

1 CASE NO: 21 DC D0068 B

2 DEPT NO: 2

REC'D & FILED

2022 FEB -7 PM 4:46

Electronically Filed  
Feb 09 2022 03:42 p.m.

AUBREY R. BROWN  
CLERK

Elizabeth A. Brown  
Clerk of Supreme Court

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IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

5

IN AND FOR CARSON CITY

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8

MICHAEL JOSEPH GEIGER

9

PETITIONER

NOTICE OF APPEAL

10

V.

11

THE STATE OF NEVADA, EX REL: INDOX ETAL

12

RESPONDANT

13

14

NOTICE IS GIVEN THAT PETITIONER, MICHAEL JOSEPH GEIGER,

15

IN PRO-SE, HEREBY APPEALS TO THE NEVADA SUPREME COURT THE

16

NOTICE OF ENTRY OF ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

17

FILED/ENTERED ON OR ABOUT THE 14<sup>TH</sup> DAY OF JANUARY, 2022

18

IN THE ABOVE-ENTITLED COURT.

19

DATED THIS 3<sup>RD</sup> DAY OF FEBRUARY, 2022.

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21

BY:                     

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MICHAEL JOSEPH GEIGER

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PETITIONER IN PRO-SE

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LOVELOCK CORRECTIONAL CENTER

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1200 PRISON ROAD

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LOVELOCK, NV 89419


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1 CERTIFICATE OF SERVICE

2 I DO CERTIFY THAT I MAILED A TRUE AND CORRECT COPY OF THE  
3 FOREGOING NOTICE OF APPEAL TO THE BELOW ADDRESS ON THIS  
4 3<sup>rd</sup> OF FEBRUARY, 2022, BY PLACING THE SAME IN THE U.S.  
5 MAIL VIA PRISON LAW LIBRARY STAFF;


6  
7 AARON D. FORD  
8 ATTORNEY GENERAL  
9 JOHN C. BORAME  
10 100 N. CARSON ST.  
11 CARSON CITY, NV 89701-4717

12  
13 BY:   
14 MICHAEL JOSEPH GAGER  
15 1200 PRISON ROAD  
16 LOVELOCK, NV 89419  
17 PETITIONER IN PRO-SE  
18

19 AFFIRMATION PURSUANT TO NRS 239B.030

20 THE UNDERSIGNED DOES HEREBY AFFIRM THAT THE PRECEDING  
21 NOTICE OF APPEAL DOES NOT CONTAIN THE SOCIAL SECURITY  
22 NUMBER OF ANY PERSON.

23 DATED THIS 3<sup>rd</sup> DAY OF FEBRUARY, 2022.

24 BY:   
25 MICHAEL JOSEPH GAGER  
26 PETITIONER IN PRO-SE  
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28

REC'D & FILED

2022 FEB -8 AM 8:51

AUDREY KOWALATT  
CLERK

BY *[Signature]*  
DEPUTY

**In The First Judicial District Court of the State of Nevada  
In and for Carson City**

MICHAEL JOSEPH GEIGER,

Case No.: 21 OC 00068 1B

Petitioner(s),

Dept. No.: II

vs.

STATE OF NEVADA, EX REL. NEVADA  
DEPARTMENT OF CORRECTIONS,  
Respondent(s).

**CASE APPEAL STATEMENT**

1. Name of appellant filing this case appeal statement:

- MICHAEL JOSEPH GEIGER

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

- HONORABLE JAMES E. WILSON, JR.

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

- MICHAEL JOSEPH GEIGER #76906 (APPELLANT IN PROPER PERSON)  
1200 PRISON ROAD  
LOVELOCK, NV 89419

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):

- STATE OF NEVADA; NEVADA DEPARTMENT OF CORRECTIONS  
(RESPONDENTS)  
AARON D. FORD, ATTORNEY GENERAL (COUNSEL FOR RESPS)  
100 N. CARSON STREET  
CARSON CITY, NV 89701-4717



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

5 - NOT APPLICABLE

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

8 - APPELLANT IN PROPER PERSON IN DISTRICT COURT

9 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

10 - APPELLANT IN PROPER PERSON ON APPEAL

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

13 - ORDER TO PROCEED IN FORMA PAUPERIS FILED AUG. 3, 2021

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

16 - WRIT OF MANDAMUS FILED AUG. 3, 2021

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

20 - ORDER DENYING PETITION FOR A WRIT OF MANDAMUS  
21 (AMENDED) FILED JAN. 6, 2022

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

25 - NOT APPLICABLE

26 12. Indicate whether this appeal involves child custody or visitation:

27 - NOT APPLICABLE

1 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:  
2 - NOT APPLICABLE.

3 Dated this 8th day of February, 2022.

4 AUBREY ROWLATT, Carson City Clerk  
5 885 E. Musser St., #3031  
6 Carson City, NV 89701

7 By  Deputy  
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Judge: WILSON JR, JAMES E

Case No. 21 OC 00068 1B  
Ticket No.  
CTN:

GEIGER, MICHAEL T

By:

-vs-

STATE OF NEVADA

DRSPND

By:

Dob:

Sex:

Lic:

Sid:

Plate#:

Make:

Year:

Accident:

Type:

Venue:

Location:

GEIGER, MICHAEL T

PLNTPET

Bond:

Set:

Type:

Posted:

Charges:

Ct.

Offense Dt:

Cvr:

Arrest Dt:

Comments:

Sentencing:

| No. | Filed    | Action  | Operator   | Fine/Cost | Due  |
|-----|----------|---|------------|-----------|------|
| 1   | 02/08/22 | CASE APPEAL STATEMENT   | 1BJHIGGINS | 0.00      | 0.00 |
| 2   | 02/07/22 | NOTICE OF APPEAL  | 1BCCOOPER  | 0.00      | 0.00 |
| 3   | 01/27/22 | PETITIONER'S REPLY TO<br>OPPOSITION TO MOTION IN<br>OPPOSITION TO COURT ORDER<br>BEING IMPLEMENTED AGAINST<br>PETITIONER IN VIOLATION OF<br>PROPER PROCEDUREAL<br>CONSIDERATION UNDER WRIT OF<br>MANDAMUS | 1BPETERSON | 0.00      | 0.00 |
| 4   | 01/14/22 | NOTICE OF ENTRY OF ORDER  | 1BSBARAJAS | 0.00      | 0.00 |
| 5   | 01/07/22 | OPPOSITION TO MOTION IN<br>OPPOSITION TO COURT ORDER<br>BEING IMPLEMENTED AGAINST<br>PETITIONER IN VIOLATION OF<br>PROPER PROCEDURAL<br>CONSIDERATION UNDER WRIT OF<br>MANDAMUS                           | 1BCCOOPER  | 0.00      | 0.00 |
| 6   | 01/07/22 | SUMMARY JUDGMENT  | 1BJULIEH   | 0.00      | 0.00 |
| 7   | 01/06/22 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED   | 1BJULIEH   | 0.00      | 0.00 |
| 8   | 01/06/22 | ORDER DENYING PETITION FOR A<br>WRIT OF MANDAMUS (AMENDED)  | 1BJULIEH   | 0.00      | 0.00 |
| 9   | 12/30/21 | MOTION IN OPPOSITION TO COURT<br>ORDER BRING IMPLEMENTED<br>AGAINST PETITION IN VIOLATION<br>OF PROPER PROCEDUREAL<br>CONSIDERATION UNDER WRIT OF<br>MANDAMUS   | 1BCCOOPER  | 0.00      | 0.00 |
| 10  | 12/16/21 | NOTICE OF ENTRY OF ORDER  | 1BPETERSON | 0.00      | 0.00 |
| 11  | 12/13/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED   | 1BPETERSON | 0.00      | 0.00 |
| 12  | 12/13/21 | ORDER FOR PROPOSED ORDER  | 1BPETERSON | 0.00      | 0.00 |
| 13  | 12/03/21 | REQUEST FOR SUBMISSION  | 1BCCOOPER  | 0.00      | 0.00 |
| 14  | 11/12/21 | REPLY TO OPPOSITION TO MOTION<br>FOR DISCLOSURE OF ACCOUNTS<br>STATEMENTS AND COURT ORDER TO<br>AUDIT NDOC: INMANTE BANKING   | 1BJHIGGINS | 0.00      | 0.00 |
| 15  | 11/08/21 | REPLY TO OPPOSITION TO WRIT<br>OF MANDAMUS  | 1BSBARAJAS | 0.00      | 0.00 |

| No. | Filed    | Action  | Operator   | Fine/Cost | Due  |
|-----|----------|---|------------|-----------|------|
| 16  | 10/27/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED   | 1BJULIEH   | 0.00      | 0.00 |
| 17  | 10/27/21 | ORDER DENYING PETITIONER'S<br>MOTION FOR DISCLOSURE OF<br>ACCOUNT STATEMENTS  | 1BJULIEH   | 0.00      | 0.00 |
| 18  | 10/26/21 | REQUEST FOR SUBMISSION  | 1BPETERSON | 0.00      | 0.00 |
| 19  | 10/26/21 | OPPOSITION TO MOTION FOR<br>DISCLOSURE OF ACCOUNT<br>STATEMENTS AND COURT ORDER TO<br>AUDIT NDOC: INMATE BANKING  | 1BPETERSON | 0.00      | 0.00 |
| 20  | 10/26/21 | MOTION IN OPPOSITION TO MOTIN<br>FOR EXTENSION OF TIME  | 1BPETERSON | 0.00      | 0.00 |
| 21  | 10/22/21 | RESPONSE TO MOTION FOR WRIT<br>OF MANDAMUS (AMENDED)  | 1BCFRANZ   | 0.00      | 0.00 |
| 22  | 10/15/21 | ORDER GRANTING MOTION FOR<br>EXTENSION OF TIME TO FILE<br>OPPOSITION TO PLAINTIFF'S<br>MOTOIN FOR DISCLOSURE OF<br>ACCOUNT STATEMENTS AND COURT<br>ORDER TO AUDIT NDOC: INMATE<br>BANKING | 1BPETERSON | 0.00      | 0.00 |
| 23  | 10/13/21 | MOTION FOR EXTENSION OF TIME<br>TO FILE OPPOSITION TO<br>PLAINTIFF'S MOTION FOR<br>DISCLOSURE OF ACCOUNT<br>STATEMENT S AND COURT ORDER<br>TO AUDIT NDOC: INMATE BANKING                  | 1BPETERSON | 0.00      | 0.00 |
| 24  | 10/08/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED   | 1BCCOOPER  | 0.00      | 0.00 |
| 25  | 10/08/21 | ORDER DENYING REQUEST TO<br>SUBMIT  | 1BCCOOPER  | 0.00      | 0.00 |
| 26  | 10/07/21 | REQUEST FOR SUBMISSION<br>MOTION(S)   | 1BSBARAJAS | 0.00      | 0.00 |
| 27  | 09/22/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED   | 1BSBARAJAS | 0.00      | 0.00 |
| 28  | 09/22/21 | ORDER DENYING REQUEST TO<br>SUBMIT  | 1BSBARAJAS | 0.00      | 0.00 |
| 29  | 09/21/21 | REQUEST FOR SUBMISSION  | 1BCCOOPER  | 0.00      | 0.00 |
| 30  | 09/21/21 | COURT ORDER TO AUDIT NDOC;<br>INMATE BANKING  | 1BCCOOPER  | 0.00      | 0.00 |
| 31  | 09/21/21 | MOTION FOR DISCLOSURE OF<br>ACCOUNT STATEMENTS  | 1BCCOOPER  | 0.00      | 0.00 |
| 32  | 09/21/21 | NOTIFICATION OF UPDATE ON<br>SB-22 COMPLIANCE   | 1BCCOOPER  | 0.00      | 0.00 |
| 33  | 09/09/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED   | 1BCCOOPER  | 0.00      | 0.00 |
| 34  | 09/09/21 | ORDER FOR RESPONSE  | 1BCCOOPER  | 0.00      | 0.00 |
| 35  | 08/18/21 | REQUEST FOR RESUBMISSION OF<br>MOTION   | 1BCCOOPER  | 0.00      | 0.00 |
| 36  | 08/04/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED   | 1BJHIGGINS | 0.00      | 0.00 |
| 37  | 08/04/21 | ORDER DENYING REQUEST FOR<br>SUBMISSION   | 1BJHIGGINS | 0.00      | 0.00 |
| 38  | 08/03/21 | REQUEST FOR SUBMISSION (2)  | 1BPETERSON | 0.00      | 0.00 |
| 39  | 08/03/21 | MOTION FOR INJUNCTIVE RELIEF  | 1BPETERSON | 0.00      | 0.00 |
| 40  | 08/03/21 | WRIT OF MANDAMUS - CIVIL (NEW<br>FILING)  | 1BPETERSON | 265.00    | 0.00 |

| No. | Filed    | Action   | Operator   | Fine/Cost | Due  |
|-----|----------|--|------------|-----------|------|
| 41  | 08/03/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED                  | 1BPETERSON | 0.00      | 0.00 |
| 42  | 08/03/21 | ORDER TO PROCEED IN FORMA<br>PAUPERIS - GRANTED                    | 1BPETERSON | 0.00      | 0.00 |
| 43  | 07/29/21 | REQUEST FOR SUBMISSION OF<br>MOTIONS                               | 1BSBARAJAS | 0.00      | 0.00 |
| 44  | 07/29/21 | SUBMISSION OF SIX MONTH<br>ACCOUNT STATEMENTS                      | 1BCCOOPER  | 0.00      | 0.00 |
| 45  | 07/12/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED                  | 1BSBARAJAS | 0.00      | 0.00 |
| 46  | 07/12/21 | ORDER GRANTING MOTION FOR<br>EXTENSION                             | 1BSBARAJAS | 0.00      | 0.00 |
| 47  | 07/07/21 | REQUEST FOR SUBMISSION   | 1BVANESSA  | 0.00      | 0.00 |
| 48  | 07/07/21 | MOTION FOR EXTENSION OF TIME                                       | 1BVANESSA  | 0.00      | 0.00 |
| 49  | 06/24/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED                  | 1BCCOOPER  | 0.00      | 0.00 |
| 50  | 06/24/21 | ORDER DENYING MOTION   | 1BCCOOPER  | 0.00      | 0.00 |
| 51  | 06/21/21 | REQUEST FOR SUBMISSION OF<br>MOTION                                | 1BSBARAJAS | 0.00      | 0.00 |
| 52  | 06/21/21 | MOTION TO SHOW CAUSE   | 1BSBARAJAS | 0.00      | 0.00 |
| 53  | 06/11/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED                  | 1BSBARAJAS | 0.00      | 0.00 |
| 54  | 06/11/21 | ORDER DENYING MOTION   | 1BSBARAJAS | 0.00      | 0.00 |
| 55  | 06/03/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED                  | 1BPETERSON | 0.00      | 0.00 |
| 56  | 06/03/21 | ORDER GRANTING EX PARTE<br>MOTOIN FOR ATTORNEY'S FEES<br>AND COSTS | 1BPETERSON | 0.00      | 0.00 |
| 57  | 06/03/21 | REQUEST FOR SUBMISSION OF<br>MOTION                                | 1BPETERSON | 0.00      | 0.00 |
| 58  | 06/03/21 | MOTION IN OPPOSITION TO ORDER                                      | 1BPETERSON | 0.00      | 0.00 |
| 59  | 06/02/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED                  | 1BCCOOPER  | 0.00      | 0.00 |
| 60  | 06/02/21 | ORDER DENYING REQUEST FOR<br>SUBMISSION                            | 1BCCOOPER  | 0.00      | 0.00 |
| 61  | 05/28/21 | REQUEST FOR SUBMISSION   | 1BPETERSON | 0.00      | 0.00 |
| 62  | 05/28/21 | MOTION FOR EXTENSION OF TIME                                       | 1BPETERSON | 0.00      | 0.00 |
| 63  | 05/25/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED                  | 1BCCOOPER  | 0.00      | 0.00 |
| 64  | 05/25/21 | ORDER EXTENDING TIME   | 1BCCOOPER  | 0.00      | 0.00 |
| 65  | 05/21/21 | CERTIFICATE OF INMATE'S<br>INSTITUTIONAL ACCOUNT                   | 1BSBARAJAS | 0.00      | 0.00 |
| 66  | 04/28/21 | FILE RETURNED AFTER<br>SUBMISSION - ORDER ENTERED                  | 1BSBARAJAS | 0.00      | 0.00 |
| 67  | 04/28/21 | ORDER ON MOTION FOR LEAVE TO<br>PROCEED INFORMA PAUPERIS           | 1BSBARAJAS | 0.00      | 0.00 |



|                       |          |   |            |        |      |
|-----------------------|----------|---|------------|--------|------|
| 68                    | 04/26/21 | APPLICATION TO PROCEED IN<br>FORMA PAUPERIS | 1BSBARAJAS | 0.00   | 0.00 |
| Total:                |          |   |            | 265.00 | 0.00 |
| Totals By: COST       |          |   |            | 265.00 | 0.00 |
| INFORMATION           |          |   |            | 0.00   | 0.00 |
| *** End of Report *** |          |   |            |        |      |

AARON D. FORD  
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*Attorneys for Respondent*

REC'D & FILED  
2022 JAN -8 AM 9:50  
AUCHEY ROWLAND  
CLERK  
BY  
DEPUTY

**IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR CARSON CITY**

MICHAEL JOSEPH GEIGER,  
Petitioner,

Case No. 21 OC 00068 1B

Dept. No. 2

vs.

STATE OF NEVADA, Ex rel., NDOC,  
et al.,

Respondent.

**~~PROPOSED~~ ORDER DENYING PETITION FOR A WRIT OF MANDAMUS  
(AMENDED)**

Having reviewed Petitioner Michael Joseph Geiger's (Petitioner) Petition for a Writ of Mandamus (Amended) filed August 16, 2021, and Respondent State of Nevada, Ex rel., NDOC, et al. (Respondent or NDOC) Response thereto, and having considered the papers and pleadings on file, and good cause appearing, the Court makes the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

1. Petitioner is an inmate in the lawful custody of the Nevada Department of Corrections (NDOC) housed at Lovelock Correctional Center (LCC). Petitioner submits this Petition for a Writ of Mandamus pursuant to Nevada Revised Statute (NRS) 34.150 and 160, requesting this Court mandate Respondent to comply with the law as prescribed by NRS

1 21.150 (1) subsection (n)<sup>1</sup> and the newly passed Senate Bill 22 (SB22). (See Writ of Mandamus at  
2 1:14-17).

3 2. Petitioner alleges that NDOC withheld funds from two (2) economic impact checks  
4 which were deposited in Petitioner's inmate trust account by the Department of the Treasury. (See  
5 Writ of Mandamus at 2:2-12). Petitioner further alleges that the withholding of these funds was  
6 prohibited by NRS 21.105 and that NDOC refuses to refund the withheld sums. (See Writ of  
7 Mandamus at 2:13-18).

8 3. Finally, Petitioner alleges that SB22, which had an effective date of July 1, 2021  
9 also precluded the withholding of these funds and that NDOC improperly refused to apply this bill  
10 retroactively. As such, Petitioner requests this Court mandate that NDOC refund the withheld  
11 amounts.

12 4. Petitioner asserts that on November 29, 2021, he received an economic impact  
13 payment of \$1,200.00. (See Writ of Mandamus at 2:2-3). That payment was deposited into  
14 Petitioner's trust account on December 9, 2020. (See Daily Transaction Summary at pg. 3, attached  
15 as **Exhibit 1**). Various amounts were deducted from this payment for debts and obligations. (See  
16 Writ of Mandamus at 2:5-7; **Exhibit 1** at pg.3). These amounts included, among other things, court  
17 fees, fees for copies, postage, payments to parole and probation, and other charges related to  
18 Petitioner's imprisonment. (See **Exhibit 1** at pgs. 3-4).

19 5. Thereafter, Petitioner received a second economic impact payment, in the amount of  
20 \$1,400.00, receipt of which Petitioner claims was May 24, 2021. (See Writ of Mandamus at 2:10).  
21 This payment was deposited into Petitioner's trust account that same day. (See **Exhibit 1** to  
22 Respondent's Response at pg. 4). As with the first check, various amounts for court fees and fines,  
23 fees for copies and postage, as well as payments to parole and probation, and other charges related to  
24 Petitioner's imprisonment. (See **Exhibit 1** to Respondent's Response at pgs. 4-8).

25 ///

26  
27 <sup>1</sup> The Court notes that NRS 21.150 does not deal with property that may or may not be exempt from execution and does  
28 not contain a subsection (1) or a subsection (n). The Court believes Petitioner is referencing NRS 21.105, which does  
apply to property that may or may not be exempt from execution and does contain the subsections noted in the Petition.  
As such, throughout this Order, The Court will refer to NRS 21.105, which Respondent has explained Petitioner raised  
and correctly cited to when Petitioner previously submitted a grievance on this issue.

6. Petitioner claims he filed grievances following the withholding of funds from these checks, to no avail. (*See* Writ of Mandamus at 2:7-9; 11-12; 19-21). This writ followed.

## II. CONCLUSIONS OF LAW

1. A writ of mandamus is an extraordinary remedy and the decision to entertain a petition requesting such relief is within the court's discretion. *Smith v. District Court*, 107 Nev. 674, 818 P.3d 849 (1991); *Dangberg Holdings v. Douglas Co.*, 115 Nev. 129, 978 P.2d 311 (1999). A writ of mandamus is available "to compel the performance of an act that the law requires as a duty resulting from an 'office, trust or station' or to control an arbitrary or capricious exercise of discretion." *SFPP, L.P. v. Second Judicial Dist. Court*, 123 Nev. 608, 610-611, 173 P.3d 715, 716-717 (2007) (citing NRS 34.160); *Cheung v. District Court*, 121 Nev. 867, 868-869, 124 P.3d 550, 552 (2005).

2. "Mandamus will not lie to control discretionary action unless discretion is manifestly abused or is exercised arbitrarily or capriciously." *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). "When an officer or board undertakes a discretionary act, a mandamus will not lie to compel such." *Board of County Com'rs of Clark County v. Las Vegas Discount Golf & Tennis, Inc.*, 110 Nev. 567, 570, 875 P.2d 1045, 1047 (1994).

3. A petition for writ of mandamus will only be granted when the petitioner has a clear right to the relief requested and no plain, speedy and adequate remedy in the ordinary course of law. NRS 34.170; *Gumm v. State Dept. of Education*, 121 Nev. 371, 375, 113 P.3d 853, 856 (2005). The petitioner bears the burden of demonstrating that the court's intervention by way of extraordinary relief is warranted. *Pan v. District Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

4. Respondent disagrees that a writ petition is appropriate in this matter and argues that Petitioner has failed to show the necessity for the Court's intervention.

5. Respondent notes that the Nevada Supreme Court has previously upheld a denial of a similar petition, finding that a prisoner alleging violation of constitutional rights have an adequate remedy in the ordinary course of law and is not entitled to the extraordinary remedy of writ relief. *White v. Palmer*, 130 Nev. 1261 (2014).

///

1           6.       Respondent further argues that the Court of Appeals of Nevada has also upheld a  
2 denial of a petition for a writ of mandamus finding that the prisoner in that case had an adequate  
3 legal remedy to address alleged violation of constitutional rights. *Centofanti v. Aranas*, 133 Nev. 994  
4 (Nev. App. 2017).

5           7.       Respondent cites to various other cases where the Nevada Supreme Court and the  
6 Court of Appeals of Nevada denied or upheld the denial of a prisoner's petition for writ of  
7 mandamus based on a violation of constitutional rights. *See Parks v. State*, 125 Nev. 1068 (2009);  
8 *Howell v. Baker*, 484 P.3d 282 (Nev. App. 2021).

9           8.       The Court agrees with Respondent and is persuaded by the case law cited by the  
10 Respondent.

11           9.       Here, Petitioner is essentially alleging violations of his Fourth and Eighth  
12 Amendment rights based on confiscation of his property (i.e., stimulus funds) and conditions of  
13 confinement. As the Nevada Supreme Court has affirmed, a prisoner has an adequate remedy at law  
14 to address an alleged violation of constitutional rights. Indeed, Petitioner has "a speedy and adequate  
15 remedy in the ordinary course of law in the form of a lawsuit challenging" the alleged constitutional  
16 violation. *See White v. Palmer*, 130 Nev. 1261 (2014).

17           10.      The Nevada Supreme Court has noted that while a writ petition may be faster than a  
18 lawsuit, "the fact that mandamus would give an easier or more expeditious remedy is not the  
19 criterion." *See Washoe Cty. v. City of Reno*, 77 Nev. 152, 156, 360 P.2d 602, 603 (1961)(finding "[a]  
20 remedy does not fail to be speedy and adequate, because, by pursuing it through the ordinary course  
21 of law, more time probably would be consumed than in a mandamus proceeding").

22           11.      Here, the Petition does not allege, let alone demonstrate, that Petitioner has no  
23 available remedy for whatever injuries he is alleging. *See Petition generally*. Therefore, the Court  
24 finds that Petitioner has an adequate remedy at law and is not entitled to extraordinary remedy of a  
25 writ of mandamus. Because Petitioner has not demonstrated that he has no available remedy, the  
26 Petition will be denied.

27           12.      The Nevada Supreme Court has long recognized that "[m]andamus will not issue  
28 unless a clear legal right to the relief sought is shown." *State ex rel. Conklin v. Buckingham*, 58 Nev.



1 450, 83 P.2d 462, 463 (1938); *State v. Daugherty*, 48 Nev. 299, 231 P. 384, 385 (1924)(recognizing  
2 mandamus will never issue, unless a clear, legal right to the relief sought is shown); *State v. Boerlin*,  
3 30 Nev. 473, 98 P. 402 (1908)(Mandamus goes out only where there is a clear legal right in the  
4 relator and a corresponding duty on the defendant); *Savicic v. Eighth Jud. Dist. Ct. ex rel. Cty. of*  
5 *Clark*, 124 Nev. 1506, 238 P.3d 852 (2008); *Santillanes v. State Bd. of Parole Comm'rs*, 126 Nev.  
6 753, 367 P.3d 816 (2010)(Mandamus may not issue unless the petitioner has “a clear, legal right to  
7 the relief sought”)(citation omitted). In addition, “as a general rule, the writ will not lie to undo what  
8 ought not to have been done.” *Buckingham*, supra. 58 Nev. at 450, 83 P.2d at 463.

9 13. The Court finds Petitioner is not entitled to clear relief pursuant to NRS 21.105.

10 14. Petitioner challenges NDOC’s withholding of monies for debts and obligations, and  
11 other costs associated with his incarceration based on NRS 21.105(1)(n). (See Writ of Mandamus at  
12 2:13-1-17). In this regard, Petitioner argues that the afore-mentioned statute forbids prison officials  
13 from removing funds from an inmate’s account for any court fees, civil judgments of any kind or  
14 debts that may be owed. *Id.*

15 15. NRS 21.105 provides in relevant part:

16 1. If a *writ of execution or garnishment is levied on the personal bank*  
17 *account of the judgment debtor* and money has been deposited into the  
18 account electronically within the immediately preceding 45 days from the  
19 date on which the writ was served which is reasonably identifiable as exempt  
20 from execution, notwithstanding any other deposits of money into the  
21 account, \$2,000 or the entire amount in the account, whichever is less, is not  
22 subject to execution and must remain accessible to the judgment debtor. For  
the purposes of this section, money is reasonably identifiable as exempt from  
execution if the money is deposited in the bank account by the United States  
Department of the Treasury, including, without limitation, money deposited  
as:

23 \* \* \*

24 (n) Benefits provided pursuant to any other federal law.

25 6. A financial institution which makes a reasonable effort to determine  
26 whether money in the account of a judgment debtor is subject to execution  
for the purposes of this section is immune from civil liability for any act or  
omission with respect to that determination . . .

27 7. Nothing in this section requires a financial institution to revise its  
28 determination about whether money is exempt, except by an order of a court.  
[emphasis added].

1           16. Here, the Court finds that this statute does not apply to this matter and Petitioner's  
2 reliance on the same is misplaced. The Court notes there has been no writ of execution or  
3 garnishment issued by any court that has been levied on Petitioner's personal bank account. The  
4 Court further notes that Petitioner's inmate trust account is not his personal outside bank account  
5 that Petitioner maintains with a separate financial institution. Similarly, the Court notes Respondent  
6 is not a financial institution and is not charged with determining whether monies are or are not  
7 exempt from execution.

8           17. The Court finds Petitioner is not entitled to clear relief pursuant to SB 22.

9           18. Petitioner also seeks this Court's intervention by virtue of the text of SB22, which  
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11 Mandamus at 3:4-6). SB22 was promulgated to make various changes to existing law with respect to  
12 among other things, deductions from the trust account and wages of an offender, as well as to the  
13 priority of deductions to ensure that victims of crime received the restitution they are entitled to. (*See*  
14 **Exhibit 2** to Respondents' Response at at pg.1).

15           19. However, as Petitioner has acknowledged the effective date of this bill was July 1,  
16 2021. (*See* Writ of Mandamus at 3:4-5; *see also* **Exhibit 2** to Respondents' Response at pg.14).  
17 Petitioner also acknowledges that both economic impact checks were received prior to the effective  
18 date of SB22. (*See* Writ of Mandamus at 2:2-10).

19           20. Nonetheless, Petitioner argues that SB22 should have been "retroactively" applied by  
20 Respondent and that based on that retroactive application, Respondent was only entitled to take a  
21 25% deduction from outside source money. (*See* Writ of Mandamus at 3:4-6).<sup>2</sup>

22           21. The Court finds Petitioner's argument is contrary to well-established law.

23           22. The Nevada Supreme Court long-ago noted "[i]n Nevada and neighboring  
24 jurisdictions, changes in statutes are *presumed to operate prospectively* absent clear legislative intent  
25 to apply a statute retroactively. *Castillo v. State*, 110 Nev. 535, 540, 874 P.2d 1252, 1256 (1994),  
26

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28 <sup>2</sup> Respondent has acknowledged that SB22 amends NRS 209.247 to now preclude the Director from deducting more than 25% of each deposit from a source other than the offender's wages. (*See* **Exhibit 2** to Respondents' Response at pg. 6). Respondent argues however, that this does not change the fact that retroactive application of SB22 is not proper or permissible under Nevada law.

1 disapproved of on other grounds by *Wood v. State*, 111 Nev. 428, 892 P.2d 944 (1995)(citations  
2 omitted)[emphasis added].

3 23. The High Court has approvingly cited *Castillo*, and reaffirmed this position several  
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5 *Jud. Dist. Ct. ex rel. Cty. of Washoe*, 124 Nev. 564, 570, 188 P.3d 1079, 1083 (2008)(noting the case  
6 law “demonstrate this court's continued adherence to the general rule”). Similarly, this principle  
7 holds true even where the statutory change is strictly procedural. See *Castillo*, 110 Nev. at 541, 874  
8 P.2d at 1256 (rejecting appellant's argument that procedural changes should apply retroactively).

9 24. The Court finds there is no indication that the Legislature intended SB22, which  
10 amended, among others NRS 209.247, apply retroactively. 110 Nev. at 540, 874 P.2d at 1256. To the  
11 contrary. In enacting SB22, the Legislature provided a clear and express start date, stating “[t]his act  
12 becomes effective on July 1, 2021. (See **Exhibit 2** to Respondents’ Response at pg. 14).

13 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Petitioner Michael Joseph  
14 Geiger’s Petition for a Writ of Mandamus (Amended) filed August 16, 2021 is **DENIED**.

15 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that all other  
16 motions currently pending before the Court are **DENIED** as moot and all issues contained therein are  
17 fully resolved as a result of this Order.

18 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that case No. 21  
19 OC 00068 1B is **CLOSED**.

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21 ///

22 ///

23 ///

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25 ///

26 ///

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28 ///

**IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that Respondent shall serve notice of the entry of order within seven (7) days from date of receipt of this Order.

**GOOD CAUSE APPEARING, IT IS SO ORDERED.**


DATED this 6 day of January 2021.

DISTRICT COURT JUDGE

December 21, 2021

Submitted by:

AARON D. FORD  
Attorney General

By  Bar No. 14619  
on behalf of  
JOHN C. DORAME, Bar No. 10029  
Deputy Attorney General  
State of Nevada  
100 N. Carson Street  
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Tel: (775) 684-1261  
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Attorneys for Defendants

1 AARON D. FORD  
Attorney General  
2 JOHN C. DORAME, Bar No. 10029  
Deputy Attorney General  
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100 N. Carson Street  
4 Carson City, NV 89701-4717  
Tel: (775) 684-1261  
5 E-mail: jdorame@ag.nv.gov

6 *Attorneys for Petitioner*

REC'D & FILED ✓

2022 JAN 14 PM 1:22

AUBREY ROWLATT  
CLERK

BY

DEPUTY

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8  
9 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
10 **IN AND FOR CARSON CITY**

11 MICHAEL JOSEPH GEIGER,  
12 Petitioner,

Case No. 21 OC 00068 1B

Dept. No. 2

13 vs.

14 STATE OF NEVADA, Ex rel., NEVADA  
15 DEPARTMENT OF CORRECTIONS,  
et al.,

16 Respondent.

17 **NOTICE OF ENTRY OF ORDER**

18 PLEASE TAKE NOTICE that an Order Denying Petition for a Writ of Mandamus was  
19 entered on January 6, 2022, in the above-referenced matter, a copy of which is attached hereto as  
20 Exhibit 1.

21 DATED this 14<sup>th</sup> day of January, 2022.

22 AARON D. FORD  
Attorney General

23  
24 By:

*John C. Dorame* *SBW 13661*  
JOHN C. DORAME, Bar No. 10029  
Deputy Attorney General

26 *Attorneys for Respondent*  
27  
28



**AFFIRMATION**  
**(Pursuant to NRS 239B.030)**

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

Dated this 14<sup>th</sup> day of January, 2022.

By:

 *spw 13lelel for*

JOHN C. DORAME, Bar No. 10029  
Deputy Attorney General

*Attorneys for Petitioner*

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of Nevada, and  
3 that on this 14th day of January, 2022, I caused to be deposited for mailing a true and correct copy of  
4 the foregoing, **NOTICE OF ENTRY OF ORDER** to the following:

5  
6 Michael J. Geiger, #76906  
7 Lovelock Correctional Center  
8 1200 Prison Road  
9 Lovelock, NV 89419  
10

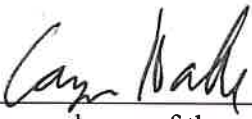
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12 An employee of the  
13 Office of the Attorney General  
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EXHIBIT 1

EXHIBIT 1

AARON D. FORD  
Attorney General  
JOHN C. DORAME, Bar No. 10029  
Deputy Attorney General  
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*Attorneys for Respondent*

RECEIVED & FILED  
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BY S. BARAJAS  
DEPUTY

**IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
**IN AND FOR CARSON CITY**

MICHAEL JOSEPH GEIGER,  
  
Petitioner,

Case No. 21 OC 00068 1B

Dept. No. 2

vs.

STATE OF NEVADA, Ex rel., NDOC,  
et al.,

Respondent.

**~~PROPOSED~~ ORDER DENYING PETITION FOR A WRIT OF MANDAMUS**  
**(AMENDED)**

Having reviewed Petitioner Michael Joseph Geiger's (Petitioner) Petition for a Writ of Mandamus (Amended) filed August 16, 2021, and Respondent State of Nevada, Ex rel., NDOC, et al. (Respondent or NDOC) Response thereto, and having considered the papers and pleadings on file, and good cause appearing, the Court makes the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

1. Petitioner is an inmate in the lawful custody of the Nevada Department of Corrections (NDOC) housed at Lovelock Correctional Center (LCC). Petitioner submits this Petition for a Writ of Mandamus pursuant to Nevada Revised Statute (NRS) 34.150 and 160, requesting this Court mandate Respondent to comply with the law as prescribed by NRS

1 21.150 (1) subsection (n)<sup>1</sup> and the newly passed Senate Bill 22 (SB22). (See Writ of Mandamus at  
2 1:14-17).

3 2. Petitioner alleges that NDOC withheld funds from two (2) economic impact checks  
4 which were deposited in Petitioner's inmate trust account by the Department of the Treasury. (See  
5 Writ of Mandamus at 2:2-12). Petitioner further alleges that the withholding of these funds was  
6 prohibited by NRS 21.105 and that NDOC refuses to refund the withheld sums. (See Writ of  
7 Mandamus at 2:13-18).

8 3. Finally, Petitioner alleges that SB22, which had an effective date of July 1, 2021  
9 also precluded the withholding of these funds and that NDOC improperly refused to apply this bill  
10 retroactively. As such, Petitioner requests this Court mandate that NDOC refund the withheld  
11 amounts.

12 4. Petitioner asserts that on November 29, 2021, he received an economic impact  
13 payment of \$1,200.00. (See Writ of Mandamus at 2:2-3). That payment was deposited into  
14 Petitioner's trust account on December 9, 2020. (See Daily Transaction Summary at pg. 3, attached  
15 as **Exhibit 1**). Various amounts were deducted from this payment for debts and obligations. (See  
16 Writ of Mandamus at 2:5-7; **Exhibit 1** at pg.3). These amounts included, among other things, court  
17 fees, fees for copies, postage, payments to parole and probation, and other charges related to  
18 Petitioner's imprisonment. (See **Exhibit 1** at pgs. 3-4).

19 5. Thereafter, Petitioner received a second economic impact payment, in the amount of  
20 \$1,400.00, receipt of which Petitioner claims was May 24, 2021. (See Writ of Mandamus at 2:10).  
21 This payment was deposited into Petitioner's trust account that same day. (See **Exhibit 1** to  
22 Respondent's Response at pg. 4). As with the first check, various amounts for court fees and fines,  
23 fees for copies and postage, as well as payments to parole and probation, and other charges related to  
24 Petitioner's imprisonment. (See **Exhibit 1** to Respondent's Response at pgs. 4-8).

25 ///

26  
27 <sup>1</sup> The Court notes that NRS 21.150 does not deal with property that may or may not be exempt from execution and does  
28 not contain a subsection (1) or a subsection (n). The Court believes Petitioner is referencing NRS 21.105, which does  
apply to property that may or may not be exempt from execution and does contain the subsections noted in the Petition.  
As such, throughout this Order, The Court will refer to NRS 21.105, which Respondent has explained Petitioner raised  
and correctly cited to when Petitioner previously submitted a grievance on this issue.



1           6.       Petitioner claims he filed grievances following the withholding of funds from these  
2 checks, to no avail. (See Writ of Mandamus at 2:7-9; 11-12; 19-21). This writ followed.

## 3       **II.       CONCLUSIONS OF LAW**

4           1.       A writ of mandamus is an extraordinary remedy and the decision to entertain a  
5 petition requesting such relief is within the court's discretion. *Smith v. District Court*, 107 Nev. 674,  
6 818 P.3d 849 (1991); *Dangberg Holdings v. Douglas Co.*, 115 Nev. 129, 978 P.2d 311 (1999). A  
7 writ of mandamus is available "to compel the performance of an act that the law requires as a duty  
8 resulting from an 'office, trust or station' or to control an arbitrary or capricious exercise of  
9 discretion." *SFPP, L.P. v. Second Judicial Dist. Court*, 123 Nev. 608, 610-611, 173 P.3d 715, 716-  
10 717 (2007) (citing NRS 34.160); *Cheung v. District Court*, 121 Nev. 867, 868-869, 124 P.3d 550,  
11 552 (2005).

12          2.       "Mandamus will not lie to control discretionary action unless discretion is manifestly  
13 abused or is exercised arbitrarily or capriciously." *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev.  
14 601, 603-04, 637 P.2d 534, 536 (1981). "When an officer or board undertakes a discretionary act, a  
15 mandamus will not lie to compel such." *Board of County Com'rs of Clark County v. Las Vegas*  
16 *Discount Golf & Tennis, Inc.*, 110 Nev. 567, 570, 875 P.2d 1045, 1047 (1994).

17          3.       A petition for writ of mandamus will only be granted when the petitioner has a clear  
18 right to the relief requested and no plain, speedy and adequate remedy in the ordinary course of law.  
19 NRS 34.170; *Gumm v. State Dept. of Education*, 121 Nev. 371, 375, 113 P.3d 853, 856 (2005). The  
20 petitioner bears the burden of demonstrating that the court's intervention by way of extraordinary  
21 relief is warranted. *Pan v. District Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

22          4.       Respondent disagrees that a writ petition is appropriate in this matter and argues that  
23 Petitioner has failed to show the necessity for the Court's intervention.

24          5.       Respondent notes that the Nevada Supreme Court has previously upheld a denial of a  
25 similar petition, finding that a prisoner alleging violation of constitutional rights have an adequate  
26 remedy in the ordinary course of law and is not entitled to the extraordinary remedy of writ relief.  
27 *White v. Palmer*, 130 Nev. 1261 (2014).

28       ///

1           6.       Respondent further argues that the Court of Appeals of Nevada has also upheld a  
2 denial of a petition for a writ of mandamus finding that the prisoner in that case had an adequate  
3 legal remedy to address alleged violation of constitutional rights. *Centofanti v. Aranas*, 133 Nev. 994  
4 (Nev. App. 2017).

5           7.       Respondent cites to various other cases where the Nevada Supreme Court and the  
6 Court of Appeals of Nevada denied or upheld the denial of a prisoner's petition for writ of  
7 mandamus based on a violation of constitutional rights. *See Parks v. State*, 125 Nev. 1068 (2009);  
8 *Howell v. Baker*, 484 P.3d 282 (Nev. App. 2021).

9           8.       The Court agrees with Respondent and is persuaded by the case law cited by the  
10 Respondent.

11           9.       Here, Petitioner is essentially alleging violations of his Fourth and Eighth  
12 Amendment rights based on confiscation of his property (i.e., stimulus funds) and conditions of  
13 confinement. As the Nevada Supreme Court has affirmed, a prisoner has an adequate remedy at law  
14 to address an alleged violation of constitutional rights. Indeed, Petitioner has "a speedy and adequate  
15 remedy in the ordinary course of law in the form of a lawsuit challenging" the alleged constitutional  
16 violation. *See White v. Palmer*, 130 Nev. 1261 (2014).

17           10.      The Nevada Supreme Court has noted that while a writ petition may be faster than a  
18 lawsuit, "the fact that mandamus would give an easier or more expeditious remedy is not the  
19 criterion." *See Washoe Cty. v. City of Reno*, 77 Nev. 152, 156, 360 P.2d 602, 603 (1961)(finding "[a]  
20 remedy does not fail to be speedy and adequate, because, by pursuing it through the ordinary course  
21 of law, more time probably would be consumed than in a mandamus proceeding").

22           11.      Here, the Petition does not allege, let alone demonstrate, that Petitioner has no  
23 available remedy for whatever injuries he is alleging. *See Petition generally*. Therefore, the Court  
24 finds that Petitioner has an adequate remedy at law and is not entitled to extraordinary remedy of a  
25 writ of mandamus. Because Petitioner has not demonstrated that he has no available remedy, the  
26 Petition will be denied.

27           12.      The Nevada Supreme Court has long recognized that "[m]andamus will not issue  
28 unless a clear legal right to the relief sought is shown." *State ex rel. Conklin v. Buckingham*, 58 Nev.

1 450, 83 P.2d 462, 463 (1938); *State v. Daugherty*, 48 Nev. 299, 231 P. 384, 385 (1924)(recognizing  
2 mandamus will never issue, unless a clear, legal right to the relief sought is shown); *State v. Boerlin*,  
3 30 Nev. 473, 98 P. 402 (1908)(Mandamus goes out only where there is a clear legal right in the  
4 relator and a corresponding duty on the defendant); *Savicic v. Eighth Jud. Dist. Ct. ex rel. Cty. of*  
5 *Clark*, 124 Nev. 1506, 238 P.3d 852 (2008); *Santillanes v. State Bd. of Parole Comm'rs*, 126 Nev.  
6 753, 367 P.3d 816 (2010)(Mandamus may not issue unless the petitioner has "a clear, legal right to  
7 the relief sought")(citation omitted). In addition, "as a general rule, the writ will not lie to undo what  
8 ought not to have been done." *Buckingham*, supra. 58 Nev. at 450, 83 P.2d at 463.

9 13. The Court finds Petitioner is not entitled to clear relief pursuant to NRS 21.105.

10 14. Petitioner challenges NDOC's withholding of monies for debts and obligations, and  
11 other costs associated with his incarceration based on NRS 21.105(1)(n). (See Writ of Mandamus at  
12 2:13-1-17). In this regard, Petitioner argues that the afore-mentioned statute forbids prison officials  
13 from removing funds from an inmate's account for any court fees, civil judgments of any kind or  
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15 15. NRS 21.105 provides in relevant part:

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24 (n) Benefits provided pursuant to any other federal law.

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determination about whether money is exempt, except by an order of a court.  
[emphasis added].

1           16.     Here, the Court finds that this statute does not apply to this matter and Petitioner's  
2 reliance on the same is misplaced. The Court notes there has been no writ of execution or  
3 garnishment issued by any court that has been levied on Petitioner's personal bank account. The  
4 Court further notes that Petitioner's inmate trust account is not his personal outside bank account  
5 that Petitioner maintains with a separate financial institution. Similarly, the Court notes Respondent  
6 is not a financial institution and is not charged with determining whether monies are or are not  
7 exempt from execution.

8           17.     The Court finds Petitioner is not entitled to clear relief pursuant to SB 22.

9           18.     Petitioner also seeks this Court's intervention by virtue of the text of SB22, which  
10 Petitioner asserts forbids Respondent from taking deductions from his stimulus checks. (*See Writ of*  
11 *Mandamus* at 3:4-6). SB22 was promulgated to make various changes to existing law with respect to  
12 among other things, deductions from the trust account and wages of an offender, as well as to the  
13 priority of deductions to ensure that victims of crime received the restitution they are entitled to. (*See*  
14 **Exhibit 2** to Respondents' Response at at pg.1).

15           19.     However, as Petitioner has acknowledged the effective date of this bill was July 1,  
16 2021. (*See Writ of Mandamus* at 3:4-5; *see also Exhibit 2* to Respondents' Response at pg.14).  
17 Petitioner also acknowledges that both economic impact checks were received prior to the effective  
18 date of SB22. (*See Writ of Mandamus* at 2:2-10).

19           20.     Nonetheless, Petitioner argues that SB22 should have been "retroactively" applied by  
20 Respondent and that based on that retroactive application, Respondent was only entitled to take a  
21 25% deduction from outside source money. (*See Writ of Mandamus* at 3:4-6).<sup>2</sup>

22           21.     The Court finds Petitioner's argument is contrary to well-established law.

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28 <sup>2</sup> Respondent has acknowledged that SB22 amends NRS 209.247 to now preclude the Director from deducting more than 25% of each deposit from a source other than the offender's wages. (*See Exhibit 2* to Respondents' Response at pg. 6). Respondent argues however, that this does not change the fact that retroactive application of SB22 is not proper or permissible under Nevada law.

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2 omitted)[emphasis added].

3       23. The High Court has approvingly cited *Castillo*, and reaffirmed this position several  
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9       24. The Court finds there is no indication that the Legislature intended SB22, which  
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11 contrary. In enacting SB22, the Legislature provided a clear and express start date, stating “[t]his act  
12 becomes effective on July 1, 2021. (See **Exhibit 2** to Respondents’ Response at pg. 14).

13       **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Petitioner Michael Joseph  
14 Geiger’s Petition for a Writ of Mandamus (Amended) filed August 16, 2021 is **DENIED**.

15       **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that all other  
16 motions currently pending before the Court are **DENIED** as moot and all issues contained therein are  
17 fully resolved as a result of this Order.

18       **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that case No. 21  
19 OC 00068 1B is **CLOSED**.

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1           **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that Respondent  
2 shall serve notice of the entry of order within seven (7) days from date of receipt of this Order.

3           **GOOD CAUSE APPEARING, IT IS SO ORDERED.**

4           DATED this 6 day of January 2021 2022

5  
6   
DISTRICT COURT JUDGE

7 December 21, 2021  
8 Submitted by:

9 AARON D. FORD  
10 Attorney General

11 By W. D. Doyne Bar No. 14619 on behalf of  
12 JOHN C. DORAME, Bar No. 10029  
13 Deputy Attorney General  
14 State of Nevada  
15 100 N. Carson Street  
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19 Attorneys for Defendants  
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