. NRAP 11(a)(1).

It is so ORDERED.

1. J. J. Sanders, C.J.

cc: Steven Kinford
Attorney General/Carson City
Attorney General/Las Vegas
Clerk of the Court/Court Administrator

1 Case No. 27CV-TT12-2019-0178
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5 IN THE ELEVENTH JUDICIAL DISTRICT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF PERSHING

7 Steven Kinford,)
8 Appellant,)
9 vs.)
10 Social Security Administration,)
11 Respondents.)

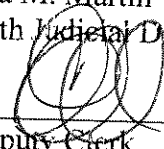
12 CERTIFICATE

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

16 I, Carol Elerick, Deputy Court Clerk, do hereby certify that the forgoing are true
17 and correct copies of the originals, (with the exception of the handwritten page numbers
18 in the lower righthand corner) of the documents filed in the above-entitled case, which
19 were ordered to the Supreme Court for the purpose of appeal.

20 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal
21 of said Court, at Lovelock, Nevada, this 13th day of April, A.D., 2021.

22 Katrena M. Martin
23 Eleventh Judicial District Court Clerk

24 By  Deputy Clerk
25
26

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 13, 2021

Elizabeth Brown
Supreme Court Clerk
201 South Carson Street
Carson City, NV 89701-4702


Re: Case #27CV-TT12-2019-0178
Steven Kinford vs. Social Security Administration

Dear Ms. Brown,

Enclosed please find the Record on Appeal for the above-entitled case, which was ORDERED to be sent to the Supreme Court, which was appealed to the Supreme Court.

If you have any questions regarding this matter, please call our office at (775) 273-2410.

Sincerely,



Carol Elerick
Deputy Clerk

ce
Encl.

☐ **Pershing County**
P.O. Box H
Lovelock, NV 89419
Tel. (775) 273-2410
Fax: (775) 273-2434

☐ **Lander County**
50 State Route 305
Battle Mountain, NV 89820
Tel. (775) 635-1332
Fax: (775) 635-0394

☐ **Mineral County**
P.O. Box 1450
Hawthorne, NV 89415-0400
Tel. (775) 945-0738
Fax: (775) 945-0706