

FILED

MAR 18 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

1 Bryan p Bonhum 60575
2 po Box 650 HOSP
3 Indian Springs, NEV 89070
4

5 SUPREME COURT OF
6 STATE OF NEVADA
7

C-153072981

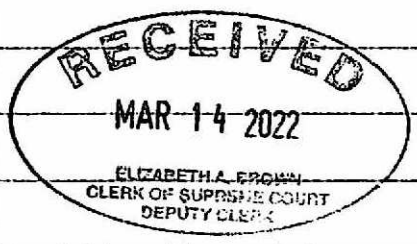
8 Bryan p Bonhum CASE NO. A-21-844910-W
9 petitioner SUPREME COURT NO 84105

10 -VS-

11 Eighth JUDICIAL DISTRICT Dept 6 PETITION FOR WRIT
12 Clerk OF The COURT Eighth Judicial OF MANDAMUS
13 DISTRICT Clark County, NEV.
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15

16 Comes now petitioner Bryan p Bonhum, moves this Honorable court to enter an order
17 granting this petition for writ of mandamus.

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19 this petition/motion is further made & based upon all the points & authorities
20 cited herein.
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POINTS AND AUTHORITIES

ARGUMENT

3. State v. Second Judicial District Court ex rel County of Washoe, 11 p.3d 1204 NEV
4. (2000) Petitions for extraordinary writs are addressed to the sound discretion of the
5. Supreme Court of Nevada and may issue when there is no plain, speedy and adequate
6. Remedy at Law.
7. Lewis v. Stewart 619 p.2d 1212, 96 NEV 846 (1980). A writ of mandamus is issued to
8. compel performance of an act which the Law especially enjoins as a duty resulting
9. from an office, trust, or station.
10. Burnes v. Eighth Judicial District Court of the State of Nevada, in and for Clark County,
11. 748 p.2d 483, 103 NEV 679 (1987). A writ of mandamus may issue to controre
12. arbitrary or capricious exercise of discretion.
13. Mineral County v. State Department of Conservation and Natural Resources, 20 p.3d
14. 800, NEV (2001). This court has also held that the action being sought to
15. be compelled must be one already required by Law.
16. Angell v. Eighth Judicial District Court in and for the County of Clark, 839 p.2d 1324, 108
17. NEV 923 (1992). mandamus is the appropriate vehicle for challenging contested
18. orders entered by the District Court.
19. Falcke v. Douglas County, 3 p.3d 661, NEV (2000). It has been held that a writ
20. of mandamus is proper when the petitioner raises urgent and important issues)
21. of Law requiring clarification by the Supreme Court.
22. Sorenson v. Paulikowski 94 NEV 440, 581 p.2d 851 (1978); Lapica v. Eighth Judicial
23. Dist Court ex rel County of Clark 97 NEV 86, 624 p.2d 1003 (1981) "the denial of
24. Summary Judgment is Reviewable by proceeding in mandamus"
25. Sindler v. Eighth Judicial Dist Court ex rel County of Clark, 96 NEV 622, 614 p.2d 10 (1980)
26. "writ of mandamus will issue to compel entry of a summary judgment when there
27. is no issue as to any material fact and the movant is entitled to judgment as
28. a matter of Law"

1 petitioner filed his writ of Habeas corpus pursuant to the All Writs Act 28 USC § 1651
2 on December 3rd, 2021 under case no. A-21-844910-W as well as a (MTCIS) motion
3 to correct illegal sentence on December 2nd, 2021 under case no. C-15-3072981. The
4 petition for writ of Habeas corpus challenges (smd) subject matter jurisdiction which
5 was dismissed/denied on February 17th, 2022 stating petitioners claims are
6 procedurally barred. petitioner contends this is an error by court. As
7 subject matter jurisdiction may be challenged if/when the court district court is/was
8 without jurisdiction to impose a sentence. See Edwards v State 112 Nev 704, 708
9 918 p.2d 321, 324 (1996). It is elementary that the jurisdiction of the court over the
10 subject matter of the action is the most critical aspect of the courts Authority
11 to Act, without it the court lacks any power to proceed. Galloway v Truesdell,
12 83 Nev. 13, 422 p.2d 237 (1967); Ali Khan I v United States, 200 F.3d 732
13 (11th Cir 2000); 21 corpus Juris secundum (CJS) "COURTS" § 18, p 25.
14 Therefore, a defence based upon this lack cannot be waived and may be asserted
15 at any time. Landreth v Malik, 127 Nev. Adv. Rep. 16, 251 p.3d 163 (Nev.2011);
16 Harris v United States, 149 F.3d 1309 (9th Cir 1998); Sanchez v Pacific Power Co,
17 147 F.3d 1097, 1100 (9th Cir 1998); Kelly v United States, 29 F.3d 1107, 1114 (9th
18 Cir 1994); and Conforte v United States, 979 F.2d 1375, 1377 (9th Cir 1992)
19 Subject matter jurisdiction defines a courts Authority to hear a given type
20 of case. United States v Morton 467 U.S. 822, 104 S.Ct 2764, 81 LEd 2d 680
21 (1984).
22 It is axiomatic that any action taken by a court when it lacked jurisdiction is
23 a nullity and void see Gschwind v Cessna Aircraft Co. 232 F.3d 1342, 1347
24 (10th Cir 2000); Schnier v District Court in and for City and County of Denver
25 696 P.2d 264, 266 (Colo 1985); and Valley v Northern Fire & Marine Co, 254 U.S.
26 384, 353-54 (1920)
27 Thus not only did court error in the denial of the petitioners writ of Habeas
28 corpus. To deny petitioners request for a copy of the 'ORDER', only to

1 issue Him a copy of JOURNAL ENTRIES is a violation of State Law i.e. NRS 19.01

2 3 (6)

3 CLERK OF THE COURTS JOB

4 "His [Clerk of the Court] Job is to file pleadings and other documents, maintain

5 the courts files and inform litigants of entry of court orders" see Sanders v

6 Department of Corrections 81 S.F. Supp. 1148, 1149 (N.D. Ill. 1993); Williams v

7 Pucinski C.I.C. 5588 (N.D. Ill. 01/13/2004) "The duty of the clerk is to file the

8 document on the date it was presented to him was a ministerial act, the

9 performance of which could be compelled by a writ of mandamus." Raesch:

10 Zeller, Inc. v. Hollembeak 124 NE 2d 662, 664 (Ill. App. Ct. 1995); also see

11 Snyder v. Iolen 380 F.3d 279 (7th Cir. 08/13/2004)

12 In Bryan Phillip Bonham v. STATE OF NEVADA AND Steven Grierson case NO 82710-

13 COA IN THE COURT OF APPEALS OF THE STATE OF NEVADA pursuant to title 2 of the

14 NRS which governs civil proceedings, and subsection 6 of the statute expressly

15 states that "No fee may be charged for any services rendered to a

16 defendant or the defendant's attorney in any criminal case or in habeas corpus

17 proceedings" see NRS 19.013(6) petitioner has requested a copy of the order

18 given on 1/1/202. The court of Appeals stated that petitioners

19 allegations were sufficient to state a viable claim for a mandatory injunction

20 requiring Grierson to provide him a free copy of the order see also City of

21 Beno v. Matley, 79 Nev 49 60-61, 378 p.2d 256, 262 (1963)

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CONCLUSION

wherefore petitioner respectfully requests this court to enter an Affirmative decision & order that Respondent Eighth Judicial District Dept No. 6 enter an order that clerk of the court issue a copy of said order(s) dismissing petition for Habeas corpus writ & motion to correct illegal sentence (M.C.I.S.) As petitioner is a prose defendant & entitled to a copy of said order, rather than only receiving Journal entries & or court minutes.

VERIFICATION

I Bryan P Bonham declare and verify that I have read the foregoing petition for writ of mandamus and to the best of my belief and knowledge that the foregoing is true & correct under the pains & penalties of perjury pursuant to 28 U.S.C.A. § 1746 & 18 U.S.C.A. § 1621

CERTIFICATE OF SERVICE

I Bryan P Bonham certify that I have read the foregoing petition for writ of mandamus, that I am attaching special instructions for electronic filing & service to the clerk of the court to serve all of my opponents pursuant to N.E.F.C.R.S.(K), 9 et seq 4-2 to the following

DISTRICT ATTORNEY

Steve Wolfson

200 Lewis Ave

LV. NV. 89155

Dated this 4th day of March, 2022



Bryan P Bonham 60575

P.O. Box 650 HOSP

Indian Springs, Nev 89020