

Case No. 27CV-OTH-2020-0057

Pursuant to NRS 239B, 030, the under signed certifies  
that this document does not contain any social security numbers.

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Aug 30 2022 10:36 a.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

Justin Odell Langford,<sup>©</sup>

Plaintiff,

NOTICE OF APPEAL

VS.


C/O SMITH, et al.,

Defendants.

COMES Now, Justin Odell Langford,<sup>©</sup> In Pro Per, to file  
his Notice of Appeal challenging the Denial of his motion  
for relief from final judgment Pursuant to Rule 60, that  
was entered on Aug. 8<sup>TH</sup>, 2022. THE ORDER is attached  
as Exhibit 1.

Dated: Aug. 14, 2022

Respectfully Submitted

  
Plaintiff,

Justin Odell Langford - 1159546

LCC, 1200 Prison Rd.

Lovelock, Nev. 89419

(1)

Case No. 27CV-OTH-2020-0057

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

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF PERSHING

JUSTIN ODELL LANGFORD,

Plaintiff,

vs.

C/O SMITH; RENEE BAKER; CASE  
WORKER LEFLUER; C. POTTER; P.  
DELPORTO; J, BORROWMAN; D. BAZE;  
TARA CARPENTER, ET AL.,

Defendants.

**CASE APPEAL STATEMENT**

1. Name of appellant filing this case appeal statement:

Justin Odell Langford

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

Honorable Jim C. Shirley

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

Justin Odell Langford

Pro Per

1200 Prison Road  
Lovelock Correctional Center  
Lovelock, NV. 89419

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

5 C/O Smith; Renee Baker; Caseworker LeFleur; C. Potter;  
6 P. Delporto; J. Borrowman; D. Baze; Tara Carpenter; et al.

7 Office of the Attorney General  
8 100 North Carson Street  
9 Carson City, NV. 89701-4717

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

14 N/A

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

17 No, Pro Per

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

20 No

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

23 An Order to Proceed in Forma Pauperis was filed on 03/17/20.

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

A Civil Rights Complaint Pursuant to 42 U.S.C. §1983 was filed on  
03/17/20.

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 Civil Rights Complaint Pursuant to 42 U.S.C §1983 on  
03/17/20. A First Amended Civil Rights Complaint Pursuant to 42 U.S.C §1983

1 was filed on 04/13/20. A Notice of Appeal was filed on 11/02/20. An Order  
2 Dismissing Appeal was filed on 11/30/20. An Order Granting the Motion to  
Dismiss was filed on 04/30/21. A Notice of Appeal was filed on 05/26/21. An  
3 Order Affirming in Part, Reversing in Part and Remanding was filed on  
02/08/22. A Motion for Relief from Final Judgment Pursuant to NRCP 60 was  
4 filed on 05/13/22. An Opposition to Motion for Relief from Final Judgment  
Pursuant to NRCP 60 was filed 05/26/22. A motion hearing was held on  
5 07/19/22. A Denial Motion for Relief was filed on 08/08/22. A Notice of  
Appeal was filed on 08/22/22, which resulted in this instant appeal.

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

8 This case has been previously appealed to the Supreme Court twice. First  
9 appeal was filed on 11/02/20, case caption: Justin Odell Langford, Appellant,  
vs. C/O Smith; Renee Baker; Caseworker LeFluer; C. Potter; P. Delorto; J.  
10 Borrowman; D. Baze; and T. Carpenter, Supreme Court docket number 82071.  
Second appeal was filed on 05/26/21, case caption: Justin Odell Langford,  
11 Appellant, vs. C/O Smith; Renee Baker; Caseworker LeFluer; C. Potter; P.  
Delorto; J. Borrowman; D. Baze; and T. Carpenter, Supreme Court docket  
12 number 83016.

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

14 13. If this is a civil case, indicate whether this appeal involves the possibility of  
15 settlement:  
No, a Denial Motion for Relief was filed.

16 Dated this 26<sup>th</sup> day of August 2022.

17  
18 /s/ Adriana Ramos  
19 Adriana Ramos  
20 Deputy Court Clerk  
P.O. Box H  
Lovelock, NV. 89419  
21 (775) 273-2410  
22  
23  
24

## **Case Snapshot:** Fri Aug 26 13:47:55 PDT 2022

**Case Number:** 27CV-OTH-2020-0057

**Case Name:** JUSTIN ODELL LANGFORD VS C/O SMITH; RENEE BAKER; CASEWORKER LEFLEUR; C. POTTER; P DELORTO; J. BORROWMAN; D. BAZE; T. CARPENTER

**Date Filed:** 03-06-2020

**Disposition:** Closed

### **Parties:**

**PL:** JUSTIN ODELL LANGFORD

**Address:** 1200 PRISON ROAD/ LCC, LOVELOCK NV 89419

**DF:** T. CARPENTER

**DF:** C/O SMITH

**DF:** RENEE BAKER

**Atty:** Laura Ginn

NEVADA ATTORNEY GENERAL'S OFFICE

**DF:** CASEWORKER LEFLEUR

**DF:** C. POTTER

**DF:** P. DELPORTO

**DF:** J. BORROWMAN

**DF:** D. BAZE

**J:** Hon. Jim Shirley

### **Hearings:**

10-02-2020 10:30 AM Case Management Conference

**Status:** Held

07-19-2022 10:00 AM Motion Hearing

**Status:** Held

### **Dockets:**

08-26-2022 Case Appeal Statement

08-26-2022 127.1 Case Appeal Statement

08-22-2022 Notice of Appeal

08-22-2022 126.1 Notice of Appeal

08-22-2022 126.1.1 Exhibit

08-12-2022 Affidavit of Mailing

08-12-2022 125.1 Affidavit of Mailing

08-09-2022 Notice of Entry of Order  
08-09-2022 124.1 Notice of Entry of Order

08-08-2022 Affidavit of Mailing Amended  
08-08-2022 123.1 Affidavit of Mailing Amended

08-08-2022 Affidavit of Mailing  
08-08-2022 122.1 Affidavit of Mailing

08-08-2022 Denial Motion for Relief  
08-08-2022 121.1 Denial Motion for Relief

06-30-2022 Order to Transport Prisoner  
06-30-2022 119.1 Order to Transport Prisoner

06-30-2022 Setting Memo  
06-30-2022 118.1 Setting Memo

06-13-2022 Reply to Opposition to Motion for Relief from Final Judgment Pursuant to NRCP 60  
06-13-2022 117.1 Reply to Opposition to Motion for Relief from Final Judgment Pursuant to NRCP 60

06-02-2022 Request for Submission (Hearing Required)  
06-02-2022 116.1 Request for Submission (Hearing Required)

05-26-2022 Opposition to Motion for Relief from Final Judgment Pursuant to NRCP 60  
05-26-2022 115.1 Opposition to Motion for Relief from Final Judgment Pursuant to NRCP 60

05-13-2022 Motion for Relief from Final Judgment Pursuant to NRCP 60  
05-13-2022 114.1 Motion for Relief from Final Judgment Pursuant to NRCP 60  
05-13-2022 114.1.1 Exhibit  
05-13-2022 114.1.2 Exhibit  
05-13-2022 114.1.3 Exhibit  
05-13-2022 114.1.4 Exhibit

04-29-2022 Affidavit of Mailing  
04-29-2022 113.1 Affidavit of Mailing

04-28-2022 Remittitur  
04-28-2022 112.1 Remittitur

04-28-2022 Order Denying Petition for Review  
04-28-2022 111.1 Order Denying Petition for Review

03-30-2022 Order Denying Rehearing

03-30-2022 109.1 Order Denying Rehearing

02-08-2022 Order Affirming in Part, Reversing in Part and Remanding  
02-08-2022 108.1 Order Affirming in Part, Reversing in Part and Remanding

06-25-2021 Order Directing Transmission of Record  
06-25-2021 105.1 Order Directing Transmission of Record

05-28-2021 Case Appeal Statement  
05-28-2021 102.1 Case Appeal Statement

05-26-2021 Notice of Appeal  
05-26-2021 101.1 Notice of Appeal

05-03-2021 Notice of Entry of Order  
05-03-2021 99.1 Notice of Entry of Order  
05-03-2021 99.1.1 Exhibit 1

04-30-2021 Order Granting the Motion to Dismiss  
04-30-2021 98.1 Order Granting the Motion to Dismiss

04-27-2021 Request for Submission  
04-27-2021 97.1 Request for Submission

04-27-2021 Reply in Support of Counter-Motion to Dismiss  
04-27-2021 96.1 Reply in Support of Counter-Motion to Dismiss

04-20-2021 Declaration of Laura M. Ginn  
04-20-2021 95.1 Declaration of Laura M. Ginn

04-20-2021 Notice of Filing Declaration  
04-20-2021 94.1 Notice of Filing Declaration

04-14-2021 Plaintiff's Reply to Defendant Opposition to Motion to Compel Discovery and Request for Sanctions and Response to Counter-Motion to Dismiss for (a) Failure to File the Joint Case Conference Report and/or Stating Nevada State Law is Unconstitutional  
04-14-2021 93.1 Plaintiff's Reply to Defendant Opposition to Motion to Compel Discovery and Request for Sanctions and Response to Counter-Motion to Dismiss for (a) Failure to File the Joint Case Conference Report and/or Stating Nevada State Law is Unconstitutional

04-09-2021 Request for Submission  
04-09-2021 92.1 Request for Submission

04-08-2021 Motion to Enlarge Dispositive Motion Deadline (First Request to Enlarge Dispositive Motion Deadline)  
04-08-2021 91.1 Motion to Enlarge Dispositive Motion Deadline (First Request to Enlarge Dispositive Motion Deadline)

04-05-2021(1) Opposition to Motion to Compel Discovery By The Defendants and Request for Sanctions and (2) Counter-Motion to Dismiss For (A) Failure to File the Joint Case Conference Report and/or (B) Stating Nevada State Law is Unconstitutional (Hearing Requested)

04-05-2021 90.1 (1) Opposition to Motion to Compel Discovery By The Defendants and Request for Sanctions and (2) Counter-Motion to Dismiss For (A) Failure to File the Joint Case Conference Report and/or (B) Stating Nevada State Law is Unconstitutional (Hearing Requested)

04-05-2021 90.1.1 Exhibit 1

04-05-2021 90.1.2 Exhibit 2

04-05-2021 90.1.3 Exhibit 3

03-31-2021Plaintiffs Objection to Joinder of Robert Smith, The State of Nevada, ex rel. NDOC, and The Nevada Department of Corrections

03-31-2021 89.1 Plaintiffs Objection to Joinder of Robert Smith, The State of Nevada, ex rel. NDOC, and The Nevada Department of Corrections

03-22-2021Motion to Compel Discovery by the Defendants and Request for Sanctions

03-22-2021 88.1 Motion to Compel Discovery by the Defendants and Request for Sanctions

03-22-2021 88.1.1 Exhibit 1.1

03-22-2021 88.1.2 Exhibit 1.2

03-22-2021 88.1.3 2.1

03-22-2021 88.1.4 Exhibit 2.2

03-22-2021 88.1.5 Exhibit 3.1

03-22-2021 88.1.6 3.2

03-22-2021 88.1.7 4.1

03-22-2021 88.1.8 4.2

03-22-2021 88.1.9 5.1

03-22-2021 88.1.10 5.2

03-22-2021 88.1.11 5.3

03-22-20212nd Settlement Offer

03-22-2021 87.1 2nd Settlement Offer

03-17-2021Joinder of Robert Smith, the State of Nevada, ex rel. NDOC, and the Nevada Department of Corrections

03-17-2021 86.1 Joinder of Robert Smith, the State of Nevada, ex rel. NDOC, and the Nevada Department of Corrections

03-12-2021Judicial Notice and Notice to the Attorney General

03-12-2021 85.1 Judicial Notice and Notice to the Attorney General

03-05-2021Notice of Identity and Judicial Notice

03-05-2021 84.1 Notice of Identity and Judicial Notice

03-03-2021Opposition to Plaintiff's Second Request to Extend Discovery Deadline

03-03-2021 83.1 Opposition to Plaintiff's Second Request to Extend Discovery Deadline



03-02-2021 Declaration of Laura M. Ginn

03-02-2021 82.1 Declaration of Laura M. Ginn

03-02-2021 Defendants' Motion for Extension of Time to Respond to Outstanding Request for Discovery (Second Request)

03-02-2021 81.1 Defendants' Motion for Extension of Time to Respond to Outstanding Request for Discovery (Second Request)

02-24-2021 Declaration of Laura M. Ginn

02-24-2021 80.1 Declaration of Laura M. Ginn

02-24-2021 Defendants' Motion for Extension of Time to Respond to Outstanding Request for Discovery (First Request)

02-24-2021 79.1 Defendants' Motion for Extension of Time to Respond to Outstanding Request for Discovery (First Request)

02-18-2021 Request for Extension on all Discovery Deadlines

02-18-2021 78.1 Request for Extension on all Discovery Deadlines

02-08-2021 Request for Production of Documents Pursuant to FED.R.CIV. P. 34 "4th Request"

02-08-2021 77.1 Request for Production of Documents Pursuant to FED.R.CIV. P. 34 "4th Request"

02-08-2021 Notice of Change of Deputy Attorney General

02-08-2021 76.1 Notice of Change of Deputy Attorney General

01-29-2021 Certificate of Service

01-29-2021 74.1 Certificate of Service

01-29-2021 "Proposed" Settlement Offer

01-29-2021 73.1 "Proposed" Settlement Offer

01-29-2021 Request for Production of Documents Pursuant to FED.R.CIV. P. 34 "3rd Request"

01-29-2021 72.1 Request for Production of Documents Pursuant to FED.R.CIV. P. 34 "3rd Request"

01-29-2021 Admissions for Defendant Nevada Department of Corrections Pursuant to FED.R.CIV.P.36 "1st Request"

01-29-2021 71.1 Admissions for Defendant Nevada Department of Corrections Pursuant to FED.R.CIV.P.36 "1st Request"

12-23-2020 Defendant's Motion for Extension of Time to Respond to Outstanding Discovery

12-23-2020 69.1 Defendant's Motion for Extension of Time to Respond to Outstanding Discovery

12-23-2020 Remittitur

12-23-2020 68.1 Remittitur

12-16-2020 Defendant's Motion for Extension of Time to Respond to Outstanding Discovery (2nd Request)

12-16-2020 65.1 Defendant's Motion for Extension of Time to Respond to Outstanding Discovery (2nd Request)

12-09-2020 Defendant's Amended Non-Opposition to Plaintiff's Request for an Extension on all Discovery Deadlines

12-09-2020 64.1 Defendant's Amended Non-Opposition to Plaintiff's Request for an Extension on all Discovery Deadlines

12-09-2020 Defendant's Non-Opposition to Plaintiff's Request for an Extension on all Discovery Deadlines

12-09-2020 63.1 Defendant's Non-Opposition to Plaintiff's Request for an Extension on all Discovery Deadlines

12-09-2020 Request for Extension on all Discovery Deadlines

12-09-2020 62.1 Request for Extension on all Discovery Deadlines

12-08-2020 Plaintiffs' Response to Defendant's Response to Plaintiff's Notice of Intent to Take Default

12-08-2020 61.1 Plaintiffs' Response to Defendant's Response to Plaintiff's Notice of Intent to Take Default

12-01-2020 Admissions for Defendant Carter Potter Pursuant to FED.R.CIV.P.36 "1st Request"

12-01-2020 59.1 Admissions for Defendant Carter Potter Pursuant to FED.R.CIV.P.36 "1st Request"

12-01-2020 Request for Production of Documents Pursuant to Fed.R.Civ.P.34 "2nd Request"

12-01-2020 58.1 Request for Production of Documents Pursuant to Fed.R.Civ.P.34 "2nd Request"

12-01-2020 Interrogatories for Defendant Nevada Department of Corrections Pursuant to Fed.R.Civ.P.37

12-01-2020 57.1 Interrogatories for Defendant Nevada Department of Corrections Pursuant to Fed.R.Civ.P.37

11-30-2020 Order Dismissing Appeal

11-30-2020 56.1 Order Dismissing Appeal

11-13-2020 Defendants' Motion for Extension of Time to Respond to Outstanding Discovery

11-13-2020 54.1 Defendants' Motion for Extension of Time to Respond to Outstanding Discovery

11-05-2020 Response to Plaintiff's Notice of Intent to Take Default

11-05-2020 53.1 Response to Plaintiff's Notice of Intent to Take Default

11-05-2020 53.1.1 Exhibit A

11-05-2020 Case Appeal Statement  
11-05-2020 51.1 Case Appeal Statement

11-02-2020 Notice of Appeal  
11-02-2020 50.1 Notice of Appeal

10-22-2020 Request for Production of Documents Pursuant to Fed. R. Civ.P.34  
10-22-2020 48.1 Request for Production of Documents Pursuant to Fed. R. Civ.P.34

10-22-2020 Interrogatories for Defendant John Borrowman Pursuant to Fed.R.Civ.P.37  
10-22-2020 47.1 Interrogatories for Defendant John Borrowman Pursuant to Fed.R.Civ.P.37

10-22-2020 Interrogatories for Defendant Carter Potter Pursuant to Fed.R.Civ.P.37 "1st Request"  
10-22-2020 46.1 Interrogatories for Defendant Carter Potter Pursuant to Fed.R.Civ.P.37 "1st Request"

10-22-2020 Request for Submission Re: Notice of Intent to Default  
10-22-2020 45.1 Request for Submission Re: Notice of Intent to Default

10-22-2020 Notice of Intent to Default  
10-22-2020 44.1 Notice of Intent to Default

10-22-2020 Application In Support of Default Judgement  
10-22-2020 43.1 Application In Support of Default Judgement

10-01-2020 Joinder of Renee Baker, The State of Nevada, ex rel. NDOC, and The Nevada Department of Corrections  
10-01-2020 39.1 Joinder of Renee Baker, The State of Nevada, ex rel. NDOC, and The Nevada Department of Corrections

09-28-2020 Certificate of Service  
09-28-2020 38.1 Certificate of Service

09-28-2020 Affidavit in Support of Default  
09-28-2020 37.1 Affidavit in Support of Default

09-28-2020 "Amended" Application in Support of Default Judgement  
09-28-2020 36.1 "Amended" Application in Support of Default Judgement

09-28-2020 "Amended" Notice of Intent to Default  
09-28-2020 35.1 "Amended" Notice of Intent to Default

09-25-2020 Request for Judicial Notice and Judicial Action to be Taken  
09-25-2020 33.1 Request for Judicial Notice and Judicial Action to be Taken

09-15-2020 Notice of Entry of Order Re: Order Directing Service Upon the State  
09-15-2020 32.1 Notice of Entry of Order Re: Order Directing Service Upon the State

09-11-2020 Order Directing Service Upon State of Nevada ex rel. NDOC and Nevada Department of Corrections and Directions to Clerk of Court Regarding Default Application  
09-11-2020 31.1 Order Directing Service Upon State of Nevada ex rel. NDOC and Nevada Department of Corrections and Directions to Clerk of Court Regarding Default Application

08-26-2020 Notice of Change of Attorney  
08-26-2020 29.1 Notice of Change of Attorney

08-25-2020 Notice of Entry of Order :Order Setting Hearing and to Produce Prisoner  
08-25-2020 28.1 Notice of Entry of Order :Order Setting Hearing and to Produce Prisoner

08-24-2020 Order Setting Hearing and to Produce Prisoner  
08-24-2020 27.1 Order Setting Hearing and to Produce Prisoner

08-18-2020 Plaintiff's Opposition to Defendants Answer  
08-18-2020 26.1 Plaintiff's Opposition to Defendants Answer

08-18-2020 Application In Support of Default Judgement  
08-18-2020 25.1 Application In Support of Default Judgement

08-18-2020 Notice of Intent to Default  
08-18-2020 24.1 Notice of Intent to Default

07-31-2020 Defendants' Answer to Plaintiff's Civil Rights Complaint Jury Trial Demanded  
07-31-2020 21.1 Defendants' Answer to Plaintiff's Civil Rights Complaint Jury Trial Demanded

07-16-2020 Declaration of Service (Sanders)  
07-16-2020 20.1 Declaration of Service (Sanders)

07-16-2020 Declaration of Service (Sanders)  
07-16-2020 19.1 Declaration of Service (Sanders)

07-16-2020 Declaration of Service  
07-16-2020 18.1 Declaration of Service

07-16-2020 Motion for Requesting Status Check of Case and Copy of Court Docket Sheet  
07-16-2020 17.1 Motion for Requesting Status Check of Case and Copy of Court Docket Sheet

06-29-2020 Notice of Entry of Order- Order Granting Plaintiff's Request to Withdraw Amended Complaint

06-29-2020 16.1 Notice of Entry of Order- Order Granting Plaintiff's Request to Withdraw Amended Complaint

06-29-2020 Request for Submission

06-29-2020 15.1 Request for Submission

06-22-2020 Order Granting Plaintiff's Request to Withdraw Amended Complaint

06-22-2020 14.1 Order Granting Plaintiff's Request to Withdraw Amended Complaint

06-03-2020 Notice of Entry of Order

06-03-2020 13.1 Notice of Entry of Order

06-02-2020 Order Denying Default

06-02-2020 12.1 Order Denying Default

06-02-2020 Application for Default with exhibits

06-02-2020 10.1 Application for Default with exhibits

06-01-2020 Request for Submission

06-01-2020 9.1 Request for Submission

06-01-2020 Request for Dismissal of First Amended Complaint

06-01-2020 8.1 Request for Dismissal of First Amended Complaint

04-13-2020 'First Amended' Civil Rights Complaint Pursuant to 42 U.S.C. 1983

04-13-2020 5.1 'First Amended' Civil Rights Complaint Pursuant to 42 U.S.C. 1983

03-17-2020 Civil Rights Complaint Pursuant to 42 U.S.C. 1983

03-17-2020 4.1 Civil Rights Complaint Pursuant to 42 U.S.C. 1983

03-17-2020 Order to Proceed in Forma Pauperis

03-17-2020 3.1 Order to Proceed in Forma Pauperis

03-06-2020 Certificate of Inmate's Institutional Account

03-06-2020 2.1 Certificate of Inmate's Institutional Account

03-06-2020 Application to Proceed in Forma Pauperis

03-06-2020 1.1 Application to Proceed in Forma Pauperis

Case No. 27CV-OTH-2020-0057

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

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

JUSTIN ODELL LANGFORD,

Plaintiff,

vs.

**DENIAL MOTION FOR RELIEF**

C/O SMITH, et al.,

Defendants.

\_\_\_\_\_/

This matter came before this Court on Plaintiff's Motion for Relief from Final Judgment Pursuant to Rule 60. (Filed May 13, 2022) Defendants filed an Opposition. (Filed May 26, 2022) Plaintiff file a Reply. (Filed June 13, 2022). A hearing was held on the pleadings on the 19th day of July, 2022. Plaintiff was present representing himself. Defendant being represented by Lance White, Esq. The Court having reviewed the arguments finds that the Defendant has failed to marshal the evidence and loses on legal grounds.

**FACTS**

Plaintiff claims that the Motion to Dismiss was decided upon Plaintiff's failure to comply with NRCP Rule 16.1, which requires that a Plaintiff "file a case conference report which Plaintiff did fail to do." Plaintiff's Motion at Page 2. Plaintiff then argues that the rule placed the duty upon the Defendants to hold the hearing. Id. at Page 2.

## BACKGROUND

### A. Law of the Case

The law-of-the-case doctrine provides that when an appellate court decides a principle or rule of law, that decision governs the same issues in subsequent proceedings in that case. Dictor v. Creative Mgmt. Servs., LLC, 126 Nev. 41, 44, 223 P.3d 332, 334 (2010). “[W]here an appellate court deciding an appeal states a principal or rule of law, necessary to the decision, the principal or rule becomes the law of the case and must be adhered to throughout its subsequent progress both in the lower court and upon subsequent appeal.” State Eng’r v. Eureka Cnty., 133 Nev. 557, 559, 402 P.3d 1249, 1251 (2017). “When an appellate court remands a case, the district court ‘must proceed in accordance with the mandate and the law of the case as established on appeal.’ ” Id. citing E.E.O.C. v. Kronos Inc., 694 F.3d 351, 361 (3d Cir. 2012) (internal quotation marks omitted.)

Any issues not raised on appeal are deemed waived. Powell v. Liberty Mut. Fire Ins. Co., 127 Nev. 156, 161 n.3 (2011), *see also* Hillis v. Heineman, 626 F.3d 1014, 1019 n.1 (9th Cir. 2010) (affirming a dismissal where the appellants failed to challenge the alternative grounds the district court provided for it.).

## III. DISCUSSION

### A. Waived Issues

The Court of Appeals for the State of Nevada found Langford failed to challenge and therefore waived the dismissal under NRCP 16.1(e)(1) on appeal. Exhibit B, Order at 2-3 and Powell, 127 Nev. At 161 n. 3. Langford now raises this waived argument in his Motion seeking relief from judgment based on NRCP 16.1(e)(2). His request will be denied.

### B. Misstatement Of Standard

Langford’s Motion misstates NRCP 16.1(e)(1) requires Defendants to hold the case conference. Plaintiff’s Motion at 2. NRCP 16.1(b)(4)(A) states, “[u]nless the parties agree or the court orders otherwise, the plaintiff is responsible for designating the time and place of each conference.” Langford’s misstatement muddies the water. If Langford and not the Defendants

1 was legally responsible to hold the case conference, it defeats his argument. NRCP 16.1(e)(1)  
2 states, “[i]f the conference described in Rule 16.1(b) is not held within 180 days after service of  
3 an answer by a defendant, the court, on motion or on its own, may dismiss the case as to that  
4 defendant, without prejudice . . .” The Nevada Court of Appeals affirmed this Court’s dismissal  
5 of Langford’s complaint. The Matter has been decided.

6 **IV. CONCLUSION**

7 Plaintiff’s claims are hereby denied.

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**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** JUSTIN ODELL LANGFORD VS C/O SMITH; RENEE BAKER;  
CASEWORKER LEFLEUR; C. POTTER; P DELORTO; J.  
BORROWMAN; D. BAZE; T. CARPENTER

**Case Number:** 27CV-OTH-2020-0057

**Type:** Order

It is so Ordered.

Judge Shirley

CASE NO. 27CV-OTH-2020-0057

DEPT. NO. I

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**

JUSTIN ODELL LANGFORD,

Plaintiff,

vs.

**NOTICE OF ENTRY OF ORDER**

C/O SMITH; RENEE BAKER;  
CASEWORKER LeFLUER; C. POTTER;  
P. DeLPORTO; J BORROWMAN;  
D. BAZE; TARA CARPENTER, et al.,

Defendants.

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that an Order Denying Plaintiff's Motion for Relief From  
Final Judgment Pursuant to Rule 60 was entered on August 8, 2022, in the above matter,  
a copy of which is attached hereto as Exhibit 1.

DATED this 9th day of August, 2022.

AARON D. FORD  
Attorney General

By:



LAURA M. GINN, Bar No. 8085  
Deputy Attorney General  
State of Nevada  
100 N. Carson Street  
Carson City, NV 89701-4717  
Tel: (775) 684-1120  
E-mail: lginn@ag.nv.gov

*Attorneys for Defendants*

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Justin Odell Langford, #1159546  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

Page 2

**EXHIBIT 1**

**EXHIBIT 1**

Case No. 27CV-OTH-2020-0057

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

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

JUSTIN ODELL LANGFORD,

Plaintiff,

vs.

**DENIAL MOTION FOR RELIEF**

C/O SMITH, et al.,

Defendants.

\_\_\_\_\_/

This matter came before this Court on Plaintiff's Motion for Relief from Final Judgment Pursuant to Rule 60. (Filed May 13, 2022) Defendants filed an Opposition. (Filed May 26, 2022) Plaintiff file a Reply. (Filed June 13, 2022). A hearing was held on the pleadings on the 19th day of July, 2022. Plaintiff was present representing himself. Defendant being represented by Lance White, Esq. The Court having reviewed the arguments finds that the Defendant has failed to marshal the evidence and loses on legal grounds.

**FACTS**

Plaintiff claims that the Motion to Dismiss was decided upon Plaintiff's failure to comply with NRCR Rule 16.1, which requires that a Plaintiff "file a case conference report which Plaintiff did fail to do." Plaintiff's Motion at Page 2. Plaintiff then argues that the rule placed the duty upon the Defendants to hold the hearing. Id. at Page 2.

## BACKGROUND

### A. Law of the Case

The law-of-the-case doctrine provides that when an appellate court decides a principle or rule of law, that decision governs the same issues in subsequent proceedings in that case. Dictor v. Creative Mgmt. Servs., LLC, 126 Nev. 41, 44, 223 P.3d 332, 334 (2010). “[W]here an appellate court deciding an appeal states a principal or rule of law, necessary to the decision, the principal or rule becomes the law of the case and must be adhered to throughout its subsequent progress both in the lower court and upon subsequent appeal.” State Eng’r v. Eureka Cnty., 133 Nev. 557, 559, 402 P.3d 1249, 1251 (2017). “When an appellate court remands a case, the district court ‘must proceed in accordance with the mandate and the law of the case as established on appeal.’ ” Id. citing E.E.O.C. v. Kronos Inc., 694 F.3d 351, 361 (3d Cir. 2012) (internal quotation marks omitted.)

Any issues not raised on appeal are deemed waived. Powell v. Liberty Mut. Fire Ins. Co., 127 Nev. 156, 161 n.3 (2011), *see also* Hillis v. Heineman, 626 F.3d 1014, 1019 n.1 (9th Cir. 2010) (affirming a dismissal where the appellants failed to challenge the alternative grounds the district court provided for it.).

## III. DISCUSSION

### A. Waived Issues

The Court of Appeals for the State of Nevada found Langford failed to challenge and therefore waived the dismissal under NRCP 16.1(e)(1) on appeal. Exhibit B, Order at 2-3 and Powell, 127 Nev. At 161 n. 3. Langford now raises this waived argument in his Motion seeking relief from judgment based on NRCP 16.1(e)(2). His request will be denied.

### B. Misstatement Of Standard

Langford’s Motion misstates NRCP 16.1(e)(1) requires Defendants to hold the case conference. Plaintiff’s Motion at 2. NRCP 16.1(b)(4)(A) states, “[u]nless the parties agree or the court orders otherwise, the plaintiff is responsible for designating the time and place of each conference.” Langford’s misstatement muddies the water. If Langford and not the Defendants

1 was legally responsible to hold the case conference, it defeats his argument. NRCP 16.1(e)(1)  
2 states, “[i]f the conference described in Rule 16.1(b) is not held within 180 days after service of  
3 an answer by a defendant, the court, on motion or on its own, may dismiss the case as to that  
4 defendant, without prejudice . . .” The Nevada Court of Appeals affirmed this Court’s dismissal  
5 of Langford’s complaint. The Matter has been decided.

#### 6 **IV. CONCLUSION**

7 Plaintiff’s claims are hereby denied.

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**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** JUSTIN ODELL LANGFORD VS C/O SMITH; RENEE BAKER;  
CASEWORKER LEFLEUR; C. POTTER; P DELORTO; J.  
BORROWMAN; D. BAZE; T. CARPENTER

**Case Number:** 27CV-OTH-2020-0057

**Type:** Order

It is so Ordered.

Judge Shirley



1 COURT MINUTES. NOT AN OFFICIAL TRANSCRIPT OF ANY PROCEEDING.

2 \* \* \* \*

3 This document does not contain any  
4 social security numbers.

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

7 Justin Odell Langford

8 Plaintiff/Petitioner,

9 vs.

10 C/O Smith; Renee Baker; CaseWorker  
11 Lefleur; C. Potter; P Delporto; J.  
12 Borrowman; D. Baze; T. Carpenter. /

13 And

14 Barbara K. Cegavske

15 Defendant/Respondent.

Case No. 27CV-OTH-2020-0057  
And 27CV-OTH-2019-0046

WEDNESDAY, October 02, 2020

10:21 a.m.

16 PRESENT: Honorable Jim C. Shirley, presiding District Judge  
17 Candice Boyce, Court Clerk

18 **Case Management Conference:**

19 Plaintiff, Justin Odell Langford, appearing telephonically and representing himself.

20 Douglas Rands, Senior Deputy Attorney General, appearing telephonically on behalf of  
21 the Defendants. And Andrea M. Dominguez.

22 All parties give 2 party consent to the hearing being telephonic and to being reported.

23 The Court stated that we will cover both cases and will start with case ending in 0046.  
24 The Court canvassed Mr. Langford regarding service of a Motion and Mr. Langford admitted  
25 that he did not attach a certificate of service.

26 The Court addressed an issue with a Default from 2019 and had discussion with Mr.  
27 Rands and Mr. Langford.

28 The Court addressed the Motion to Amend.

Mr. Langford gave argument.

The Court canvassed Mr. Langford regarding his argument.

Mr. Rands gave argument.

The Court Grants the Motion and stated that Mr. Langford has 20 days to file an  
Amended Complaint. Once the Motion is sent Mr. Rands has 14 days to respond.

1 The Court now moves onto case ending in 0057

2 The Court canvassed Mr. Langford regarding his certificate of service and his amended  
3 application for default. The Court and Mr. Langford have discussion regarding the issues with  
4 these documents.

5 Mrs. Dominguez gave argument.

6 The Court stated that the default is moot and the prior default be stricken from the record  
7 so it doesn't hold any weight or validity.

8 The Court asked the parties how long they need for discovery and both parties agree they  
9 need 90 days.

10 The Court ordered 90 days to complete discovery and 30 days to file dispositive motions  
11 and oppositions due 30 days after that and any replies due within 14 days after.

12 The Court confirmed with Mr. Langford that he withdrew the Amended and we are going  
13 off the original and Mr. Langford confirmed.

14 Court is in recess 10:58 a.m.

**JUSTIN ODELL LANGFORD VS C/O SMITH; RENEE BAKER; CASEWORKER  
LEFLEUR; C. POTTER; P. DELORTO; J. BORROWMAN; D. BAZE; T. CARPENTER**

**Case No. 27CV-OTH-2020-0057**

Judge: Jim C. Shirley  
Law Clerk: Kate Martin  
Clerk: Adriana Ramos

Date of Hearing:	7/19/2022 Review Hearing
Present:	Petitioner AG Lance White OBO respondents
Not Present:	
Sworn & Provided Testimony:	
Exhibits:	

**Minute Summary:**

Petitioner explained that he would rest on what has been submitted. Counsel for the respondents explained that the court has already ruled on the matter and requested the court dismiss the motion. Discussion between the court and the petitioner regarding the case.

**COURT ORDERED:**

Court will take the matter under advisement and will issue a ruling. Court to prepare the order.

Case No. 27CV-OTH-2020-0057

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

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

JUSTIN ODELL LANGFORD,  
Plaintiff,

vs.

C/O SMITH; RENEE BAKER; CASE  
WORKER LEFLUER; C. POTTER; P.  
DELPORRO; J. BORROWMAN; D. BAZE;  
TARA CARPENTER, ET AL.,  
Defendants.

**CERTIFICATE**

State of Nevada                    )  
  : ss.  
County of Pershing                )

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Lovelock, Nevada, this 26<sup>th</sup> day of August 2022.

KATE MARTIN  
Eleventh Judicial District Court Clerk

By: Adriana Ramos  
Deputy Clerk

# ELEVENTH JUDICIAL DISTRICT COURT

Jim C. Shirley  
District Judge  
Tel. (775) 273-2410  
Fax (775) 273-4921



Kate Martin  
Court Administrator  
Tel. (775) 273-2410  
kmartin@11thjudicialdistrictcourt.net

August 26, 2022

Elizabeth Brown  
Supreme Court Clerk  
201 South Carson Street  
Carson City, NV 89701-4702

Re: Notice of Appeal / 27CV-OTH-2020-0057  
Justin Odell Langford vs C/O Smith; Renee Baker; Caseworker LeFluer; C.  
Potter; P. DelPorto; J. Borrowman; D. Baze; Tara Carpenter, et al.,

Enclosed, please find the following documents as it relates to an Appeal filed on  
August 22, 2022:

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

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

KATE MARTIN  
Eleventh Judicial District Court Clerk

By: *Adriana Rauts*  
Deputy Clerk

/ar  
Encl.

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