

Case No. 27CV-OTH-2020-0057

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

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Sep 26 2022 02:00 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF PERSHING

JUSTIN ODELL LANGFORD,

Appellant,

vs.

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

Respondents.

**RECORD ON APPEAL**

**PLEADINGS**

VOLUME I

Justin Odell Lanford  
1200 Prison Road  
Lovelock, NV 89419  
Appellant, In Pro Per

Laura M. Ginn  
100 N. Carson St.  
Carson City, NV 89701  
Attorney for Respondents

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Case No. \_\_\_\_\_

Dept. No. \_\_\_\_\_

IN THE 11TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF PERSHING

\* \* \* \* \*

Justin Odell Langford )  
Plaintiff )

-vs-

Sh Smith, ex al )  
Defendants )

APPLICATION TO PROCEED  
IN FORMA PAUPERIS

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

This motion is made and based upon NRS 12.015 and the  
attached affidavit and certificate of inmate's institutional  
account. see Exhibit 1

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Justin Langford  
Justin Langford #1169546  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419  
Plaintiff In Pro Se

Affidavit in Support of Application  
to Proceed In Forma Pauperis

State of Nevada                     )  
  )   ss:  
County of Pershing             )

COMES NOW, Justin Odell Langford, who first being duly sworn and on my own oath, do hereby depose and state the following in support of my foregoing motion:

(1) Because of my poverty I am unable to pay the costs of the proceedings in the foregoing action ot to give security therefore; I am entitled to relief. This application is made in good faith.

(2) I swear that the responses below are true and correct and to the best of my knowledge, information and belief:

(a) I        am X am not presently employed. I currently earn salary or wages per month in the following amount at Lovelock Correctional Center or, if I am not presently employed, the date of my last employment and the amount of salary or wages I earned per month were as follows: \_\_\_\_\_

(b) I have NOT received any money from any of the following sources within the past 12 months: business, profession, self-employment, rent payments, pensions, interests or dividends, annuities, insurance payments, gifts or inheritances. Money, if any, placed on my prison account from sources such as family or friends, is in the amount as indicated on the attached Certificate of Inmate's Institutional Account, which reflects the total amount of money in my prison account.

(c) I do NOT own any real estate, stocks, bonds, notes, automobiles or other valuable property, and I do not have any money in a checking account.

(d) I        do X do not have persons dependent upon me for support. The person(s) I support, if any, are as follows, with my relationship to them and the amount of my contribution towards their support being as follows: \_\_\_\_\_

(3) I swear under the penalty of perjury that the above is true and correct and to the best of my personal knowledge, and that the foregoing is rendered without notary per NRS 208.165.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Justin Langford  
Justin Langford #1159546  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419  
Plaintiff In Pro Se

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AFFIRMATION PURSUANT TO NRS 239B.030

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Justin Langford  
Justin Langford #1169546  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419  
Plaintiff In Pro Se

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Case No. \_\_\_\_\_

Dept. No. \_\_\_\_\_

IN THE 11TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF PERSHING

Justin Odell Langford,  
Plaintiff,

vs.

% Smith, et al,  
Defendants.

CERTIFICATE OF INMATE'S  
INSTITUTIONAL ACCOUNT

I, the undersigned, do certify that Justin Odell Langford,  
NDOC # 1159546, above-named, has a balance of \$ .03 on account  
to his credit in the prisoner's personal property fund for his use at  
Lovelock Correctional Center, in Pershing County.

I further certify that said prisoner owes departmental charges in the  
amount of \$ 36.95 and that the solitary security to his credit is a  
savings account established pursuant to NRS § 209.247(5) with a balance of  
\$ 400<sup>00</sup> which is inaccessible to him.

Dated this 28 day of January, 2020.

He Ellis

Inmate Services Division  
Nevada Department of Corrections

Submitted by Justin Langford # 1159546, on 1/21/20.

This is for a civil    habeas X matter.

LCC 26.012

Case No. \_\_\_\_\_

Dept. No. \_\_\_\_\_

IN THE 11TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF PERSHING

\* \* \* \* \*

Justin Odell Langford, )  
Plaintiff, )

-vs-

C/O SMITH, ex rel., )  
Defendants. )

ORDER TO PROCEED  
IN FORMA PAUPERIS

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

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

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

IT IS SO ORDERED.

Dated this 10<sup>th</sup> day of March, 2020.

\_\_\_\_\_  
District Court Judge



Case No. \_\_\_\_\_  
Dept. No. \_\_\_\_\_

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

\* \* \* \*

Justin Odell Langford <sup>©</sup> )  
Plaintiff(s), )  
vs. )  
C/O SMITH; Renee Baker; )  
Caseworker Lefleur; C. Potter; )  
P. DelPorto; J. Barrowman; )  
D. Baze; T. Carpenter; )  
Defendant )

CIVIL RIGHTS COMPLAINT  
PURSUANT TO  
42 U.S.C §1983

Comes Now Plaintiff, and for his cause of action, complains of  
Defendants, and each of them as follows:

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, (Print your  
name:) Justin Odell Langford, who presently resides at Lovelock  
Correctional Center, Pershing County, Nevada, were violated by the  
actions of the below-named individuals which were directed against  
Plaintiff at (Institution where violation (s)  
occurred:) LCC, on the following dates: Count  
I: 2/12/19, Count II: 5/14/19 and Count III: 7/19/19-current (List  
additional counts and dates, if  
applicable:)

If you are naming more than five (5) defendants,

State of Nevada, ex rel. NDOC  
Nevada Department of Corrections

FILED IN FEAR OF RETALIATION

1 2) Defendant (Full name of defendant:) P. DelPorto  
 2 Resides at (their address:) \_\_\_\_\_  
 3 and is employed as (their title and position, if  
 4 any:) NDOC Deputy Director. This defendant is sued in  
 5 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 6 this defendant was acting under color of law: Responded to 2nd level  
 7 grievance

8 3) Defendant (Full name of defendant:) Renee Baker  
 9 Resides at (their address:) \_\_\_\_\_  
 10 and is employed as (their title and position, if  
 11 any:) LCC Warden. This defendant is sued in  
 12 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 13 this defendant was acting under color of law: 1st Level Grievance  
 14 Responder, in charge of staff conduct

15 4) Defendant (Full name of defendant:) C. Potter  
 16 Resides at (their address:) \_\_\_\_\_  
 17 and is employed as (their title and position, if  
 18 any:) Case worker. This defendant is sued in  
 19 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 20 this defendant was acting under color of law: Informal Grievance  
 21 Responder, Handles issues concerning Inmates in his Unit

22 5) Defendant (Full name of defendant:) J. Bitrowman  
 23 Resides at (their address:) \_\_\_\_\_  
 24 and is employed as (their title and position, if  
 25 any:) NDOC Deputy Director. This defendant is sued in  
 26 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 27 this defendant was acting under color of law: 2nd level grievance  
 28 Responder

29 6) Defendant (Full name of defendant:) State of Nevada ex rel. NDOC  
 30 Resides at (their address:) \_\_\_\_\_  
 31 and is employed as (their title and position, if  
 32 any:) the Government of State of Nevada. This defendant is sued in  
 33 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 34 this defendant was acting under color of law: Responsible for actions  
 35 of State Agencies and their employees

36 7) Defendant (Full name of defendant:) Nevada Department of Corrections  
 37 Resides at (their address:) \_\_\_\_\_  
 38 and is employed as (their title and position, if  
 39 any:) \_\_\_\_\_. This defendant is sued in  
 40 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 41 this defendant was acting under color of law: Responsible for the custody of

1 2) Defendant (Full name of defendant:) C/O Smith  
 2 Resides at (their address:) \_\_\_\_\_  
 3 and is employed as (their title and position, if  
 4 any:) Corrections Officer. This defendant is sued in  
 5 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 6 this defendant was acting under color of law: works as a guard at  
 7 LCC

8 3) Defendant (Full name of defendant:) Caseworker Letleur  
 9 Resides at (their address:) \_\_\_\_\_  
 10 and is employed as (their title and position, if  
 11 any:) Caseworker. This defendant is sued in  
 12 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 13 this defendant was acting under color of law: works as a caseworker  
 14 at LCC

15 4) Defendant (Full name of defendant:) D. Baze  
 16 Resides at (their address:) \_\_\_\_\_  
 17 and is employed as (their title and position, if  
 18 any:) Caseworker. This defendant is sued in  
 19 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 20 this defendant was acting under color of law: Head caseworker at  
 21 LCC and responder to informal Grievance

22 5) Defendant (Full name of defendant:) \_\_\_\_\_  
 23 Resides at (their address:) \_\_\_\_\_  
 24 and is employed as (their title and position, if  
 25 any:) \_\_\_\_\_. This defendant is sued in  
 26 his/her (Check one or both:) \_\_\_\_ individual \_\_\_\_ official capacity. Explain how  
 27 this defendant was acting under color of law: \_\_\_\_\_

28 6) Defendant (Full name of defendant:) \_\_\_\_\_  
 Resides at (their address:) \_\_\_\_\_  
 and is employed as (their title and position, if  
 any:) \_\_\_\_\_. This defendant is sued in  
 his/her (Check one or both:) \_\_\_\_ individual \_\_\_\_ official capacity. Explain how  
 this defendant was acting under color of law: \_\_\_\_\_

7) Defendant (Full name of defendant:) \_\_\_\_\_  
 Resides at (their address:) \_\_\_\_\_  
 and is employed as (their title and position, if  
 any:) \_\_\_\_\_. This defendant is sued in  
 his/her (Check one or both:) \_\_\_\_ individual \_\_\_\_ official capacity. Explain how  
 this defendant was acting under color of law: \_\_\_\_\_

1 Inmates & the actions of its employees

2 B. NATURE OF THE CASE

3 Briefly state the background of your case: This Case stems from  
4 the actions of c/o Smith & Case Worker LePleur and the  
5 Lack of action by staff to remedy staff that are a  
6 threat to the safety of inmates.

27 C. CAUSE OF ACTION

28 If you have more than three (3) counts,

Attach additional count pages(s) hereto

COUNT 1

The following civil rights have been violated: U.S. Const. Amend. VIII-(Cruel & Unusual Punishment, Equal Protection of Laws); XIV-(Due Process); I, §10-(Right to Contract), I-(Threat of Retaliation)

Supporting Facts (Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights): This Count is in Relation to grievance number 2006-30-78531.

On 2/12/19 the Plaintiff submitted his grievance stating "Today 2/12/19 Between 12:30 pm and 1:30 pm my unit staff told me law library and medical had called for me, that I need to get up there. I told staff I had canteen, they said do what you got to do but get up there, which is what I did. I went up to law library but GP was there and at the gate so G3 % Smith put me in medical unbenounced to me GP was in there, first chance I had, I got out of there and went to the sgt's office and informed them of the situation. Later on at dinner pill call I went to dinner first due to the fact I'm on pain meds which are not meant to be taken on an empty stomach after eating I went to pill call where G3 % Smith started talking trash and calling me a dumbass and other things. I know he'll deny it but I want this on record, Breach of Security and verbal abuse by G3 % Smith is in violation of AR339. Relief Requested Send me to nccc so I can work." And C. Potter responded with "Your informal grievance has been reviewed. You are alleging staff misconduct, verbal abuse and breach of security by Officer Smith (G3). As a resolution you are requesting a transfer from LCC to NCCC so that you can work. After talking to Officer Smith, your story appears to be fabricated in an attempt to manipulate a transfer to another institution. Officer Smith has no recollection of any contact with you on February 12, 2019 during the PS door call. We recommend that you work with your unit caseworker to be submitted for Full Classification in an effort to go from PS to GP. (Since you are a GP inmate there are many more job opportunities for you on the phase one yard. Furthermore, Per AR740, inmates are encouraged to use the grievance procedure to resolve all addressable claims, however

COUNT II

1 they are prohibited from abusing the system by knowingly,  
2 willfully or maliciously filing frivolous or vexatious  
3 grievances, which are considered to be an abuse of the  
4 grievance procedure. Continued abuse of the grievance  
5 procedure may result in a Notice of Charges. Grievance  
6 Denied."

7 The Plaintiff challenged the denial of his Informal  
8 Grievances with the following statement on his 1st Level  
9 Grievance "This whole thing is known about by Sgt. Gentry;  
10 Sgt. Phano; <sup>Sgt.</sup> O'Dea. Why lying about his misconduct by  
11 him when he knows his supervisors know about it. And  
12 threats of write-ups for abuse of grievance system  
13 Based off of lies by staff will not tolerate.", Received  
14 the following ~~staff~~ response from Renee Baker "I am in  
15 receipt of your grievance where you allege staff misconduct.  
16 You stated CO Smith called you names and you reported  
17 this to ~~his~~ command. You were answered adequately and  
18 appropriately at the informal level. Officer Smith has  
19 no recollection of you speaking with him about this  
20 matter. CCS Potter has worked with you to schedule  
21 you for a Full Classification hearing so that you may  
22 go GP when beds are available. You have been submitted  
23 for a Full Classification hearing ~~so that you may go~~  
24 in April to go from PS to GP. Your request for  
25 transfer is denied due to your current custody level.  
26 Based on the above facts your grievance is denied."

27 The Plaintiff challenged the denial of his 1st level  
28 grievance with the following statement on his 2nd level

1 grievance, "Apparently Miss Baker Failed to notice  
2 the Breach of Security By G3<sup>C/O</sup> Smith By Putting a  
3 PS inmate with GP inmates, The verbal abuse was a  
4 Follow up to the Breach of Security which is what I'm  
5 referring to <sup>S/O</sup> O'Dea knowing about along with Sgt. Gentry  
6 & Sgt. Phono.", and P. DelPorto responded with "Inmate  
7 Langford your 2nd level grievance packet was received  
8 & the issues reviewed, you reported that there was a  
9 security breach and then an officer verbally harassed you.  
10 You also claimed that you wanted reviewed for transfer and  
11 to have your issues documented. Via this grievance system,  
12 your report is in fact documented. In relation to movement,  
13 you were seen during May of 2019 and it ~~was~~ determined  
14 to maintain your presence in your current housing. Grievance  
15 denied for additional action."

16 So here are all the issues with the responses: (1)  
17 C. Potter made threats of retaliation; (2) failed to fully  
18 investigate the claim; (3) False statements by responder;  
19 (4) Failed to discipline staff for misconduct; (5) I.G.  
20 was not notified; (6) Ignoring of claim of misconduct;  
21 (7) Failure to protect from staff misconduct; (8) not  
22 upholding the code of conduct.

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1 The following civil rights have been violated: U.S. Const. Amend.  
2 VIII-(Cruel & Unusual Punishment, Equal Protection of Law); XIV-(Due Process);  
3 I-(Right to Contract)

4 Supporting Facts (Include all facts you consider important. State the facts  
5 clearly, in your own words, and without citing legal authority or argument. Be  
6 sure you describe exactly what each specific defendant (by name) did to violate  
7 your rights): This Count is in relation to grievance number  
8 2006-30-83244.

9 On 5/14/19 Plaintiff submitted an Informal Grievance stating  
10 "Today 5/14/19 between 8AM. & 9 A.M. I was called into caseworker  
11 Potters office by Potter & Caseworker Lafleur to handle a  
12 grievance challenging my unauthorized Mail Notification issued on  
13 4/17/19. Mr. Lafleur was trying to settle the issue, but during this  
14 time frame while I was talking I was apparently grinding my  
15 teeth and was told to stop doing it on three occasions, the third  
16 time I did it Mr. Lafleur threatened to slam me on the ground.  
17 Not only is this a violation of cruel & unusual punishment (VIII),  
18 Equal protection of the law (XIV) but also a form of violating my  
19 freedom of speech (I) by telling me how I can talk. This also  
20 falls under AR 339.07(12)(A); AR 339.01(5); AR 339.07(18)(c) AR 339.07(18)(F)-  
21 Held ALL VIDEO & AUDIO of Unit 3A caseworkers office for  
22 evidence. c/o Kerns was also present Relief Firing of Caseworker  
23 Lafleur & Criminal Charges Filed," D. Baze Responded with "In  
24 review of this grievance you claimed to have been threatened by CCS  
25 2 Lafleur and in doing so he violated your rights by committing an  
26 act of cruel and unusual punishment, equal protection of the law,  
27 freedom of speech and violated AR 339 as well. You claim CCS 2  
28 Lafleur "threatened to slam me on the ground" after being told  
three times to stop grinding your teeth. Your remedy for this is to  
have criminal charges filed against CCS 2 Lafleur. I have reviewed  
the written statements by all three staff members who were  
present during this interaction in the unit 3A Case Workers  
Office on 5/14/19 regarding your Unauthorized Mail Notification. It  
was reported that CCS 2 Lafleur was discussing a resolution with  
you regarding your unauthorized Mail notification. During this  
interaction you were responding in a manner which was a perceived  
as an act of hostility because you were posturing forward in your  
chair while grinding your teeth together. Although you were asked  
several times to stop this behavior it continued, only when CCS 2



1 LaFleur give you the option to either stop the behavior or be  
2 placed onto the ground did you stop. You then apologized for  
3 your behavior claiming that's just how you talk when  
4 you are Frustrated. You were seen the next day by CCS 2  
5 LaFleur and upon further discussion were able to resolve the  
6 unauthorized mail issue. I can not find where any of your rights as  
7 you have claimed were violated nor how CCS 2 LaFleur was in  
8 violation of AR339. You have not factually demonstrated a loss  
9 or harm as required by AR740. Grievance denied."

10 In Plaintiff's first level Grievance he responded with the  
11 following statement, "if you look at the video in the activity  
12 room that covers the 3A caseworkers office you'll see that I  
13 wasn't leaning forward ~~I was doing so~~ and my hands were in my  
14 lap or that had I been leaning forward I was doing so the whole time  
15 and my hands were in my lap and either way there was a C/O present  
16 and he never said a thing and if there was a threat safety to  
17 freestaff the C/O is required to step in freestaff/caseworker  
18 can't put hands on an Inmate. harm is an attempt to chill my  
19 first amendment right to freedom of speech. If in fact I was  
20 grinding my teeth I apparently had no control over it. Same  
21 Relief Requested.", and Renee Baker Rubber stamped it  
22 with the same respons as D. Baze, supra at pgs line 16  
23 thru 5A line 9.

24 In Plaintiff's second level Grievance he responded with the  
25 following statement, "I've spoken to % Kerns about this and  
26 he has told me "he did not write a statement for this matter"  
27 so there is a falsely written statement on record. Yes I did  
28 stop, but it was due to the fact that I quit talking period and

1 I was still Leaning Forward at that time. His "Lafleur" was  
2 tempting to put a chilling effect on my 1<sup>st</sup> amendment right.  
3 The Behavior stopped due to me not responding anymore, as  
4 stated before its how I talk when frustrated I have no  
5 controll over it. Also when Lafleur came back the next day  
6 I refused until Kerns called a warden or Lt. down to the  
7 units because of threats, But Kern ended up standing in  
8 unit Bubble window and watching. Like I said before look  
9 at video covering caseworkers office, Lafleur chilled my  
10 1<sup>st</sup> amendment right. Same Relief, and J. Borrowman  
11 responded with "Inmate states he was called into the  
12 caseworkers office on May 14, 2019 to discuss a grievance  
13 regarding an Unauthorized Mail Notification that was issued  
14 on April 17, 2019. Inmate states he apparently was grinding his  
15 teeth and was told to stop on three occasions. Inmate states  
16 he was then threatened by caseworker Lafleur when he stated  
17 he would "slam me on the ground" if he did not stop grinding his  
18 teeth. Inmate states this was in violation of his rights. He is  
19 requesting to have Caseworker Lafleur fired and to have  
20 criminal charges filed. You have been answered appropriately at the  
21 ~~new~~ previous levels. Your rights were never violated. You were asked  
22 to stop your behavior and you continued. You have not factually  
23 demonstrated a loss or harm as required by AR 740. Furthermore,  
24 you have failed to provide the Unauthorized Mail Notification  
25 and you have failed to state how the issue was resolved as was  
26 stated in the 1st level response. You have failed to substantiate  
27 your claim. Your grievance is denied.

28 So here are the issues with the responses provided:

1 (1) Ignoring threats for exercising rights; (2) Not doing anything  
2 about threats of harm by staff; (3) Not addressing crime of  
3 Forged statement; (4) Not reviewing all evidence; (5) not upholding  
4 code of conduct; (6) Rubber Stamping Responses; (7) addressing  
5 something that has nothing to do with issue in grievance  
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1 The following civil rights have been violated: U.S. Const. Amend.  
2 I, 5, 14

3  
4 Supporting Facts (Include all facts you consider important. State the facts  
5 clearly, in your own words, and without citing legal authority or argument. Be  
6 sure you describe exactly what each specific defendant (by name) did to violate  
7 your rights): This count pertains to grievance #20063087580

8 On 8/5/19 I filed the above grievance stating "Attached you  
9 will find a receipt for an E-File out of one my lawsuits, I just  
10 discovered it in a batch of paperwork but what wasn't with it  
11 was my copie of the document or my receipt for it This is  
12 an attempt to Block my access to the courts & litigating that case.  
13 Relief I want is 2) \$450 or in alternative TV w/coaxle cable, 3)  
14 If this goes to court I'm seeking the full amount in the case I'm  
15 now going to lose." And T. Carpenter responded with "Law  
16 Library logs reflect that you received the e-file on the date in  
17 question and ended up even ended up with an extra copy of the front  
18 page All e-files are logged. Your log reflects that you received your  
19 copy."

20 At The First level I responded with "I disagree with your  
21 response, my argument from my Informal still stands as is. And my  
22 remedy is \$450 or in alternative TV w/coaxle, If this goes to court  
23 I'm seeking the full amount in that case now that it was dismissed  
24 due to no opposition of the missing document." And R. Baker  
25 responded with the same as T. Carpenter supra at lines 11-14.

26 At The Second level I responded with "I disagree with your  
27 response, my argument from my Informal still stands as is. And my  
28 remedy is \$450 or in the alternative TV w/coaxle cable, If this  
29 goes to court I'm seeking the full amount in that case now that  
30 it was dismissed due to no opposition of the missing document."  
31 And J. Borrowman responded with "Inmate states that due to  
32 staff not giving him his paperwork, he was not able to file his  
33 objections with this court. Inmate states this is an attempt to  
34 block his access to the courts. He is requesting to receive  
35 \$450 or a TV with a coax cable." Law library records reflect  
36 that you received your documents. The fact that you attached  
37 your notice of filing indicates that you have received the  
38 documents that are printed with the notice of filing. Your  
39 grievance is denied."

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1 The Notice of Filing that I attached was the copy ~~of~~ that  
2 I was suppose to ~~sign~~ sign for my documents. LCC staff  
3 can't produce a copy of that same document signed by  
4 me. In fact LCC staff photocopied the one I attached  
5 and attached the photocopy to, Proof is the fact the  
6 photo copy shows the staple holes from the copy I  
7 attached. In fact the log they attached is the facilities  
8 own personal log for my filings which can be altered  
9 to what they want, and if its the one for when it shows  
10 up, it gets marked received but either way you look at  
11 it they cant show I received the document.

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1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? Yes No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below outline).

a) Defendants: \_\_\_\_\_

b) Name of court and case number: \_\_\_\_\_

c) Disposition: \_\_\_\_\_

d) Issues raised: \_\_\_\_\_

e) Approximate date complaint was filed: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_

2) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures per AR 740? X Yes No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) disciplinary hearing; (2) state or federal court decision; (3) state or federal law or regulation; (4) parole board decision; or (5) other. If your answer is "Yes", provide the following information: Grievance number: See Count 1 & 2 & 3. Date and institution where grievance was filed: LCC, 2/12/19, 5/14/19, and 8/15/19. Response to grievance: See Counts 1, 2, & 3

#### E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

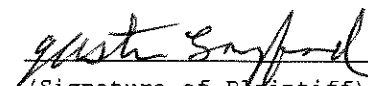
I want \$600,000<sup>00</sup> in punitive damages from NDOC & \$10,000<sup>00</sup> from all other defendants; I also want the same in Compensatory Damages; and % Smith fired & LCC staff properly punished under the law & NDOC policy, i.e. firing for false statements in grievance process. T. Carpenter and anyone else

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I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA AND THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT, and is submitted without benefit of a notary pursuant to 28 U.S.C. § 1746, 18 U.S.C. § 1621 and NRS 208.165

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Name of person who prepared  
Or helped prepare this  
Complaint if not Plaintiff)

  
(Signature of Plaintiff)

\_\_\_\_\_  
(Additional space if needed; identify what is being continued)

Case No. 27CV-OTH-2020-0057

Dept. No. 1

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

\* \* \* \*

Justin Odell Langford )  
Plaintiff(s), )  
vs. )  
% Smith; Renee Baker; )  
caseworker Lefleur; C. Potter; )  
P. DelPorto; J. Borrowman; )  
D. Baze; T. Carpenter )  
Defendant )

*First Amended*  
CIVIL RIGHTS COMPLAINT  
PURSUANT TO  
42 U.S.C §1983

Comes Now Plaintiff, and for his cause of action, complains of  
Defendants, and each of them as follows:

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, (Print your name:) Justin Odell Langford, who presently resides at Lovelock Correctional Center, Pershing County, Nevada, were violated by the actions of the below-named individuals which were directed against Plaintiff at (Institution where violation (s) occurred:) \_\_\_\_\_, on the following dates: Count I: 2/12/19, Count II: 5/14/19 and Count III: 7/19/19-current (List additional counts and dates, if applicable:)

If you are naming more than five (5) defendants,

State of Nevada, ex rel. NOOC  
Nevada Department of Corrections  
Mrs. Bequette, Law Library Supervisor  
FILED IN FEAR OF RETALIATION



1 2) Defendant (Full name of defendant:) P. DelPorto  
 2 Resides at (their address:) \_\_\_\_\_  
 3 and is employed as (their title and position, if  
 4 any:) NDOC Deputy Director. This defendant is sued in  
 5 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 6 this defendant was acting under color of law: Responded to 2nd level  
 7 grievance

8 3) Defendant (Full name of defendant:) Renee Baker  
 9 Resides at (their address:) \_\_\_\_\_  
 10 and is employed as (their title and position, if  
 11 any:) LCC Warden. This defendant is sued in  
 12 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 13 this defendant was acting under color of law: 1st Level Grievance  
 14 Responder, in charge of staff conduct

15 4) Defendant (Full name of defendant:) C. Potter  
 16 Resides at (their address:) \_\_\_\_\_  
 17 and is employed as (their title and position, if  
 18 any:) Case worker. This defendant is sued in  
 19 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 20 this defendant was acting under color of law: Informal Grievance  
 21 Responder; Handles issues concerning inmates in his unit

22 5) Defendant (Full name of defendant:) J. Butrowman  
 23 Resides at (their address:) \_\_\_\_\_  
 24 and is employed as (their title and position, if  
 25 any:) NDOC Deputy Director. This defendant is sued in  
 26 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 27 this defendant was acting under color of law: 2nd level grievance  
 28 Responder

29 6) Defendant (Full name of defendant:) State of Nevada ex rel. NDOC  
 30 Resides at (their address:) \_\_\_\_\_  
 31 and is employed as (their title and position, if  
 32 any:) the Government of State of Nevada. This defendant is sued in  
 33 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 34 this defendant was acting under color of law: Responsible for actions  
 35 of State Agencies and their employees

36 7) Defendant (Full name of defendant:) Nevada Department of Corrections  
 37 Resides at (their address:) \_\_\_\_\_  
 38 and is employed as (their title and position, if  
 39 any:) \_\_\_\_\_. This defendant is sued in  
 40 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 41 this defendant was acting under color of law: Responsible for the custody of

- 1 2) Defendant (Full name of defendant:) C/O Smith  
 2 Resides at (their address:) \_\_\_\_\_  
 3 and is employed as (their title and position, if  
 4 any:) Corrections Officer. This defendant is sued in  
 5 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 6 this defendant was acting under color of law: works as a guard at  
 7 LCC
- 8 3) Defendant (Full name of defendant:) Case worker / etteur  
 9 Resides at (their address:) \_\_\_\_\_  
 10 and is employed as (their title and position, if  
 11 any:) Case worker. This defendant is sued in  
 12 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 13 this defendant was acting under color of law: works as a caseworker  
 14 at LCC
- 15 4) Defendant (Full name of defendant:) D. Baze  
 16 Resides at (their address:) \_\_\_\_\_  
 17 and is employed as (their title and position, if  
 18 any:) Caseworker. This defendant is sued in  
 19 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 20 this defendant was acting under color of law: Head caseworker at  
 21 LCC and responder to informal Grievance
- 22 5) Defendant (Full name of defendant:) Mrs. Bequette  
 23 Resides at (their address:) unknown  
 24 and is employed as (their title and position, if  
 25 any:) Law Library Supervisor. This defendant is sued in  
 26 his/her (Check one or both:) ☒ individual ☒ official capacity. Explain how  
 27 this defendant was acting under color of law: Responsible for making  
 28 sure inmates get their e-Files and other legal material
- 6) Defendant (Full name of defendant:) \_\_\_\_\_  
 Resides at (their address:) \_\_\_\_\_  
 and is employed as (their title and position, if  
 any:) \_\_\_\_\_. This defendant is sued in  
 his/her (Check one or both:) \_\_\_\_ individual \_\_\_\_ official capacity. Explain how  
 this defendant was acting under color of law: \_\_\_\_\_
- 7) Defendant (Full name of defendant:) \_\_\_\_\_  
 Resides at (their address:) \_\_\_\_\_  
 and is employed as (their title and position, if  
 any:) \_\_\_\_\_. This defendant is sued in  
 his/her (Check one or both:) \_\_\_\_ individual \_\_\_\_ official capacity. Explain how  
 this defendant was acting under color of law: \_\_\_\_\_

1 Inmates & the actions of its employees

2 B. NATURE OF THE CASE

3 Briefly state the background of your case: This Case stems from  
4 the actions of C/O Smith & Case Worker LeFleur and the  
5 lack of action by staff to remedy staff that are a  
6 threat to the safety of inmates.

27 C. CAUSE OF ACTION

28 If you have more than three (3) counts,

COUNT 1

The following civil rights have been violated: U.S. Const. Amend. VIII-(Cruel & Unusual Punishment, Equal Protection of Laws), XIV-(Due Process); I, §10-(Right to Contract), I-(Threat of Retaliation)

Supporting Facts (Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights): This Count is in Relation to grievance number 2006-30-78531.

On 2/12/19 the Plaintiff submitted his grievance stating "Today 2/12/19 Between 12:30 pm and 1:30 pm my unit staff told me law library and medical had called for me, that I need to get up there. I told staff I had canteen, they said do what you got to do but get up there, which is what I did. I went up to law library but GP was there and at the gate so G3 % Smith put me in medical unbenounced to me GP was in there, first chance I had, I got out of there and went to the Sgt's office and informed them of the situation. Later on at dinner pill call I went to dinner first due to the fact I'm on pain meds which are not meant to be taken on an empty stomach after eating I went to pill call where G3 % Smith started talking trash and calling me a dumbass and other things. I know he'll deny it but I want this on record, Breach of Security and verbal abuse by G3 % Smith is in violation of AR339. Relief Requested Send me to nccc so I can work." And C. Potter responded with "Your informal grievance has been reviewed. You are alleging staff misconduct, verbal abuse and breach of security by Officer Smith (G3). As a resolution you are requesting a transfer from LCC to NNCC so that you can work. After talking to Officer Smith, your story appears to be fabricated in an attempt to manipulate a transfer to another institution. Officer Smith has no recollection of any contact with you on February 12, 2019 during the PS door call. We recommend that you work with your unit case worker to be submitted for Full Classification in an effort to go from PS to GP. Since you are a GP inmate there are many more job opportunities for you on the phase one yard. Furthermore, Per AR740, inmates are encouraged to use the grievance procedure to resolve all addressable claims, however

COUNT II

1 they are prohibited from abusing the system by knowingly,  
2 willfully or maliciously filing frivolous or vexatious  
3 grievances, which are considered to be an abuse of the  
4 grievance procedure. Continued abuse of the grievance  
5 procedure may result in a Notice of Charges. Grievance  
6 Denied."

7 The Plaintiff challenged the denial of his Informal  
8 Grievances with the following statement on his 1st Level  
9 Grievance "This whole thing is known about by Sgt. Gentry;  
10 Sgt. Phano, <sup>546</sup> O'Dea. Why lying about his misconduct by  
11 him when he knows his supervisors know about it. And  
12 threats of write-ups for abuse of grievance system  
13 Based off of lies by staff will not tolerate." Received  
14 the following ~~staff~~ response from Renee Baker "I am in  
15 receipt of your grievance where you allege staff misconduct.  
16 You stated CO Smith called you names and you reported  
17 this ~~staff~~ command. You were answered adequately and  
18 appropriately at the informal level. Officer Smith has  
19 no recollection of you speaking with him about this  
20 matter. CCS Potter has worked with you to schedule  
21 you for a Full Classification hearing so that you may  
22 go GP when beds are available. You have been submitted  
23 for a Full Classification hearing ~~so that you may go~~  
24 in April to go from PS to GP. Your request for  
25 transfer is denied, due to your current custody level.  
26 Based on the above facts your grievance is denied."

27 The Plaintiff challenged the denial of his 1st level  
28 grievance with the following statement on his 2nd level

1 grievance, "Apparently Miss Baker Failed to notice  
2 the Breach of Security By G33 C/O Smith By Putting a  
3 PS inmate with GP inmates. The verbal abuse was a  
4 Follow-up to the Breach of Security which is what I'm  
5 referring to C/O O'Dea knowing about along with Sgt. Gentry  
6 & Sgt. Phono.", and P. DelPorto responded with "Inmate  
7 Langford your 2nd level grievance packet was received  
8 & the issues reviewed you reported that there was a  
9 security breach and then an officer verbally harassed you.  
10 You also claimed that you wanted reviewed for transfer and  
11 to have your issues documented. Via this grievance system,  
12 your report is in fact documented. In relation to movement,  
13 you were seen during May of 2019 and it was determined  
14 to maintain your presence in your current housing. Grievance  
15 denied for additional action."

16 So here are all the issues with the responses: (1)  
17 C. Potter made threats of retaliation; (2) failed to fully  
18 investigate the claim; (3) False statements by responder;  
19 (4) Failed to discipline staff for misconduct; (5) I.G.  
20 was not notified; (6) Ignoring of claim of misconduct;  
21 (7) Failure to protect from staff misconduct; (8) not  
22 upholding the code of conduct.

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1 The following civil rights have been violated: U.S. Const. Amend.  
2 VIII-(Cruel & Unusual Punishment, Equal Protection of Law); XIV-(Due Process);  
3 I-(Right to Contract)

4 Supporting Facts (Include all facts you consider important. State the facts  
5 clearly, in your own words, and without citing legal authority or argument. Be  
6 sure you describe exactly what each specific defendant (by name) did to violate  
7 your rights): This Court is in relation to grievance number  
8 2006-30-83244.

9 On 5/14/19 Plaintiff submitted an Informal Grievance stating  
10 "Today 5/14/19 between 8AM & 9AM, I was called into caseworker  
11 Patters office by Potter & Caseworker Lafleur to handle a  
12 grievance challenging my unauthorized Mail Notification issued on  
13 4/17/19. Mr. Lafleur was trying to settle the issue, but during this  
14 time frame while I was talking I was apparently grinding my  
15 teeth and was told to stop doing it on three occasions, the third  
16 time I did it Mr. Lafleur threatened to slam me on the ground.  
17 Not only is this a violation of cruel & unusual punishment (VIII),  
18 Equal protection of the law (XIV) but also a form of violating my  
19 freedom of speech (I) by telling me how I can talk. This also  
20 falls under AR 339.07(12)(A); AR 339.01(5); AR 339.07(18)(c) AR 339.07(18)(f)-  
21 Held ALL VIDEO & AUDIO of Unit 3A caseworkers office for  
22 evidence. c/o Kerns was also present. Relief Firing of Caseworker  
23 Lafleur & Criminal Charges Filed.," D. Baze Responded with "In  
24 review of this grievance you claimed to have been threatened by CCS  
25 2 Lafleur and in doing so he violated your rights by committing an  
26 act of cruel and unusual punishment, equal protection of the law,  
27 freedom of speech and violated AR 339 as well. You claim CCS 2  
28 Lafleur "threatened to slam me on the ground" after being told  
three times to stop grinding your teeth. Your remedy for this is to  
have criminal charges filed against CCS 2 Lafleur. I have reviewed  
the written statements by all three staff members who were  
present during this interaction in the unit 3A Case Workers  
Office on 5/14/19 regarding your Unauthorized Mail Notification. It  
was reported that CCS 2 Lafleur was discussing a resolution with  
you regarding your unauthorized Mail notification. During this  
interaction you were responding in a manner which was a perceived  
as an act of hostility because you were posturing forward in your  
chair while grinding your teeth together. Although you were asked  
several times to stop this behavior it continued, only when CCS 2

1 LaFleur give you the option to either stop the behavior or be  
2 placed onto the ground did you stop. You then apologized for  
3 your behavior claiming that's just how you talk when  
4 you are Frustrated. You were seen the next day by CCS 2  
5 LaFleur and upon further discussion were able to resolve the  
6 unauthorized mail issue. I can not find where any of your rights as  
7 you have claimed were violated nor how CCS 2 LaFleur was in  
8 violation of AR339. You have not factually demonstrated a loss  
9 or harm as required by AR740. Grievance denied."

10 In Plaintiff's first level Grievance he responded with the  
11 following statement, "if you look at the video in the activity  
12 room that covers the 3A caseworkers office you'll see that I  
13 wasn't leaning forward ~~I was doing so~~ and my hands were in my  
14 lap or that had I been leaning forward I was doing so the whole time  
15 and my hands were in my lap and either way there was a C/O present  
16 and he never said a thing and if there was a threat safety to  
17 freestaff the C/O is required to step in freestaff/caseworker  
18 can't put hands on an inmate. harm is an attempt to chill my  
19 first amendment right to freedom of speech. If in fact I was  
20 grinding my teeth I apparently had no control over it. Same  
21 Relief Requested," and Renee Baker Rubber stamped it  
22 with the same response as D. Baze, supra at pg 5 line 16  
23 thru SA line 9.

24 In Plaintiff's second level Grievance he responded with the  
25 following statement, "I've spoken to % Kerns about this and  
26 he has told me "he did not write a statement for this matter"  
27 so there is a falsely written statement on record. Yes I did  
28 stop, but it was due to the fact that I quit talking period and



1 I was still leaning forward at that time. His "Lafleur" was  
2 tempting to put a chilling effect on my 1<sup>st</sup> amendment right.  
3 The behavior stopped due to me not responding anymore, as  
4 stated before its how I talk when frustrated I have no  
5 control over it. Also when Lafleur came back the next day  
6 I refused until Kerns called a warden or Lt. down to the  
7 units because of threats, But Kern ended up standing in  
8 unit Bubble window and watching. Like I said before look  
9 at video covering caseworkers office, Lafleur chilled my  
10 1<sup>st</sup> amendment right. Same Relief, and J. Borrowman  
11 responded with "Inmate states he was called into the  
12 caseworkers office on May 14, 2019 to discuss a grievance  
13 regarding an Unauthorized Mail Notification that was issued  
14 on April 17, 2019. Inmate states he apparently was grinding his  
15 teeth and was told to stop on three occasions. Inmate states  
16 he was then threatened by caseworker Lafleur when he stated  
17 he would "Slam me on the ground" if he did not stop grinding his  
18 teeth. Inmate states this was in violation of his rights. He is  
19 requesting to have caseworker Lafleur fired and to have  
20 criminal charges filed. You have been answered appropriately at the  
21 ~~low~~ previous levels. Your rights were never violated. You were asked  
22 to stop your behavior and you continued. You have not factually  
23 demonstrated a loss or harm as required by AR 740. Furthermore,  
24 you have failed to provide the Unauthorized Mail Notification  
25 and you have failed to state how the issue was resolved as was  
26 stated in the 1st level response. You have failed to substantiate  
27 your claim. Your grievance is denied.

28 So here are the issues with the responses provided:

(5B)

1 (1) Ignoring threats for exercising rights; (2) Not doing anything  
2 about threats of harm by staff; (3) Not addressing crime of  
3 Forged statement; (4) Not reviewing all evidence; (5) not upholding  
4 code of conduct; (6) Rubber Stamping Responses; (7) addressing  
5 something that has nothing to do with issue in grievance  
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1 The following civil rights have been violated: U.S. Const. Amend.  
2 I, 5, 14

3  
4 Supporting Facts (Include all facts you consider important. State the facts  
5 clearly, in your own words, and without citing legal authority or argument. Be  
6 sure you describe exactly what each specific defendant (by name) did to violate  
7 your rights): This court pertains to grievance #20063087580

8 On 8/5/19 I filed the above grievance stating "Attached you  
9 will find a receipt for an e-file out of one my lawsuits, I just  
10 discovered it in a batch of paperwork but what wasn't with it  
11 was my copy of the document or my receipt for it This is  
12 an attempt to Block my access to the courts & litigating that case.  
13 Releit & I want is 2) \$450 or in alternative TV w/coaxle cable, 3)  
14 If this goes to court I'm seeking the full amount in the case I'm  
15 now going to lose" And T. Carpenter responded with "Law  
16 Library logs reflect that you received the e-file on the date in  
17 question and ended up even ended up with an extra copy of the front  
18 page All e-files are logged. Your log reflects that you received your  
19 copy."

20 At The First level I responded with "I disagree with your  
21 response, my argument from my Informal still stands as is. And my  
22 remedy is \$450 or in alternative TV w/coaxle, If this goes to court  
23 I'm seeking the full amount in that case now that it was dismissed  
24 due to no opposition of the missing document." And R. Baker  
25 responded with the same as T. Carpenter supra at lines 11-14.

26 At The Second level I responded with "I disagree with your  
27 response, my argument from my Informal still stands as is. And my  
28 remedy is \$450 or in the alternative TV w/coaxle cable, If this  
29 goes to court I'm seeking the full amount in that case now that  
30 it was dismissed due to no opposition of the missing document."  
31 And J. Barrowman responded with "Inmate states that due to  
32 staff not giving him his paperwork, he was not able to file his  
33 objections with this court. Inmate states this is an attempt to  
34 block his access to the courts. He is requesting to receive  
35 \$450 or a TV with a coax cable. Law library records reflect  
36 that you received your documents. The fact that you attached  
37 your notice of filing indicates that you have received the  
38 documents that are printed with the notice of filing. Your  
39 grievance is denied."

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1 The Notice of Filing that I attached was the copy ~~of~~ that  
2 I was suppose to sign for my documents. LCC staff  
3 can't produce a copy of that same document signed by  
4 me. In fact LCC staff photocopied the one I attached  
5 and attached the photocopy to, Proof is the fact the  
6 photo copy shows the staple holes from the copy I  
7 attached. In fact the log they attached is the facilities  
8 own personal log for my filings which can be altered  
9 to what they want, and if its the one for when it shows  
10 up, it gets marked received but either way you look at  
11 it they cant show I received the document.

1) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? Yes No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below outline).

a) Defendants: \_\_\_\_\_

b) Name of court and case number: \_\_\_\_\_

c) Disposition: \_\_\_\_\_

d) Issues raised: \_\_\_\_\_

e) Approximate date complaint was filed: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_

2) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures per AR 740? X Yes No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a:

(1) disciplinary hearing; (2) state or federal court decision; (3) state or federal law or regulation; (4) parole board decision; or (5) other. If your

answer is "Yes", provide the following information: Grievance number: See Count 1 & 2 & 3. Date and institution where grievance was filed: LCC, 2/12/19; 5/14/19; and 8/15/19

Response to grievance: See Counts 1, 2, & 3

#### E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

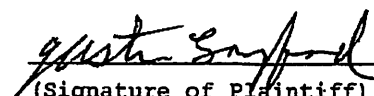
I want \$600,000<sup>00</sup> in punitive damages from NDAC & \$10,000<sup>00</sup> from all other defendants; I also want the same in Compensatory Damages; and % Smith fired & LCC staff properly punished under the law & NDAC policy, i.e. firing for false statements in grievance process. T. Carpenter and anyone else

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I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA AND THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT, and is submitted without benefit of a notary pursuant to 28 U.S.C. § 1746, 18 U.S.C. § 1621 and NRS 208.165

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Name of person who prepared  
Or helped prepare this  
Complaint if not Plaintiff)

  
(Signature of Plaintiff)

\_\_\_\_\_  
(Additional space if needed; identify what is being continued)

CASE NO. 27CV-OTH-2020-0057

DEPT. NO.

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

Justin Odell Langford,  
Plaintiff,

-vs-

% Smith, et al.,

REQUEST FOR DISMISSAL  
OF FIRST AMENDED COMPLAINT

COMES NOW Justin Odell Langford<sup>©</sup>, and moves this  
Honorable Court to enter an order dismissing his First Amended  
complaint and leave his original complaint filed on Mar. 17, 20  
as the standing complaint. The Amended complaint was filed  
on Apr. 13, 2020 and is not needed  
DATED this 27<sup>TH</sup> day of May, 2020.

Respectfully Requested  
*Justin Langford*

CASE NO. 27CV-OTH-2020-0057  
DEPT NO.

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

Justin Odell Langford,  
Plaintiff,

vs

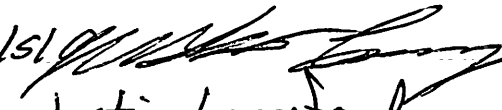
Ch Smith, et al.,  
Defendants

REQUEST FOR SUBMISSION

I Request that the "Request For Dismissal of First Amended Complaint" Filed same day as this request be submitted to the court for decision as no opposition is required for voluntary dismissal.

This document does not contain the social security Number of any person.

Date: 5/27/20

151   
Justin Langford



CASE NO. 27CV-OTH-2020-0057

DEPT NO.

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

Justin Odell Langford,<sup>©</sup>

Plaintiff,

vs

APPLICATION FOR DEFAULT

% Smith, et al.,

Defendants,

On March 26, 2020 the following Defendants:  
% Smith (see Exhibit 1); C. Potter (see Exhibit 2); Caseworker  
Leeleur (see Exhibit 3); T. Carpenter (see Exhibit 3) were  
served by way of summons and complaint by the  
Pershing County Sheriff and had 45 days to respond  
to the Complaint. The Deadline to respond was  
May 10, 2020, and have filed no response.

DATED this 27<sup>th</sup> day of May, 2020.

15/Justin Langford

Justin Langford

LCC, 1200 Prison Rd

Lovelock, Nev 89419

# **EXHIBIT**

C/O Smith

Summons & Proof of Service

# **EXHIBIT**

Served on 3/26/20

Case # 27CV-01A-2010-0057

Dept No. \_\_\_\_\_

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

Defendant

Filed \_\_\_\_\_, 20\_\_\_\_

Clerk

Deputy Clerk

**SUMMONS**

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

You are here by summoned and required to serve upon Justin Odell Langford #1159546

Plaintiff ~~attorney~~, whose address is 1200 Prison Rd, Lovelock NV 89419

An answer to the Complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.\*

Dated this 17<sup>th</sup> day of March, 2020

(Seal of the Court)

**K MARTIN**

By: \_\_\_\_\_

Clerk of the Court

\*Note- When service is by publication, insert a brief statement of the object of the action. See Rule 4

**RETURN OF SERVICE ON REVERSE SIDE**

1 STATE OF NEVADA

2 COUNTY OF \_\_\_\_\_

3 **AFFIDAVIT OF SERVICE**

4 (For General Use)

5 \_\_\_\_\_, being first duly sworn disposes and says: That affiant is and was on the  
6 day when he served the within Summons, a citizen of the United States, over 21 years of age, and not a party to, nor interested in,  
7 the within action; that the affiant received the Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and personally  
8 served the same upon \_\_\_\_\_ the within named defendant (s) on the \_\_\_\_\_ day of  
9 \_\_\_\_\_, 20\_\_\_\_ by delivering to the said defendant (s), personally in \_\_\_\_\_, county of  
10 \_\_\_\_\_ State of \_\_\_\_\_, a copy of the Summons attached to a copy of  
11 the Complaint.

12 **SUBSCRIBED AND SWORN** to before me this

13 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

14 \_\_\_\_\_  
Signature of person making service

15 Notary Public in and for the  
16 County of \_\_\_\_\_  
17 State of Nevada

18 (Seal)

19 STATE OF NEVADA)

20 ) ss.  
21 County of Pershing )

Nevada Sheriff's Return  
(For use of Sheriff of Pershing County)

22 I hereby certify and return that I received the within Summons on the 26 day of MARCH, 2020 and  
23 personally served the same upon Debra Renee Campbell, the within named  
24 defendant (s) personally, in Pershing County, State of Nevada, a copy of the summons attached to a copy of the Complaint.

25 Date: MARCH 26, 2020

26 \_\_\_\_\_  
27 Sheriff of Pershing County, Nevada

28 By [Signature]  
Deputy

EXHIBIT 2

C. POTTER

Summons & Proof of Service

Exhibit 2

Served on 3/26/20

Case # 27CV-074-2020-0057

Dept No. \_\_\_\_\_

In the **Eleventh Judicial District Court** of the State of Nevada  
IN AND FOR THE COUNTY OF PERSHING

\* \* \* \*

Justin Langford ©

Plaintiff

vs  
C. Potter

Defendant

Filed \_\_\_\_\_, 20\_\_\_\_

Clerk

Deputy Clerk

**SUMMONS**

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon Justin Langford © #1159546

Plaintiff ~~attorney~~, whose address is 1260 Prison Rd., Lovelock NV 89419

An answer to the Complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.\*

Dated this 17<sup>th</sup> day of March, 2020

(Seal of the Court)

**K MARTIN**

By: \_\_\_\_\_

Clerk of the Court

\*Note- When service is by publication, insert a brief statement of the object of the action. See Rule 4

**RETURN OF SERVICE ON REVERSE SIDE**

1 STATE OF NEVADA

2 COUNTY OF Pershing

3 **AFFIDAVIT OF SERVICE**

4 (For General Use)

5 \_\_\_\_\_, being first duly sworn disposes and says: That affiant is and was on the  
6 day when he served the within Summons, a citizen of the United States, over 21 years of age, and not a party to, nor interested in,  
7 the within action; that the affiant received the Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and personally  
8 served the same upon \_\_\_\_\_ the within named defendant (s) on the \_\_\_\_\_ day of  
9 \_\_\_\_\_ 20\_\_\_\_ by delivering to the said defendant (s), personally in \_\_\_\_\_, county of  
10 \_\_\_\_\_ State of \_\_\_\_\_, a copy of the Summons attached to a copy of  
11 the Complaint.

12 **SUBSCRIBED AND SWORN** to before me this

13 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

14 \_\_\_\_\_  
Signature of person making service

15 Notary Public in and for the  
16 County of \_\_\_\_\_  
17 State of Nevada

18 (Seal)

19 STATE OF NEVADA)

20 ) ss.  
21 County of Pershing )

Nevada Sheriff's Return  
(For use of Sheriff of Pershing County)

22 I hereby certify and return that I received the within Summons on the 26 day of March, 2020 and  
23 personally served the same upon Conrad Campbell, the within named  
24 defendant (s) personally, in Pershing County, State of Nevada, a copy of the summons attached to a copy of the Complaint.

25 Date: March 26, 2020

26 Sheriff of Pershing County, Nevada

27 By [Signature]  
28 Deputy

EXHIBIT 3

Caseworker Letleur

Summons & Proof of Service

Exhibit 3



Served on 3/26/20

Case # 27CV-OTH-2020-0057

Dept No. \_\_\_\_\_

In the **Eleventh Judicial District Court** of the State of Nevada  
IN AND FOR THE COUNTY OF PERSHING

\* \* \* \*

Justin Odell Langford <sup>®</sup>

Plaintiff

vs

Caseworker Letleur

Defendant

Filed \_\_\_\_\_, 20\_\_\_\_

Clerk

Deputy Clerk

**SUMMONS**

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon Justin Odell Langford <sup>®</sup> #1159546

Plaintiff's ~~name~~, whose address is 1200 Prison Rd. Lovelock, NV 89419

An answer to the Complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.\*

Dated this 17<sup>th</sup> day of March, 2020

(Seal of the Court)

**K MARTIN**

By: \_\_\_\_\_

Clerk of the Court

\*Note- When service is by publication, insert a brief statement of the object of the action. See Rule 4

**RETURN OF SERVICE ON REVERSE SIDE**

1 STATE OF NEVADA

2 COUNTY OF Pershing

3 **AFFIDAVIT OF SERVICE**

4 (For General Use)

5 \_\_\_\_\_, being first duly sworn disposes and says: That affiant is and was on the  
6 day when he served the within Summons, a citizen of the United States, over 21 years of age, and not a party to, nor interested in,  
7 the within action; that the affiant received the Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and personally  
8 served the same upon \_\_\_\_\_ the within named defendant (s) on the \_\_\_\_\_ day of  
9 \_\_\_\_\_, 20\_\_\_\_ by delivering to the said defendant (s), personally in \_\_\_\_\_, county of  
10 \_\_\_\_\_ State of \_\_\_\_\_, a copy of the Summons attached to a copy of  
11 the Complaint.

12 **SUBSCRIBED AND SWORN** to before me this

13 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

14 \_\_\_\_\_  
Signature of person making service

15 Notary Public in and for the  
16 County of \_\_\_\_\_,  
17 State of Nevada

18 (Seal)

19 STATE OF NEVADA)

20 ) ss.  
21 County of Pershing )

Nevada Sheriff's Return  
(For use of Sheriff of Pershing County)

22 I hereby certify and return that I received the within Summons on the 26 day of March, 2020 and  
23 personally served the same upon Connie Campbell, the within named  
24 defendant (s) personally, in Pershing County, State of Nevada, a copy of the summons attached to a copy of the Complaint.

25 Date: March 26, 2020

26 \_\_\_\_\_  
27 Sheriff of Pershing County, Nevada

28 By [Signature]  
Deputy

EXHIBIT 4

T. Carpenter

Summons & Proof of Service

Exhibit 4

Served on 3/26/20

Case # 27CV-OTH-2020-0057

Dept No. \_\_\_\_\_

In the **Eleventh Judicial District Court** of the State of Nevada  
IN AND FOR THE COUNTY OF PERSHING

\* \* \* \*

Justin Odell Langford ©

Plaintiff

vs

T. Carpenter

Defendant

Filed \_\_\_\_\_, 20\_\_\_\_

Clerk

Deputy Clerk

**SUMMONS**

THE STATE OF NEVADA SENDS GREETINGS TO THE ABOVE-NAMED DEFENDANT:

You are here by summoned and required to serve upon Justin Langford © #1159546

Plaintiff ~~attorney~~, whose address is 1200 Prison Rd, Lovelock Nv 89417

An answer to the Complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.\*

Dated this 17<sup>th</sup> day of March, 2020

(Seal of the Court)

**K MARTIN**

By: \_\_\_\_\_

Clerk of the Court

\*Note- When service is by publication, insert a brief statement of the object of the action. See Rule 4

**RETURN OF SERVICE ON REVERSE SIDE**

1 STATE OF NEVADA

2 COUNTY OF Pershing

3 **AFFIDAVIT OF SERVICE**

4 (For General Use)

5 \_\_\_\_\_, being first duly sworn disposes and says: That affiant is and was on the  
6 day when he served the within Summons, a citizen of the United States, over 21 years of age, and not a party to, nor interested in,  
7 the within action; that the affiant received the Summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and personally  
8 served the same upon \_\_\_\_\_ the within named defendant (s) on the \_\_\_\_\_ day of  
9 \_\_\_\_\_ 20\_\_\_\_ by delivering to the said defendant (s), personally in \_\_\_\_\_, county of  
10 \_\_\_\_\_ State of \_\_\_\_\_, a copy of the Summons attached to a copy of  
11 the Complaint.

12 SUBSCRIBED AND SWORN to before me this

13 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

14 \_\_\_\_\_  
Signature of person making service

15 Notary Public in and for the  
16 County of \_\_\_\_\_,  
17 State of Nevada

18 (Seal)

19 STATE OF NEVADA)

20 County of Pershing )

21 Nevada Sheriff's Return  
(For use of Sheriff of Pershing County)

22 I hereby certify and return that I received the within Summons on the 26 day of March, 2020 and  
23 personally served the same upon Camille Campbell, the within named  
24 defendant (s) personally, in Pershing County, State of Nevada, a copy of the summons attached to a copy of the Complaint.

25 Date: March 26, 2020

26 Sheriff of Pershing County, Nevada

27 By J. C. [Signature]  
28 Deputy

1 CASE NO. 27CV-OTH-2020-0057

2 *The undersigned hereby affirms that this document*  
3 *does not contain the social security number of any person.*

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

8  
9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

12 C/O SMITH, et al.,

13 Defendant.

**ORDER DENYING DEFAULT**

14  
15 This matter having come before the Court on Plaintiff JUSTIN ODELL  
16 LANGFORD's Application for Default, filed on June 2, 2020, and good cause appearing;

17 **IT IS HEREBY FOUND** that Plaintiff's Application is premature in that Plaintiff  
18 failed to show proper service to the parties in which he is seeking Default against. On file is  
19 a Complaint, filed on April 13, 2020 and an Amended Complaint.

20 First, the Plaintiff failed to file any proof of service on the initial Complaint.  
21 Although the Court does take notice of the exhibits attached to the Application of Default, it  
22 is unclear who exactly was served, where they were served and exactly what they were served.

23 Second, the Amended Complaint does not contain a Certificate of Mailing, therefore,  
24 it is not known to this Court whether there has been proper service of that Complaint.

1 Third, Plaintiff has failed to file a Notice of Intent to Default and have that Notice  
2 served or otherwise provided upon all parties.

3 Last, Plaintiff has failed to provide an Affidavit in Support of Default, Application in  
4 Support of Default Judgment, Request for Submission, and a proposed Default Judgment.

5 **IT IS HEREBY ORDERED** that based upon the above deficiencies, the Court  
6 hereby DENIES the Application for Default and would direct the Plaintiff to have all  
7 Defendants properly served in accordance with NRCP 4.2. of the Complaint and First  
8 Amended Complaint on file.

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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 - Decision

It is so Ordered.

Judge Shirley

1 CASE NO. 27CC-OTH-2020-0057

2 DEPT. NO. 1

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

9 Justin Odell Langford,

10 Plaintiff,

11 Vs.

12 C/O Smith. Et al.,

13 Defendant.

**NOTICE OF ENTRY  
OF ORDER**

14 PLEASE TAKE NOTICE that the Court entered the following: Order Denying  
15 Default on June 2, 2020, a true and correct copy of which is attached to this notice.

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

19 DATED this 3 day of June 2020.

20  
21 KATRENA M. MARTIN  
CLERK OF THE COURT

22  
23 By   
Deputy

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the Eleventh Judicial District Court, and that on the date below, I caused to be served through the United States Postal Service, hand delivery and/or by electronic mail, a true and correct copy of Order Denying Default on the following:

**Attorney General's Office  
100 N. Carson St.  
Carson City, NV. 89701**

**Justin Odell Langford # 1159546  
1200 Prison Road LCC  
Lovelock, NV 89419**

DATED this 3 day of June 2020.

  
\_\_\_\_\_  
Deputy Clerk

1 CASE NO. 27CV-OTH-2020-0057

2 *The undersigned hereby affirms that this document*  
3 *does not contain the social security number of any person.*

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

8  
9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

12 C/O SMITH, et al.,

13 Defendant.

**ORDER DENYING DEFAULT**

14  
15 This matter having come before the Court on Plaintiff JUSTIN ODELL  
16 LANGFORD's Application for Default, filed on June 2, 2020, and good cause appearing;  
17 **IT IS HEREBY FOUND** that Plaintiff's Application is premature in that Plaintiff  
18 failed to show proper service to the parties in which he is seeking Default against. On file is  
19 a Complaint, filed on April 13, 2020 and an Amended Complaint.

20 First, the Plaintiff failed to file any proof of service on the initial Complaint.  
21 Although the Court does take notice of the exhibits attached to the Application of Default, it  
22 is unclear who exactly was served, where they were served and exactly what they were served.

23 Second, the Amended Complaint does not contain a Certificate of Mailing, therefore,  
24 it is not known to this Court whether there has been proper service of that Complaint.

1           Third, Plaintiff has failed to file a Notice of Intent to Default and have that Notice  
2 served or otherwise provided upon all parties.

3           Last, Plaintiff has failed to provide an Affidavit in Support of Default, Application in  
4 Support of Default Judgment, Request for Submission, and a proposed Default Judgment.

5           **IT IS HEREBY ORDERED** that based upon the above deficiencies, the Court  
6 hereby DENIES the Application for Default and would direct the Plaintiff to have all  
7 Defendants properly served in accordance with NRCP 4.2. of the Complaint and First  
8 Amended Complaint on file.

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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 - Decision

It is so Ordered.

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

**Judge Shirley**

CASE NO. 27CV-OTH-2020-0057

Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number 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.

C/O SMITH, et al.,

Defendant.

**ORDER GRANTING PLAINTIFF'S  
REQUEST TO WITHDRAW AMENDED  
COMPLAINT**

Upon consideration of Plaintiff's Request to Withdraw his First Amended Complaint, filed on June 1, 2020, and because there is no reason to deny his request:

THE COURT THEREFORE GRANTS Plaintiff's Request to Withdraw his Amended Complaint.

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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:

DISTRICT COURT  
PERSHING COUNTY NEVADA

Justin Odell Langford,  
Plaintiff,

vs


REQUEST FOR SUBMISSION

C/O Smith, et al.  
Defendants

I request that "Application In Support of Default  
Judgement"; "Notice of Intent to Default"; "Affidavit  
In Support of Default"; "Proposed Default Judgement"  
File on June 10, ~~th~~ 2020 Approx, be submitted to the  
Court For Decision.

This document does not contain the Social  
Security Number of any person

6/18/20

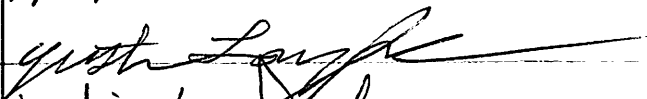
  
Justin Langford #1159546  
LCC, 1200 Prison Rd  
Lovelock, Nev 89419

# Certificate of Service

I Certify that I have attached the foregoing document with special instructions to the Clerk of the Court to E-file and E-Serve all of my Opponents pursuant to N.E.F.C.R. 5(K), 9 et seq. (A-E) Etc., to the following:

Aaron Ford Attorney General  
100 N. Carson St.  
Carson City, Nev., 89701

6/18/20

  
Justin Langford

1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. 1

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

8  
9 Justin Odell Langford,

10 Plaintiff,

11 Vs.

12 C/O Smith, et al.,

13 Defendant.

**NOTICE OF ENTRY**  
**OF ORDER**

14 PLEASE TAKE NOTICE that the Court entered the following: Order Granting  
15 Plaintiff's Request to Withdraw Amended Complaint on June 22, 2020, a true and correct  
16 copy of which is attached to this notice.

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

20 DATED this 29 day of June 2020.

21  
22 KATRENA M. MARTIN  
23 CLERK OF THE COURT

24 By Adriana Ramos  
25 Deputy  
26  
27  
28

1 **CERTIFICATE OF SERVICE**

2

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

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

5 hand delivery and/or by electronic mail, a true and correct copy of Order Granting Plaintiff's

6 Request to Withdraw Amended Complaint on the following:

7

8 Justin Odell Langford # 1159546

9 1200 Prison Road LCC

10 Lovelock, NV 89419

11 Attorney General's Office

12 100 N. Carson St.

13 Carson City, NV. 89701

14 DATED this 29 day of June 2020.

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17 Deputy Clerk

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1 CASE NO. 27CV-OTH-2020-0057

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

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

8  
9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

12 C/O SMITH, et al.,

13 Defendant.

**ORDER GRANTING PLAINTIFF'S  
REQUEST TO WITHDRAW AMENDED  
COMPLAINT**

14  
15 Upon consideration of Plaintiff's Request to Withdraw his First Amended Complaint,  
16 filed on June 1, 2020, and because there is no reason to deny his request:

17 THE COURT THEREFORE GRANTS Plaintiff's Request to Withdraw his Amended  
18 Complaint.

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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.

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

Judge Shirley

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

2 Dept. No. 1

3

4

DISTRICT COURT

5

PERSHING COUNTY NEVADA

6

7 Justin Odell Langford,

8 Plaintiff,

9

- vs -

10 c/o Smith, et al.,

11 Defendants.

12

13 Motion For Requesting Status Check Of Case And Copy Of  
14 Court Docket Sheet

15

16 Plaintiff, Justin Odell Langford, respectfully request of this Court  
17 a status check, and a copy of the Docket Sheet, as Plaintiff has  
18 recieved ~~two~~<sup>3</sup> orders from the judge in this action and that was  
19 order granting Informa Paupers Status; order denying Default; and  
20 order granting Striking of Amended Complaint. Since then No Response  
21 has been received by Plaintiff even though Plaintiff still has numerous  
22 documents on file pending a ruling.

23

Submitted this 12<sup>TH</sup> day of July 2020

24

151 Justin Odell Langford 1159546

25

LCC, 1200 Prison Rd

26

Love Lock, Nev. 89419

27

28



# Certificate of Service

I certify that I have attached a true and correct copy of the foregoing document, with special instructions to the clerk of the court to serve all of my opponents pursuant to N.E.F.C.R. 5(K), 9 et seq. (A-E) Etc., to the following:

Aaron Ford  
Nevada Attorney General

Dated this 12<sup>th</sup> day of July, 2020.

151 Justin Odell Sanford 1159546

LCC, 1200 Prison Rd.

Lovelock, Nev. 89419

**IN THE ELEVENTH JUDICIAL DISTRICT COURT LANDER OF THE STATE  
OF NEVADA**

Justin Odell Langford #1159546  
PLAINTIFF

Vs

C/O Smith, et al  
DEFENDANT

) Dated: 7/8/2020  
)  
)

) Civil File Number: 20002803  
)

) CASE No.: 27CVOTH20200057  
)

**DECLARATION OF SERVICE**

STATE OF NEVADA }

} ss:

CARSON CITY }

**Jakob Dzyak**, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

**Sub-served: State Of Nevada by serving KRISTALE WOLFE, Authorized Individual**

**Location: 100 North Carson Street Attorney General's Office Carson City, NV 89701**

**Date: 6/26/2020 Time: 11:17 AM**

The document(s) served were: Summons & Complaint

I declare under penalty of perjury under the law provided of the State of Nevada that the foregoing is true and correct.  
No notary is required per NRS 53.045.

**Ken Furlong, SHERIFF**



By: Jakob Dzyak Badge# 9685  
Sheriff's Authorized Agent

Eleventh Judicial District Court Lander





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.

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

Defendants.

**DEFENDANTS' ANSWER TO  
PLAINTIFF'S STATE CIVIL RIGHTS  
COMPLAINT**

**JURY TRIAL DEMANDED**

Defendants John Borrowman, Tara Carpenter, Mark La Fleur, Pam Del Porto, and Carter Potter, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and S. Paul Edwards, Deputy Attorney General, hereby answer Plaintiff's State Civil Rights Complaint (Complaint) filed on or about March 17, 2020, in the above entitled action as follows:

**A. JURISDICTION**

1. Defendants admit Plaintiff is presently incarcerated within the Nevada Department of Corrections (NDOC), at Lovelock Correctional Center (LCC) located in Lovelock, Nevada. Defendants deny the remaining allegations set forth in this paragraph.

2. Defendants deny Pam Del Porto is currently employed by the NDOC. Defendants admit Pam Del Porto was employed by the NDOC with the Offender Management Division (OMD). Defendants deny the remaining allegations set forth in this paragraph.

3. Defendants deny Renee Baker is currently employed by the NDOC. Defendants admit Renee Baker was employed by the NDOC as the Warden of LCC. No response is required as this named Defendant is not currently a party to this litigation. To the extent a response is required,

1 Defendants admit Renee Baker was employed by the NDOC as the Warden of LCC. Defendants deny  
2 the remaining allegations set forth in this paragraph.

3 4. Defendants admit Carter Potter is currently employed by the NDOC as a Correctional  
4 Case Work Specialist I (CCS), assigned to LCC. Defendants deny the remaining allegations set forth in  
5 this paragraph.

6 5. Defendants admit John Borrowman is currently employed by the NDOC as a Deputy  
7 Director. Defendants deny the remaining allegations set forth in this paragraph.

8 6. No response is required as this named Defendant is not currently a party to this litigation  
9 and this paragraph sets forth no allegations to which to respond.

10 7. No response is required as this named Defendant is not currently a party to this litigation  
11 and this paragraph sets forth no allegations to which to respond.

12 2.<sup>1</sup> No response is required as this named Defendant is not currently a party to this  
13 litigation. To the extent a response is required, Defendants are unable to admit or deny as the identity  
14 of C/O Smith is unknown as Plaintiff failed to properly identify this Defendant, therefore deny on that  
15 basis.

16 3. Defendants admit Marc LaFleur is currently employed by the NDOC as a CCS II,  
17 assigned to LCC. Defendants deny the remaining allegations set forth in this paragraph.

18 4. Defendants deny Dwayne Baze is currently employed by the NDOC. Defendants admit  
19 Dwayne Baze was employed by the NDOC as a CCS. Defendants deny the remaining allegations set  
20 forth in this paragraph.

21 5. No response is required as no averments are contained therein.

22 6. No response is required as no averments are contained therein.

23 7. No response is required as no averments are contained therein.

24 **B. NATURE OF THE CASE**

25 Defendants deny the allegations set forth in this paragraph.

26 ///

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27  
28 <sup>1</sup> Plaintiff reverts back to No. 2, therefore, Defendants will respond according to Plaintiff's numbering.

1 **C. CAUSE OF ACTION**

2 **COUNT I: DENY**

3 Defendants admit Plaintiff has rights under the First, Eighth, and Fourteenth Amendments of the  
4 United States Constitution. Defendants deny those rights, or any right owed to Plaintiff was violated at  
5 any time or in any manner. Defendants deny the remaining allegations set forth in this paragraph.

6 **SUPPORTING FACTS:<sup>2</sup>**

7 1. Defendants admit Plaintiff has submitted grievances and received responses. Defendants  
8 deny the remaining allegations set forth in this paragraph.

9 2. Defendants admit Plaintiff has submitted grievances and received responses. Defendants  
10 deny the remaining allegations set forth in this paragraph.

11 3. Defendants admit Plaintiff has submitted grievances and received responses. Defendants  
12 deny the remaining allegations set forth in this paragraph.

13 4. Defendants deny the allegations set forth in this paragraph.

14 **COUNT II: DENY**

15 Defendants admit Plaintiff has rights under the First, Eighth, and Fourteenth Amendments of the  
16 United States Constitution. Defendants deny those rights, or any right owed to Plaintiff was violated at  
17 any time or in any manner. Defendants deny the remaining allegations set forth in this paragraph.

18 **SUPPORTING FACTS:<sup>3</sup>**

19 1. Defendants admit Plaintiff has submitted grievances and received responses. Defendants  
20 deny the remaining allegations set forth in this paragraph.

21 2. Defendants admit Plaintiff has submitted grievances and received responses. Defendants  
22 deny the remaining allegations set forth in this paragraph.

23 3. Defendants admit Plaintiff has submitted grievances and received responses. Defendants  
24 deny the remaining allegations set forth in this paragraph.

---

26 <sup>2</sup> Plaintiff failed to number his paragraphs, therefore, Defendants will respond to each paragraph beginning at  
27 No. 1.

28 <sup>3</sup> Plaintiff failed to number his paragraphs, therefore, Defendants will respond to each paragraph beginning at  
No. 1.

1           4.       Defendants deny the allegations set forth in this paragraph.

2           **COUNT III: DENY**

3           Defendants admit Plaintiff has rights under the First, Fifth and Fourteenth Amendments of the  
4 United States Constitution. Defendants deny those rights, or any right owed to Plaintiff was violated at  
5 any time or in any manner. Defendants deny the remaining allegations set forth in this paragraph.

6           **SUPPORTING FACTS:<sup>4</sup>**

7           1.       Defendants admit Plaintiff has submitted grievances and received responses. Defendants  
8 deny the remaining allegations set forth in this paragraph.

9           2.       Defendants admit Plaintiff has submitted grievances and received responses. Defendants  
10 deny the remaining allegations set forth in this paragraph.

11          3.       Defendants admit Plaintiff has submitted grievances and received responses. Defendants  
12 deny the remaining allegations set forth in this paragraph.

13          4.       Defendants deny they “altered” any documents. Defendants are without sufficient  
14 knowledge or belief to admit or deny the remaining allegations set forth in this paragraph, and  
15 therefore, deny on that basis.

16       **D.     PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF**

17          1.       Defendants are without knowledge to admit or deny, and deny on that basis.

18          2.       Defendants are without knowledge to admit or deny, and deny on that basis.

19          3.       Defendants are without knowledge to admit or deny, and deny on that basis.

20       **E.     REQUEST FOR RELIEF**

21          Defendants deny Plaintiff is entitled to any of the relief sought in the Complaint at page 14.

22       **F.     ADDITIONAL ALLEGATIONS**

23          Furthermore, as to any remaining allegations contained in the Complaint not specifically  
24 admitted or denied herein above, Defendants hereby deny all such allegations.

25       **G.     AFFIRMATIVE DEFENSES**

26          Defendants also asserts the following Affirmative Defenses:

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27                   <sup>4</sup>     Plaintiff failed to number his paragraphs, therefore, Defendants will respond to each paragraph beginning at  
28 No. 1.



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**FIRST AFFIRMATIVE DEFENSE**

The Complaint fails to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Defendants are not personally involved in the cause in fact and/or the proximate cause of the alleged constitutional deprivations.

**THIRD AFFIRMATIVE DEFENSE**

This action is time-barred by applicable statutes of limitations.

**FOURTH AFFIRMATIVE DEFENSE**

Defendants, at all relevant times, acted in good faith toward Plaintiff. Therefore, Defendants is/are entitled to qualified good faith immunity from damages.

**FIFTH AFFIRMATIVE DEFENSE**

Defendants are entitled to qualified immunity, absolute immunity and/or sovereign immunity.

**SIXTH AFFIRMATIVE DEFENSE**

At all relevant times herein, Defendants acted in accordance with applicable law and prison procedures that are constitutionally required.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff failed to state a cognizable constitutional claim under 42 U.S.C. § 1983 and the Nevada Constitution, Article 6, subsection 6, and NRS 41.031.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiff failed to mitigate damages, if any, and therefore, is barred from seeking any damages hereunder.

**NINTH AFFIRMATIVE DEFENSE**

Plaintiff was himself negligent in his conduct and such negligence is the sole, primary and superseding cause of any damages sustained by him, if any.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiff's punitive damage claims are barred by law.

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**ELEVENTH AFFIRMATIVE DEFENSE**

Defendants are immune from liability because the acts complained of were discretionary in nature or were performed while carrying out a statute or regulation.

**TWELFTH AFFIRMATIVE DEFENSE**

At all-time relevant, Defendants held a good faith belief that they were acting reasonably and that their actions were privileged and legally justified.

**THIRTEENTH AFFIRMATIVE DEFENSE**

Plaintiff failed to exhaust administrative remedies as required by the Prison Litigation Reform Act.

**FOURTEENTH AFFIRMATIVE DEFENSE**

Plaintiff’s conduct constitutes a waiver of any alleged wrongful conduct undertaken by the answering Defendants.

**FIFTEENTH AFFIRMATIVE DEFENSE**

Plaintiff’s conduct ratified any alleged wrongful conduct by the answering Defendants.

**SIXTEENTH AFFIRMATIVE DEFENSE**

Defendants are immune from liability as a matter of law.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

Defendants reserve the right to amend this answer to allege additional affirmative defenses if subsequent discovery so warrants.

**EIGHTEENTH AFFIRMATIVE DEFENSE**

The negligence of Plaintiff caused or contributed to any injuries or damages which Plaintiff may have sustained, and the negligence of the Defendants, if any, requires that the damages of Plaintiff be denied or diminished in proportion to the amount of negligence attributable to Plaintiff.

**NINETEENTH AFFIRMATIVE DEFENSE**

Defendants cannot be sued for monetary damages while acting in their official capacity in a civil rights action.

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**TWENTIETH AFFIRMATIVE DEFENSE**

Plaintiff is estopped from pursuing any claim against Defendants in accordance with equitable principles of jurisprudence.

**TWENTY FIRST AFFIRMATIVE DEFENSE**

The doctrines of res judicata and/or collateral estoppel bar Plaintiff from asserting the matters set forth in his Complaint and also acts as a bar to any relief sought by Plaintiff.

**TWENTY SECOND AFFIRMATIVE DEFENSE**

The Court lacks subject matter jurisdiction over this matter because Plaintiff did not name the State of Nevada as a Defendant as required by NRS 41.031, NRS 41.032 and NRS 41.0337.

WHEREFORE, Defendants pray for relief as follows:

- 1. That Plaintiff take nothing by virtue of his Complaint.
- 2. For attorney fees and costs of suit herein.
- 3. A jury trial is demanded.

DATED this 31st day of July 2020.

AARON D. FORD  
Attorney General

By: /s/ S. Paul Edwards  
S. PAUL EDWARDS, Bar No. 10033  
Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717  
(775) 684-1261  
sedwards@ag.nv.gov

*Attorneys for Defendant*

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that  
3 on the 31st of July, 2020, I caused to be deposited for mailing a true and correct copy of the foregoing,  
4 **DEFENDANTS' ANSWER TO PLAINTIFF'S STATE CIVIL RIGHTS COMPLAINT**, to the  
5 following:

6  
7 Justin Odell Langford, #1159546  
8 Lovelock Correctional Center  
9 1200 Prison Road  
10 Lovelock, NV 89419

11 

12 An employee of the  
13 Office of the Attorney General  
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CASE No. 27CV-OTH-2020-0057

DEPT No. 1

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 Intent to Default

c/o SMITH, et al.,  
Defendants.

This is to Notify the Following Parties I'm Filing  
for Default as you have failed to respond within your  
45 Day Allotted time.

- 1) State of Nevada Ex rel. NDOC
- 2) Nevada Department of Corrections

Dated:

Respectfully Submitted

/s/

Justin Odell Langford #1159546  
LCC, <sup>46</sup> 1200 Prison Rd  
Havelock, Nev. 89419

CASE No 27CV-OTH-2020-0057

DEPT No 1

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 Et al.,  
Defendants.

Application In Support of  
Default Judgement

Comes Now Justin Odell Langford, Pro se, to file his Application in support of default judgement and moves this Honorable Court to enter an order Granting Default on the following Defendants: State of Nevada Ex rel. NDOC, Nevada Department of Corrections, who were served on ~~March 26~~ June 26, 2020 & June 29, 2020 respectively to each party with 45 day deadline to respond being Aug. 10 & Aug. 13

This Application is made and based upon all papers, pleadings, and documents on file with this Honorable Court. This Application is further made and based upon the Attached Affidavit in Support of Default.  
Date:

Respectively Submitted

151

Justin Odell Langford 1159546  
LCC, <sup>40</sup> 1200 Prison Rd  
Lovelock, Nev 89419



within their allotted time which is 45 days judgement by Default will be taken against you for the relief demanded in the complaint, see Lines 21-22 of summons. So there is no need for a prove-up hearing as they have consented to the relief requested.

I declare under penalty of perjury that the foregoing is true and correct, and that this document is executed without benefit of a notary pursuant to NRS 208.165 & 28 U.S.C.A. §1746 as I am a prisoner in state custody

Dated this      day of      , 2020

151

Justin Odell Langford 1159546



CASE No. 27CV-OTH-2020-0057

DEPT No. 1

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

Justin Odell Langford,  
Plaintiff,

vs-

### Certificate of Service

e/o Smith Et al.,  
Defendants.

I, Justin Odell Langford, Certify that I have attached the following Documents; Notice of Intent to Default; Application In support of Default; Affidavit in support of Default; Proposed Default judgement, with special instructions to the Clerk of the Court for e-file & e-service to all of my opponents pursuant to N.E.F.C.R, 5(K), & et seq. (A-E) etc., to the following:

S. Paul Edwards, Bar No. 10033  
100 N. Carson St.  
Carson City, Nev 89701-4717  
Sedwards@ag.nv.gov

1 Case # 27cv-OTH-2020-0057

2 Dept. # 1

3

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

6

7 Justin Odell Langford,<sup>®</sup>

8 Plaintiff,

9 -VS-

10 C/O Smith, et al.

11 Defendants.

12

13 COMES Now Justin Odell Langford,<sup>®</sup> Sui juris, to file  
14 Plaintiff's Opposition To Defendants' Answer ~~and~~ and moves  
15 this Honorable Court to enter an Order denying the  
16 Defendants' request and make a scheduling order

17 This document is made and based upon all papers,  
18 pleadings, documents on file with this Honorable Court  
19 and the attached Memorandum of Points and  
20 Authorities.

21 Dated this 12<sup>TH</sup> day of Aug., 2020.

22

23 Respectfully Submitted By.

24 /s/ Justin Odell Langford

25 Justin Odell Langford<sup>®</sup> [1159546]

26 LCC, 1200 PRISON ROAD

27 Lovelock, Nevada 89419

28

1 I.) MEMORANDUM OF POINTS AND AUTHORITIES

3 A) ARGUMENT

5 First Counsel purports to respond for the following  
6 Defendants:

7 John Borrowman

8 Tara Carpenter

9 Mark La Fleur

10 Pam Del Porto

11 Carter Potter

12  
13 There is no legal allowance for Counsel to respond  
14 to a complaint for a Defendant who has not been served,  
15 nor requested for the Attorney General's Office to  
16 represent them. Defendant Pam Del Porto has not been  
17 served with the complaint. See NRS 41.0339

18 As for Defendant's response at pg 2 Lines 3-5  
19 and Lines 16-17 is filed outside their 45 days and the  
20 Plaintiff refiled for Default with all the proper  
21 Filings apprx. June 8<sup>TH</sup>, 2020 and have not responded  
22 to the Application for Default, thus Default should  
23 be granted.

24 Defendants response is at pg 2 Lines 8-11 are belied  
25 by the record, see complaint pg 1 Lines 25-27  
26 for the additional defendants and the summons  
27 for those Defendants issued March 17, 2020  
28 also attached as Exhibits 1 & 2. Also on record

1 is the proof of service for these Defendants.

2 As for Defendants response at lines 13-15 of  
3 page 2 in regards to Defendant C/O Smith is  
4 blatant perjury as Defendant Carter Potter  
5 responded to the grievance in regards to the  
6 incident Plaintiff had with C/O Smith, see  
7 Count 1 page 4 Line 8-28, Also C/O Smith is the  
8 Unit 3A senior C/O for A shift as of this  
9 moment and LCC staff accepted service for  
10 him as he is the only C/O with that last name  
11 at LCC. Also Application for Default has been filed  
12 for on C/O Smith, proof of service is on file see  
13 original Default filed on June 2, 2020.

14 As to Defendants response at pg 4 Lines 13-  
15 15, all they have to do is look at the grievances  
16 for Count III to see the proof of this claim  
17 and to show they perjured themselves by  
18 photocopying an exhibit to claim and attached it  
19 as a proof to support their argument. NDOC  
20 staff should actually read what is written by  
21 an inmate, as plaintiff points this issue ~~at~~ out  
22 to them.

23 Defendants' first Affirmative defense is bare  
24 and naked, as Count 1 claim is a breach of security  
25 claim where in C/O Smith was required to be fired  
26 by NDOC policy which is made in compliance with  
27 state law, and is enforceable through civil suit. See  
28 and compare Dodge v. Bd of Education, 302 US 74,

1 78, 58 S.Ct. 98 (1937) with Indiana ex rel Anderson v. Brand,  
2 303 U.S. 95, 104, 58 S.Ct. 443 (1938). Also Count II is for the  
3 chilling effect of defendants actions as to:  
4 Plaintiff's right to freedom of speech ~~for~~ due to  
5 the threat of physical harm due to an involuntary  
6 body reaction as explained in said grievances. Also  
7 Count III does have claim of relief as due to the  
8 actions of staff Plaintiff had another lawsuit  
9 dismissed with prejudice.

10 As to Defendant's second affirmative defense  
11 in regards to count II & III it is an invalid argument  
12 as they failed to intervene in the acts brought to their  
13 attention or were involved personally. See Johnson v.  
14 Newburgh Enlarged Sch. Dist., 239 F.3d 246, 255 (2nd cir. 2001)  
15 As to count I the above Defendants at pg 2 Lines 7-11,  
16 supra they are correct.

17 As to Defendants third affirmative defense is a  
18 nonsensical defense as all three claims happened in  
19 2019 and state and federal laws say the statute of  
20 limitations is two(2) years which would make 2021  
21 the deadline to file. Even so the time to file is  
22 tolled while the Plaintiff was in the grievance  
23 process. see Wisembaker v. Farwell, D. Nev. 2004, 341  
24 F.Supp.2d 1160

25 As to Defendants Fourth affirmative Defense  
26 they do not qualify for the qualified good faith  
27 defense immunity in regards to counts 1, 2, and 3  
28 as they failed to do anything as required by their  
Pg 4 of 9

1 Administrative Regulations (AR) more specifically AR339,  
2 which shows there is no good faith involved on their  
3 parts as AR339 is their code of conduct and each party  
4 has violated it in numerous ways.

5 As to Defendants' Fifth affirmative defense, they are  
6 not entitled to qualified immunity as all rights asserted in  
7 all counts are clearly established, also the right to  
8 claim sovereign immunity is far fetched as it's been  
9 waived under NRS Chap 41. And their claim of absolute  
10 immunity is a bare and naked claim as they do not explain  
11 why they are entitled to it.

12 As to Defendants Sixth affirmative defense, is belied  
13 by the grievances that are filed arguing each issue, and  
14 they filed fraudulent/perjurious statements in each  
15 grievance

16 As to Defendants Seventh affirmative defense, is  
17 basically the same as their first affirmative defense  
18 so plaintiff reasserts his argument from pg 3 line 23 -  
19 pg 4 line 9 here.

20 As to Defendants Eighth affirmative defense, is a  
21 false defense as each count is due to their actions  
22 and their actions alone, there was no way for the  
23 Plaintiff to mitigate damages except file the  
24 grievances he did when he did.

25 As to Defendants Ninth affirmative defense, is  
26 belied by the grievances filed by Plaintiff and quoted.  
27 Defendants are now trying to pass the blame for  
28 their actions.

1 Defendants' Tenth affirmative Defense in  
2 Exemplary/Punitive damages are barred by law is  
3 a nonsensical claim on their part,

4 Defendants' Eleventh affirmative Defense is a  
5 nonsensical claim on their part as ~~no~~ every count  
6 has to do with duties they are regularly assigned and  
7 are arguing against job performance,

8 Defendants' Twelfth affirmative defense is  
9 belied by the grievance's and their records.

10 Defendants Thirteenth affirmative defense is  
11 nonsensical, as their own pleading at pg 3 Lines 7-12;  
12 pg 3 Lines 19-24 and pg 4 Lines 7-12 show that they  
13 admit to three grievances were filed and responded  
14 to, which would be the Informal, First, and second  
15 level grievances as required by AR 740.

16 Defendants Fourteenth affirmative defense is  
17 again them trying to pass the blame for the lack  
18 of them doing ~~ing~~ their job/duties that their  
19 required by law,

20 Defendants Fifteenth affirmative defense is  
21 just a rewording of defenses 8, 9, 14 and again they  
22 are arguing against job performance as they failed  
23 to do things they are required to do

24 Defendants Sixteenth affirmative defense is non-  
25 sensical as Title 42 Section 1982 says shall be liable for  
26 damages to the party injured - see Estate of Macias v.  
27 Lopez 42 F.Supp. 2d 957 (N.D. Cal 1999),

28 Defendants Eighteenth affirmative defense is

1 just another way of wording defense's 8,9,14,15 and  
2 again they are arguing against job performance, and  
3 against duties that are required for them to perform.

4 Defendants Nineteenth affirmative defense may  
5 or may not be true as stated Title 42 section 1983  
6 shall be liable for damages to the injured party,  
7 supra at pg 6 Lines 24-27, also defendants are sued  
8 in their individual capacity.

9 Defendants Twentieth affirmative defense is  
10 nonsensical as Plaintiff can't be stopped for seeking  
11 compensation for damage caused by another party.

12 Defendants' Twenty First affirmative defense has  
13 no standing in this matter as the claims by Plaintiff  
14 has never been litigated in the courts.

15 Defendants' Twenty Second affirmative defense is  
16 nonsensical as stated supra, this defense is belied  
17 by pg 1 Lines 25-27 of complaint on file and the  
18 summons issued on March 17, 2020 and proof of  
19 service on file with this court, also pg 2 Lines 20-  
20 24 of complaint belie this claim. Also the complaint is  
21 Filed Pursuant to 42 U.S.C. 1983, not a Tort pursuant  
22 to NRS Chap. 41 thus Plaintiff was not required  
23 to Name The State of Nevada as required by  
24 NRS Chap. 41 Tort laws.

25  
26 WHEREFORE, Plaintiff moves this Honorable court  
27 ~~denie~~ deny request 1 and 2 of the defendants and  
28 send this matter to mediation since the defendants



1 want to argue state law as the A.G. is required  
2 to initiate settlement negotiations under NRS  
3 Chap. 41. and suspend proceedings for 90 days  
4 for negotiations, then if a settlement cant be  
5 reached it is respectfully requested for the  
6 court to set a scheduling order in place.  
7

8 Dated this 8<sup>th</sup> day of August, 2020.  
9

10 Justin Odell Langford<sup>(c)</sup>  
11 Plaintiff  
12

13 By:

14 15/Justin Odell Langford  
15 Justin Odell Langford, 1159546  
16 LCC 1200 Prison Rd  
17 Lovelock, Nev 89419  
18

19 Affirmation pursuant to NRS 239B.039

20 The undersigned affirms that this  
21 document does not contain the  
22 Personal information of any person.  
23 //

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28 //

# Certificate of Service

I, certify, that I have attached the foregoing document with special instructions to the clerk of the court for e-file and e-service to ~~serve~~ all of my opponents pursuant to N.E.R.C.R. 25(k), 9 et seq. (A-E) Etc., to the following:

S. Paul Edwards, Bar No. 10033  
Deputy Attorney General  
100 N. Carson St.  
Carson City, Nev. 89701-4717  
sedwards@ag.nv.gov

CASE NO. 27CV-OTH-2020-0057

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

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

JUSTIN ODELL LANGFORD,

Petitioner,

vs.

C/O SMITH; RENEE BAKER; et al.,

Respondent.

**ORDER SETTING HEARING AND TO  
PRODUCE PRISONER**

The Court hereby sets a Case Management Conference in this matter for October 2, 2020 at 10:30 a.m. The Attorney General shall use the teleconference number 978-990-5000 access code 710154#. The Prison shall contact the Court with the telephone number and access code at which Mr. Langford may be contacted.

IT IS HEREBY ORDERED that a Case Management Conference shall be held in this matter on October 2, 2020 at 10:30 a.m. and the Attorney General shall use the teleconference number 978-990-5000 access code 710154#.

IT IS FURTHER ORDERED that the Lovelock Correctional Center shall produce Mr. Langford to a place with a phone and get the Court a phone number and access code to allow Mr. Langford to attend the hearing by telephone.

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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.

A handwritten signature in black ink, appearing to read 'Shirley', is written over a light blue rectangular background.

Judge Shirley

CASE NO. 27CV-OTH-2020-0057

DEPT. NO. 1

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; et al.,

Defendant.

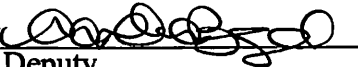
**NOTICE OF ENTRY  
OF ORDER**

PLEASE TAKE NOTICE that the Court entered the following: ORDER SETTING  
HEARING AND TO PRODUCE PRISONER on August 25, 2020. a true and correct copy  
of which is attached to this notice.

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

DATED this 25 day of August 2020.

KATRENA M. MARTIN  
CLERK OF THE COURT

By   
Deputy

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the Eleventh Judicial District Court, and that on the date below, I caused to be served through the United States Postal Service, hand delivery and/or by electronic mail, a true and correct copy ORDER SETTING HEARING AND TO PRODUCE PRISONER on the following:

Justin Odell Langford # 1159546

1200 Prison Road LCC

Lovelock, NV 89419

Steven Paul Edwards

100 North Carson Street

Carson City, NV 89701

sedwards@ag.nv.gov

DATED this 25 day of August 2020.

  
Deputy Clerk

1 CASE NO. 27CV-OTH-2020-0057

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

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

8  
9 JUSTIN ODELL LANGFORD,

10 Petitioner,

11 vs.

12 C/O SMITH; RENEE BAKER; et al.,

13 Respondent.

**ORDER SETTING HEARING AND TO  
PRODUCE PRISONER**

14 The Court hereby sets a Case Management Conference in this matter for October 2, 2020  
15 at 10:30 a.m. The Attorney General shall use the teleconference number 978-990-5000 access  
16 code 710154#. The Prison shall contact the Court with the telephone number and access code at  
17 which Mr. Langford may be contacted.

18 IT IS HEREBY ORDERED that a Case Management Conference shall be held in this  
19 matter on October 2, 2020 at 10:30 a.m. and the Attorney General shall use the teleconference  
20 number 978-990-5000 access code 710154#.

21 IT IS FURTHER ORDERED that the Lovelock Correctional Center shall produce Mr.  
22 Langford to a place with a phone and get the Court a phone number and access code to allow Mr.  
23 Langford to attend the hearing by telephone.

24 ///

25 ///

26 ///

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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.

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

**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 CHANGE OF ATTORNEY**

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

Defendants.

Defendants John Borrowman, Tara Carpenter, Mark La Fleur, Pam Del Porto, and  
Carter Potter, by and through counsel, Aaron D. Ford, Attorney General of the State of  
Nevada, and Andrea M. Dominguez, Deputy Attorney General, hereby notify the Court  
and respective parties that Deputy Attorney General Andrea M. Dominguez has assumed  
responsibility for representing the interests of Defendants John Borrowman, Tara  
Carpenter, Mark La Fleur, Pam Del Porto, and Carter Potter in this action.

///

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1 Deputy Attorney General S. Paul Edwards is no longer responsible for the handling  
2 of this case and should be removed from this matter.

3 DATED this 26th day of August, 2020.

4  
5 AARON D. FORD  
6 Attorney General

7 By: /s/ Andrea M. Dominguez  
8 ANDREA M. DOMINGUEZ, Bar No. 15209  
9 Deputy Attorney General  
10 100 N. Carson Street  
11 Carson City, NV 89701-4717  
12 (775) 684-1163  
13 adominguez@ag.nv.gov


14 *Attorneys for Defendant*  
15  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on 26th day of August 2020, I caused to be deposited for mailing a true and correct copy of the foregoing, **NOTICE OF CHANGE OF ATTORNEY**, to the following:

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

  
An employee of the  
Office of the Attorney General

CASE NO. 27CV-OTH-2020-0057

DEPT. NO. I

**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;  
CASEWORKER LeFLUER; C. POTTER; P.  
DelPORTO; J BORROWMAN; D. BAZE; T  
CARPENTER, STATE OF NEVADA *ex rel.*  
NDOC; AND NEVADA DEPARTMENT OF  
CORRECTIONS,

Defendant.

**ORDER DIRECTING SERVICE UPON STATE  
OF NEVADA *ex rel.* NDOC AND NEVADA  
DEPARTMENT OF CORRECTIONS AND  
DIRECTIONS TO CLERK OF COURT  
REGARDING DEFAULT APPLICATION**

The Court notes that, on the 18<sup>TH</sup> day of August, 2020, Plaintiff filed a Notice of Intent to Default (regarding the State of Nevada, *ex rel.* NDOC and Nevada Department of Corrections). The Notice has no indicia or certification that it was served upon the parties. Additionally, the Court has no indicia that these parties were served. Plaintiff must serve both parties with the Notice of Intent and any documents that will be filed or have been filed to support the Notice or request the Default.

**IT IS HEREBY ORDERED:** Plaintiff shall serve an Amended Notice of Intent to Default and any documents associated with that proposed action upon the State of Nevada, *ex rel.* NDOC and Nevada Department of Corrections. Plaintiff shall file with the Court the the appropriate certificate of service as to those documents. Said action shall occur within 20 days of this Order.

**IT IS FURTHER CONTINGENTLY ORDERED:** Subject to the filing of a certificate of mailing, the Clerk is hereby directed to not enter a Default against the State of Nevada, *ex rel.* NDOC and Nevada Department of Corrections until 14 days after the Amended Notice is filed or 14 days after the documents were served by mail, which ever date is later.

**IT IS SO ORDERED.**

**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.

A handwritten signature in black ink, appearing to read 'Shirley', is written over a light blue rectangular background.

Judge Shirley

1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. 1

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

9 Justin Odell Langford

10 Plaintiff,

11 Vs

12 C/O Smith; Renee Baker; Caseworker LeFluer;

13 C. Potter; P. DelPorto; J Borrowman; D. Baze;

14 T Carpenter, State of Nevada ex rel. NDOC;

15 and Nevada Department of Corrections,

16 Defendant.

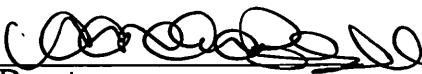
**NOTICE OF ENTRY  
OF ORDER**

17 PLEASE TAKE NOTICE that the Court entered the following: Order Directing  
18 Service Upon State of Nevada ex rel. NDOC and Nevada Department of Corrections and  
19 Directions to Clerk of Court Regarding Default Application on September 11, 2020. a true  
20 and correct copy of which is attached to this notice.

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


24 DATED this 15 day of September 2020.

25  
26 KATRENA M. MARTIN  
CLERK OF THE COURT

27 By   
28 Deputy

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DATED this 15 day of September 2020.

  
Deputy Clerk

1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

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

8 JUSTIN ODELL LANGFORD,

9 Plaintiff,

10 vs.

11 C/O SMITH; RENEE BAKER;  
12 CASEWORKER LeFLUER; C. POTTER; P.  
13 DePORTO; J BORROWMAN; D. BAZE; T  
CARPENTER, STATE OF NEVADA *ex rel.*  
NDOC; AND NEVADA DEPARTMENT OF  
CORRECTIONS,

14 Defendant.

**ORDER DIRECTING SERVICE UPON STATE  
OF NEVADA *ex rel.* NDOC AND NEVADA  
DEPARTMENT OF CORRECTIONS AND  
DIRECTIONS TO CLERK OF COURT  
REGARDING DEFAULT APPLICATION**

15 The Court notes that, on the 18<sup>TH</sup> day of August, 2020, Plaintiff filed a Notice of Intent to Default  
16 (regarding the State of Nevada, *ex rel.* NDOC and Nevada Department of Corrections). The Notice has no  
17 indicia or certification that it was served upon the parties. Additionally, the Court has no indicia that these  
18 parties were served. Plaintiff must serve both parties with the Notice of Intent and any documents that will  
19 be filed or have been filed to support the Notice or request the Default.

20 **IT IS HEREBY ORDERED:** Plaintiff shall serve an Amended Notice of Intent to Default and  
21 any documents associated with that proposed action upon the State of Nevada, *ex rel.* NDOC and Nevada  
22 Department of Corrections. Plaintiff shall file with the Court the the appropriate certificate of service as to  
23 those documents. Said action shall occur within 20 days of this Order.

24 **IT IS FURTHER CONTINGENTLY ORDERED:** Subject to the filing of a certificate of  
25 mailing, the Clerk is hereby directed to not enter a Default against the State of Nevada, *ex rel.* NDOC and  
26 Nevada Department of Corrections until 14 days after the Amended Notice is filed or 14 days after the  
27 documents were served by mail, which ever date is later.

28 **IT IS SO ORDERED.**



**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.

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

**Judge Shirley**

CASE No. 27CV-OTH-2020-0057

DEPT No. 1

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

Justin Odell Langford,  
Plaintiff,

-v-

C/O SMITH ET al  
Defendants

REQUEST FOR JUDICIAL NOTICE  
AND JUDICIAL ACTION TO BE  
TAKEN

On June 2<sup>nd</sup>, 2020 this Honorable Court issued an order denying default filed the same day, the Plaintiff received that order on June 5<sup>th</sup>, 2020 wherein this court said the Plaintiff was missing documents for a proper filing of a Default. The Plaintiff did all the documents and had copies made on June 8<sup>th</sup>, 2020 done under Brass slip #2330468 for \$2.40 see Exhibit 1 then mailed it out under Brass slip # 2329170 for \$1.65 see Exhibit 2. That would put that under the hands of this Courts "Court Clerk on June 16 2020 Apprx. But there is no record of it on file.

On June 29<sup>th</sup>, 2020 The Plaintiff filed a Request for Submission for that Application for Default, I've had issues in both my lawsuits with paperwork coming up missing in this Court. The Plaintiff is asking this Honorable Court to locate this missing paperwork as no one but the Plaintiff can show through court records the proof



needed to show Plaintiff is entitled to Default on all served defendants. The Plaintiff is asking for the Court to Grant him Default on all served Defendants as he is entitled to it. See Exhibit 3 of said Default mailed.

## Certificate Of Service

I, certify, that ~~at~~ I have attached the foregoing document with special instructions to the Clerk of the Court to e-file and e-serve all of my opponents pursuant to N.E.F.C.R., 5(K), & Ex. seq. (A-E) Etc.

Andrea Dominguez  
Counsel For All Defendants  
Pursuant to NRS Chap 41

**EXHIBIT**

1

STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS  
INMATE ACCOUNT TRANSACTION  
REQUEST

Date: 6/8/20 No 2330468

To: Inmate services

I hereby authorize my account to be charged in the amount  
of \$ 3.40 (Two Dollars and 40/100 Dollars).

Please pay to WDS

Signature [Signature]

Print name Justin Langford

ID No. 1159346 Institution LCC

Approved by.....

|          |                |         |                     |
|----------|----------------|---------|---------------------|
| Transfer | Purchase Order | Postage | Other               |
|          |                |         | <u>Legal copies</u> |

White  
Canary  
Pink

Inmate Services  
Institution Copy  
Inmate

DOC 509 (Rev.2/06)

CT

**EXHIBIT**

1



**EXHIBIT**

2

STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS  
INMATE ACCOUNT TRANSACTION  
REQUEST

Date: 6/11/20 NR 2329170

To: Inmate services

I hereby authorize my account to be charged in the amount  
of \$ 1.05 one — US/100 Dollars).

Please pay to NDOC

Signature.....

Print name Justin Langford

ID No. 1159546 Institution LCS

Approved by.....

|          |                |                                      |       |
|----------|----------------|--------------------------------------|-------|
| Transfer | Purchase Order | Postage<br><u>Legal</u><br><u>X3</u> | Other |
|----------|----------------|--------------------------------------|-------|

White  
Canary  
Pink

Inmate Services  
Institution Copy  
Inmate

DOC 509 (Rev.2/06)

**EXHIBIT**

2

# **EXHIBIT**

3

Copy of  
Default Papers  
Mailed On  
June 11, 2020

# **EXHIBIT**

3

CASE No. 27CV-OTH-2020-0057

DEPT No. 1

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 Intent to Default

C/O Smith, et al.,

Defendants.

This is to Notify the Following Parties I'm  
Filing for Default as you have failed to respond  
within your 45 Day Allotted time.

1) C/O Smith

2) C. Potter

3) T. Carpenter

4) Caseworker Lefleur

June  
Dated: ~~May~~ 7<sup>th</sup>, 2020.

Respectfully Submitted

1st Justin Odell Langford

Justin Odell Langford 1159546

LCC, 1200 Prison Rd

Love/ock, Nev 89419

CASE No. 27CV-OTH-2020-0057

DEPT No. 1

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, et al.,  
Defendants.

APPLICATION IN SUPPORT OF  
DEFAULT JUDGEMENT

COMES Now Justin Odell Langford, In Pro se, to file his Application In Support Of Default Judgement and moves this Honorable Court to enter an order Granting Default on the following Defendants; C/O Smith; C. Potter; T. Carpenter; Caseworker LeBeur. Who were served on March 26, 2020 with 45 day deadline to respond being May 10, 2020

This Application is made and based upon all papers, pleadings, and documents on file with this Honorable Court. This Application is further made and based upon the Attached Affidavit in Support of Default.

Dated: ~~May~~ <sup>June</sup> 7<sup>TH</sup>, 2020.

Respectfully Submitted

*Justin Odell Langford*

Justin Odell Langford 1159546

LCC, 1200 Prison Rd.

Lovelock, Nev 89419



1 AFFIDAVIT OF JUSTIN ODELL LANGFORD

2

3 STATE OF NEVADA ) Affidavit In Support of  
4 ) ss. Default

5 County of Pershing )

6

7 I, Justin Odell Langford, the undersigned, do hereby swear that  
8 all following statements are true and correct, to the best of my  
9 own knowledge and of my own volition.

10 1) My name is Justin Odell Langford

11 2) I am over 18 years of age, I reside at Lovelock Correctional  
12 Center, 1200 PRISON RD., Lovelock, Nevada 89419. I am fully competent  
13 to make this Affidavit and I have personal knowledge of  
14 the facts stated herein.

15

16 on June 2, 2020 I filed an application for Default with four (4)  
17 Summons and Affidavit of Service attached to each  
18 Summons, so Summons and Affidavit of Service are on  
19 file now.

20 On Each of the Summons where the Defendants  
21 name goes which is lines 8-10 you will see each of the  
22 following four (4) names:

23 1) T. Carpenter

24 2) C/O Smith

25 3) C. Potter

26 4) Caseworker Lefleur

27 Service on all Defendants is not required to get Default on these

28 On line 20 of the Summons it states "An answer

(1)

to the Complaint which is herewith served upon you".

And being that the Sheriff of Pershing County signed the affidavit of service says it was served in Pershing County, Also with all the Defendants being Lovelock Correctional Center / NDOC employees' evidenced by complaint and Plaintiff is an Inmate and Inmates can't have staff addresses says these four defendants were served at Lovelock Correctional Center

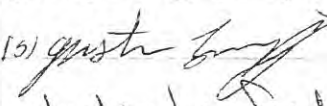
Also Affidavit of service line 21 shows "a copy of summons attached to a copy of the Complaint."

Also the Summons says right on it that if they fail to respond within their allotted time which is ~~45~~ 45 days judgement by default will be taken against you for the relief demanded in the complaint. Lines 21-22 of summons.

Also I Filed Request to strike First Amended Complaint with request for submission so that makes it clear Default is for the Original Complaint. Also I'm having issues getting the other Defendants served.

I declare under penalty of perjury that the foregoing is true and correct, and that this document is executed without benefit of a notary pursuant to NRS 208.165 & 28 U.S.C.A. §1746 as I am a prisoner in State Custody

Dated this 5<sup>th</sup> day of June, 2020

151 

Justin Langford 1159546

CASE No. 27CV-OTH-2020-0057

DEPT No. 1

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

Justin Odell Langford,  
Plaintiff,

-vs-

PROPOSED DEFAULT JUDGEMENT

C/O SMITH, et al.,  
Defendants.

It is Hereby Ordered that Defendant C/O Smith pay the  
Plaintiff \$10,000.<sup>00</sup> For damages as stated in complaint

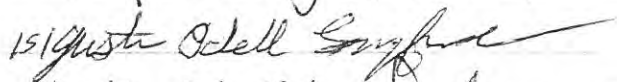
It is Hereby Ordered that Defendant C. Potter pay the  
Plaintiff \$10,000.<sup>00</sup> For damages as stated in complaint

It is Hereby Ordered that Defendant T. Carpenter pay the  
Plaintiff \$10,000.<sup>00</sup> For damages as stated in complaint

It is Hereby Ordered that Defendant Caseworker Letleur pay  
the Plaintiff \$10,000.<sup>00</sup> For Damages as stated in complaint.

Dated: June 7<sup>th</sup> 2020

Respectfully Submitted

  
Justin Odell Langford 1159546  
LCC, 1200 Prison Rd  
Lovelock, Nev 89419

CASE No. 27CV-OTH-2020-0057

DEPT No. 1

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

Justin Odell Langford,  
Plaintiff,

- vs -

### Certificate of Service

C/O Smith, et al  
Defendants.

I, Justin Odell Langford, certify that I gave each of the following Defendants a copy of the following documents in person, by kite or mail to Attorney General for them: Notice of Intent to Default; Application in Support of Default; Affidavit in Support of Default; Proposed Default Judgement, within 3 days of mailing to court.

C/O Smith

(Personally Given Copy)

C. Potter

(Given Copy via WDOC Kite)

Caseworker Lefleur

(Given Copy via WDOC Kite)

T. Carpenter

(mailed Copy to A.G.'s Office)

100 N. Carson St.

Carson City, Nev. 89201

June  
Dated: ~~May~~ 7<sup>TH</sup>, 2020.

15/Justin Langford  
Justin Langford

CASE No. 27CV-OTH-2020-0057

DEPT. No. 1

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

Justin Odell Langford,  
Plaintiff,

"Amended"

- v -

Notice of Intent To Default

C/O SMITH ET al,

Defendants

This is to Notify you the following Parties I'm filing for Default as you  
have failed to respond within your 45 day Alotted time.

1) State of Nevada Ex rel. NVOC

2) Nevada Department of Corrections

DATED: 9/19/20

Respectively Submitted

15195th St. Langford

Justin Odell Langford #1159546

LCC, 1200 Prison Rd

Lovelock, Nev 89419

CASE No. 27CV-OTH-2020-0057

DEPT. No. 1

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

Justin Odell Langford,

Plaintiff,

"AMENDED"

-vs-

APPLICATION IN SUPPORT OF

C/O SMITH, et al

DEFAULT JUDGEMENT

Defendants.

COMES NOW JUSTIN ODELL LANGFORD, Proper, to file his application in support of default judgement and moves this Honorable Court to enter an Order Granting Default on the following Defendants: State of Nevada Ex rel. NDOC; Nevada Department of Corrections, who were served on June 26<sup>th</sup>, 2020 & June 29<sup>th</sup>, 2020 respectively to each party with a 45 day deadline to respond being Aug. 10<sup>th</sup>, 2020 & Aug. 13<sup>th</sup>, 2020.

This Application is made and based upon all papers, pleadings, and documents on file with this Honorable Court. This Application is further made and based upon the attached Affidavit in Support of Default

DATE: 9/19/20

Respectively Submitted

15/gstr Odell 

Justin Odell Langford #1159546

LCC, "6 1200 Prison Rd

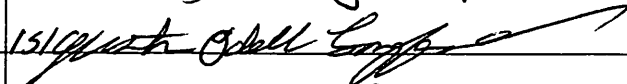
Lovelock, Nev 89419



within their allotted time which is 45 days judgement by Default will be taken against you for the relief demanded in the complaint. See Lines 21-22 of Summons. So there is no need for a prove-up hearing as they have consented to the relief requested.

I declare under penalty of perjury that the foregoing is true and correct, and that this document is executed without benefit of a notary pursuant to WRS 208.165 & 28 U.S.C.A. 31746 as I am a prisoner in state custody

DATED this 19<sup>th</sup> day of September, 2020



Justin Odell Langford 1159546



CASE No. 27CV-OTH-2020-0057

DEPT. No. 1

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

Justin Odell Langford,  
Plaintiff,

-v-

CERTIFICATE OF SERVICE

C/O SMITH ET AL.

Defendants.

I do certify that I mailed a true and correct copy of the foregoing  
Application in Support of Default; Affidavit in Support of Default;  
Notice of Intent to Default; Proposed Default Judgement to the below  
address(es) on this 21<sup>ST</sup> day of September, 2020, by placing same in  
the U.S. Mail via prison law library staff, pursuant to WRCP 5(b):  
Aaron Ford, Attorney for Defendant

% STATE OF NEVADA

100 N. Carson St.

Carson City, Nev. 89701-4717

Nevada Department of Corrections

5500 Snyder Rd

Carson City, Nev 89702

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.

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

Defendants.

**JOINDER OF RENEE BAKER,  
THE STATE OF NEVADA, ex rel.  
NDOC, AND THE NEVADA  
DEPARTMENT OF CORRECTIONS**

Defendants, Renee Baker, State of Nevada, ex rel. NDOC, and the Nevada Department of Corrections (NDOC), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Andrea M. Dominguez, Deputy Attorney General, hereby join in full to Defendants' Answer to Plaintiff's Complaint.

Defendants, Renee Baker, State of Nevada, ex rel. NDOC, and NDOC, assert all admissions and denials in the Answer and assert all available defenses and affirmative defenses set forth in Defendants' Answer.

DATED this 1st day of October, 2020.

AARON D. FORD  
Attorney General

By: /s/ Andrea M. Dominguez  
ANDREA M. DOMINGUEZ, Bar. No. 15209  
Deputy Attorney General

*Attorneys for Defendants*

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

An employee of the  
Office of the Attorney General

Case No. 27cv-OTH-2020-0057

Dept. No. 1

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

Justin Odell Langford,  
Plaintiff,

-vs-

APPLICATION IN SUPPORT OF

% Smith et al.,

DEFAULT JUDGEMENT

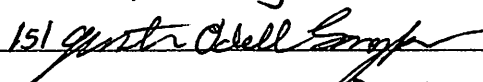
Defendants.

COMES Now Justin Odell Langford, In Pro per, to file His application in  
Support of Default Judgement and moves this Honorable Court to enter an  
order Granting Default on the following Defendant: "% Smith". Who  
was served on 3/26/20 and 45 day deadline to respond being 5/10/20.

This Application is made and based upon all papers, pleadings and  
documents on file with this Honorable Court. This Application is Further  
made and based upon the Attached Affidavit in support of Application for  
Default Judgement.

DATED: Oct. 8<sup>TH</sup>, 2020

Respectfully Submitted,



Justin Odell Langford

LCC, 1200 Prison Rd

Love Lock, Nev 89419

## AFFIDAVIT AND DECLARATION

State of Nevada )

Made In Support of

) Scilicet,

De Fault

County Of Pershing )

"Indeed, no more than (Affidavit) is necessary to make the prima Facie case." United States v. Kis, 658 F2<sup>nd</sup> 526, 536 (7<sup>TH</sup> Cir. 1981);  
Cert. Denied, 50 U.S.L.W. 2169; S.Ct. March 22, 1982.

That I Justin Odell Langford, a living breathing man, being first duly sworn, depose and say and declare by my signature that the following facts are true to the best of my knowledge and belief.

- 1.) On 6/2/20 I Filed an application for Default with Four (4) Summons and Affidavits of service attached to each summons. So Summons and Affidavit of service are on file.
- 2.) On one (1) of those Summons where the Defendants name goes which is lines 8-10 you will see defendant "C/O Smith" listed.
- 3.) Service on all defendants is not required to get Default on this one.
- 4.) On line 20 of the Summons it states "An Answer to the Complaint which is herewith served upon you."
- 5.) And being that the Sheriff of Pershing County signed the affidavit of service says it was served in Pershing County. Also with the Defendant being LCC/NDOC employee evidenced by complaint and I'm an Inmate and Inmates cant have staff addresses says Defendant C/O Smith was served at LCC
- 6.) Also Affidavit of service line 21 shows "a copy of summons attached

To a copy of the complaint."

7.) Also the summons says right on it that if they fail to respond within their allotted time which is 45 days judgement by default will be taken against you for the relief demanded in the complaint, lines 21-22 of summons.

Further Affiant Saith Not

Done this 8<sup>TH</sup> day of Oct, 2020.

Pursuant to 28 U.S.C. §1746 & 18 U.S.C. §1621

131 Justin Odell Sampson  
Affiant's Signature

Case No. 27cv-OTH-2020-0057

Dept. No. 1

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 INTENT TO DEFAULT

% Smith et al.,  
Defendants,

This is to notify the following Defendant(s) I'm filing  
for Default as you have failed to respond within your 45 day  
allotted time:

1) % Smith

DATED: Oct. 8<sup>th</sup>, 2020

Respectfully Submitted

*Justin Odell Langford*

Justin Odell Langford #1159546

LCC, 1200 Prison Rd

Lovelock, Nev 89419

Case No. 27cv-OTH-2020-0057

Dept. No. 1

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

Justin Odell Langford,  
Plaintiff,

-vs-

CERTIFICATE OF SERVICE

c/o Smith et al.,  
Defendants.

I Justin Odell Langford, certify that I gave the below-named  
Defendant a copy of the following documents by interdepartment mail;  
"Notice Of Intent to Default"; "Application In Support of Default";  
"Affidavit and Declaration Made In Support Of Default"; "Proposed  
Default Judgement", on Oct. 8<sup>TH</sup>, 2020 along with "Request for Submission".

c/o Smith

DATED: Oct. 8<sup>TH</sup>, 2020

*Justin Odell Langford*  
Justin Odell Langford



Case No. 27cv-OTH-2020-0057

Dept. No. 1

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

Justin Odell Langford,  
Plaintiff,

-vs-

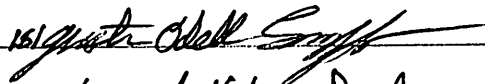
REQUEST FOR SUBMISSION

% Smith et al.,  
Defendants.

I Request that "Notice Of Intent To Default"; "Application In  
Support of Default"; "Affidavit and Declaration Made In Support of Default";  
"Proposed Default" filed the same day as this, be submitted to the  
Court for Decision

This document does not contain the Social Security Number of  
any person

DATED Oct. 8<sup>TH</sup>, 2020.

  
Justin Odell Langford, 1159546  
LCC, 1200 Prison Rd.  
Love Lock, Nev 89419

Case No. 27cv-OTH-2020-0057

Dept. No. 1

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

Justin Odell Langford,

Plaintiff,

-vs-

CERTIFICATE OF SERVICE

c/o Smith et al.,

Defendants.

I Justin Odell Langford, certify that I gave the below-named  
Defendant a copy of the following documents by interdepartment mail;  
"Notice Of Intent to Default"; "Application In Support of Default";  
"Affidavit and Declaration Made In Support Of Default"; "Proposed  
Default Judgement", on Oct. 8<sup>TH</sup>, 2020 along with "Request for Submission".

c/o Smith

DATED: Oct. 8<sup>TH</sup>, 2020

1514 Justin Odell Langford  
Justin Odell Langford

1 CASE No. 27cv-OTH-2020-0057

2 DEPT. No. I

3 Affirmation pursuant to NRS 239B.030

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

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

9  
10 Justin Odell Langford,

11 Plaintiff, &

12 -VS-

13 c/o SMITH, Et al.,

14 Defendants

INTERROGATORIES FOR

DEFENDANT CARTER POTTER

PURSUANT TO FED. R. CIV. P. 37

"1<sup>ST</sup> Request"

15  
16 Definitions:

17 "Document" refers to any writings of any kind, including  
18 but not limited to correspondence, memorandum,  
19 notes, pamphlets, books, computer printouts, Fax  
20 documents, graphs, photographs, videotapes, and  
21 electronically stored records, whether stored on  
22 tapes, cassettes, computers, or other similar  
23 devices.

24 "A.R." refers to Administrative Regulations

25  
26 INTERROGATORIES:

27 1) Is there an A.R. That Governs how staff is to  
28 Handle investigation in Regards to inmate

1 grievances? IF "Yes" please provide a copy of the  
2 regulation.  
3

4 2) Is there an A.R. that governs what staff is to do  
5 when an Inmate reports misconduct? IF "Yes"  
6 please provide a copy of the regulation  
7

8 3) Is there an A.R. that governs staff "Code of Ethics"?  
9 IF "Yes" please provide a copy of the regulation.  
10

11 4) What is the policy regarding incident reports if  
12 any? IF there is one please send a copy.  
13

14 5) Where you the primary grievance responder to  
15 grievances that Plaintiff filed from Nov. 9<sup>TH</sup> 2018 to  
16 December, 2019 for issues not concerning medical?  
17 IF "Yes" please provide a copy of all the grievance  
18 responses made by you.  
19

20 6) Is there an A.R. that governs what staff members  
21 have access to grievances? IF "Yes" please provide  
22 a copy.  
23

24 7) Was there an incident report done on Feb. 12<sup>TH</sup>, 2019  
25 regarding breach of security involving the Plaintiff?  
26 IF "Yes" please provide a copy of the incident report.  
27

28 8) Did you talk to all witnesses listed in

1 grievance 2006-30-78531? IF "Yes" please send  
2 a copy of their statements made in relation to  
3 said grievance.  
4

5 9) Are you aware of the Identity of C/O SMITH who  
6 worked the G3 control tower on Feb. 12<sup>TH</sup>, 2019?  
7 IF "Yes" please send documentation Identifying  
8 him.  
9

10 10) Who were the Unit 3A C/O's for Feb. 12<sup>TH</sup>, 2019.  
11

12 11) What is the NDOC/LCC protocol/Procedure for  
13 ~~an~~ For handling Inmates acting in a  
14 threatening manner towards staff? IF there is  
15 one please send a copy.  
16

17 12) Did you make a written statement as to what  
18 happened in count 2 /grievance 2006 30 83244?  
19 IF so please provide a copy of it.  
20

21 13) Does the Unit 3A Activity Room Security Camera  
22 cover ~~your~~ the Caseworkers Office? IF "Yes"  
23 Please provide a copy of the footage for May 14<sup>TH</sup>  
24 2019 showing this incident.  
25

26 14) Is there a log as to who views video evidence  
27 pertaining to a grieved incident? IF "Yes" please  
28 provide a copy of log for the video requested in

Interrogatory #13

15) Are the Caseworkers Office Audio Recorded?

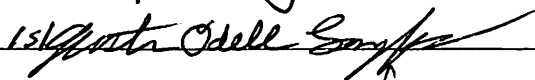
IF "Yes" send me the Recordings covering May 14<sup>th</sup> 2019.

16) What statutes/Laws govern All regulations you reference/Provide? Please Provide a copy of said laws.

17) Is c/o smith still working for the NDOC at ICC?

DATED: 10/12/20

Respectfully Submitted



Justin Odell Langford

1 CASE No. 27cv-OTH-2020-0057

2 DEPT. No. I

3 Affirmation pursuant to NRS 239B.030

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

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

8  
9 Justin Odell Langford,

10 Plaintiff,

INTERROGATORIES FOR

11 -vs-

DEFENDANT JOHN BORROWMAN

12 c/o SMITH, et al.,

PURSUANT TO FED.R.CIV.P. 37

13 Defendants.

14

15 Definitions:

16 "Document" refers to any writings of any kind, including but not  
17 limited to correspondence, memorandum, notes, pamphlets, books,  
18 computer printouts, fax documents, graphs, photographs,  
19 videotapes, and electronically stored records, whether stored on  
20 tapes, cassettes, computers, or other similar devices.

21 "A.R." refers to Administrative Regulations

22

23 INTERROGATORIES:

24

25 1) Do you have access to grievances after they have been  
26 finished by you as 2<sup>nd</sup> Level Grievance Responder?

27 If yes please provide the statements made by staff  
28 in grievance 2006 30 83244 that you reference

1 2) Is there any documents you can provide showing  
2 you actually viewed the evidence I referenced  
3 in grievance 2006 30 ~~7553~~<sup>83244</sup>? IF "Yes" please  
4 provide a copy.  
5

6 3) Is there a document that gives/establishes a  
7 procedure for perceived threats to a staff  
8 member? IF "Yes" please provide a copy of it  
9

10 4) Can free staff or Caseworkers put their hands  
11 on an inmate? Please provide any document that  
12 establishes this policy/A.R.  
13

14 5) What is suppose to happen to any staff members  
15 who committ a breach of security? Please provide  
16 a copy of any document that supports you answer.  
17

18 6) Is there a punishment for staff who lie/committ  
19 perjury in a grievance response? IF "Yes" please  
20 provide a copy of document showing what it  
21 is  
22

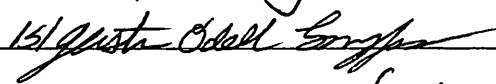
23 7) Who controls the log for an inmates e-files  
24 with the courts, the log showing what was e-filed  
25 by an inmate or recieved by the inmate through  
26 the e-file system.  
27  
28



1 8) Is the Nevada Department of Corrections  
2 responsible for Damages caused to an inmate  
3 for staff violating an Inmates Constitutional  
4 rights?  
5

6 9) Is there a rule/regulation for a punishment of  
7 staff who make false accusations toward  
8 an Inmate? If "Yes" please provide any documentation  
9 to support your answer.  
10

11 DATED: 10/12/20  
12

13 Respectfully Submitted  
14   
15 dustin Odell Langford  
16  
17  
18  
19  
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28

1 Case No. 27cv-OTH-2020-0057

2 Dept. No.

3 Affirmation pursuant to NRS 239B.036

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

7 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF

8 NEVADA IN AND FOR THE COUNTY OF PERSHING

9  
10 Justin Odell Langford

11 Plaintiff,

REQUEST FOR PRODUCTION OF

12 -VS-

DOCUMENTS PURSUANT TO

13 % SMITH, E+al.,

Fed. R. Civ. P. 34

14 Defendants.

15  
16 Comes Now Justin Odell Langford, In Proper, to File his request  
17 For Production Of Documents Pursuant to Fed. R. Civ. P. 34.

18 This document is made and based upon the following Points and  
19 Authorities.

20  
21 POINTS AND AUTHORITIES

22  
23 The Plaintiff respectfully ask that the Defendants  
24 present all Documents that relate to the following

25 grievance #'s "2006-30-83244", "2006-30-87580", "2006-  
26 30-78531".

27 These documents would include any internal  
28 communications via e-mail or handwritten, any notices

FILE STAMP COPY

1 documented in NOTIS or any other department files that  
2 are maintained by NDOC.

3 The Plaintiff also respectfully request that any and  
4 all video/audio recordings that are viewed or are heard  
5 as it relates to each of the grievance named supra, along  
6 with a list of anyone who viewed the evidence as its  
7 maintained within the possession of the NDOC.

8 DATED: 10/4/20

9 Respectfully Requested

10 151 guster Odell Langford

11 Justin Odell Langford

12  
13 Certificate of Service

14  
15 I certify, that I have attached a true and correct copy of the  
16 foregoing document, with special instructions to the Clerk of the  
17 Court to E-File & E-Serve all my opponents pursuant to  
18 NEFCR, 5(K), 9 et seq. (A-E) Etc. to the following:

19  
20 Andrea Dominguez

21 100 N. Carson St.

22 Carson City, Nev 89701

23  
24 DATED: 10/4/20

25 151 guster Langford

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

2 Dept No 1

3

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

6

7 Justin Odell Langford,

8 Plaintiff,

9

NOTICE OF APPEAL

10 <sup>vs</sup> Smith Et al,

11 Defendants.

12

13 COMES Now Justin Odell Langford, In Prose, To file his Notice  
14 of Appeal. This is to notify the Court and the Defendants that  
15 I'm appealing the verbal order of denial of Default  
16 Judgement against defendants "State of Nevada Ex rel NDOC" &  
17 "Nevada Department of Corrections", this Order was made on  
18 Oct. 2<sup>nd</sup>, 2020. The Denial is being appealed based on it  
19 being erroneous and the judge being biased.

20

21 DATED:

22 13/

23

Respectfully Submitted

24

*Justin Odell Langford*

25

Justin Odell Langford, #1159546

26

ICC, 1200 Prison Rd.

27

Love Lock, NEV 89419

28

FILE STAMP COPY

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

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

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

9 Justin Odell Langford,

10 Petitioner,

11 vs.

12 C/O Smith; Renee Baker; Caseworker Lefleur;

13 C. Potter; P. Delorto; J. Borrowman; D. Baze;

14 T. Carpenter,

15 Respondent.  
16

17 **CASE APPEAL STATEMENT**

18 1. Name of appellant filing this case appeal statement:

19 Justin Odell Langford

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

21 Honorable Jim C. Shirley

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

24 Justin Odell Langford #1159546

1 Pro Per  
2 1200 Prison Road  
3 Lovelock Correctional Center  
4 Lovelock, NV. 89419

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

9 C/O Smith; Renee Baker; Caseworker Lefleur; C. Potter; P. Delorto; J. Borrowman; D.  
10 Baze; T. Carpenter

11 Office of the Attorney General  
12 100 North Carson Street  
13 Carson City, NV. 89701-4717

- 14 5. Indicate whether any attorney identified above in response to question 3 or  
15 4 is not licensed to practice law in Nevada and, if so whether the district  
16 court granted that attorney permission to appear under SCR 42 (attach a  
17 copy of any district court order granting such permission):

18 N/A

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

21 No, Pro Per

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

24 No

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

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

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.

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

3 Petitioner filed a Civil Rights Complaint Pursuant to 42 U.S.C §1983.  
4 Petitioner filed a Notice of Appeal on a verbal order of denial of Default.  
There is no final order in this case.

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

7 This case has not previously been appealed to the Supreme Court.

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

9 13. If this is a civil case, indicate whether this appeal involves the possibility of  
10 settlement: Unknown, case is still ongoing.

11 Dated this 5<sup>th</sup> day of November 2020.

12  
13 /s/ Carol Elerick  
14 Carol Elerick  
15 Senior Court Clerk  
16 P.O. Box H  
17 Lovelock, NV. 89419  
18 (775) 273-2410  
19  
20  
21  
22  
23  
24

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.

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

Defendants.

**RESPONSE TO PLAINTIFF'S  
NOTICE OF INTENT TO TAKE DEFAULT**

Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta, Carter Potter, Renee Baker, State of Nevada ex. rel., and the Nevada Department of Corrections (NDOC), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Andrea M. Dominguez, Deputy Attorney General, hereby respond to Plaintiff's Application in Support of Default Judgment and Notice of Intent to Take Default. This motion is made and based upon the attached Points and Authorities, the papers and pleadings on file herein, and such other and further argument as this Court may deem appropriate.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. PROCEDURAL HISTORY**

This matter arises out of Plaintiff's Complaint for civil rights violations under 42 USC Section 1983. Plaintiff, Justin Odell Langford, is a prisoner, lawfully incarcerated by the Nevada Department of Corrections (NDOC) and is currently housed in the Lovelock Correctional Center (LCC). Plaintiff filed an Application in Support of Default Judgment and a Notice of Intent to Take Default Judgment on October

///



22, 2020. Plaintiff moves this Court for a Default Judgment. For failure to serve the summons and complaint pursuant to the Nevada Rules of Civil Procedure (NRCPP) 4, Plaintiff's motion should be denied.

## **II. LEGAL ANALYSIS**

In his motion, Plaintiff requests this Court enter default judgment against Correctional Officer Smith (Smith).

At this time, the undersigned does not represent Smith as he has not been identified by the Plaintiff. However, due to the fact that Smith may be an employee of the NDOC, it is possible that the undersigned may in fact represent Smith once an identification can be made. Thus, the undersigned opposes Plaintiff's request for a Default Judgment.

Further, it would appear that Smith has not been properly served. Pursuant to NRCPP 4(c)(1), unless a Defendant voluntarily appears the Plaintiff must:

(A) Obtain a waiver of service under Rule 4.1, if applicable; or

(B) Have the summons and complaint served under Rule 4.2, 4.3, or 4.4 within the time allowed by Rule 4(e).

Also, under NRCPP 4(d) a plaintiff must file proof of service with the court stating the date, place, and manner of service no later than the time permitted for the defendant to respond to the summons.

Here, Langford has not done either. There is no proof of service of the summons and complaint on file with the court for Smith. Further, the NDOC did not accept service on behalf of Smith because Plaintiff failed to properly identify him. (**Exhibit A.**) Therefore, because Smith has not been properly served entry of default judgment is not appropriate. Plaintiff's motion for default should be denied.

///

///

///

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///

///

1   **III.   CONCLUSION**

2           The Defendants respectfully request this Court issue its Order denying Plaintiff's Motion for  
3   Application of Default Judgment against Correctional Officer Smith.

4           DATED this 5th day of November, 2020.

5                                   AARON D. FORD  
6                                   Attorney General

7                                   By:          /s/ Andrea M. Dominguez     

8                                   ANDREA M. DOMINGUEZ, Bar No. 15209  
9                                   Deputy Attorney General  
10                                  100 N. Carson Street  
11                                  Carson City, NV 89701-4717  
12                                  (775) 684-1163  
13                                  adominguez@ag.nv.gov

14                                  *Attorneys for Defendant*

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that  
3 on the 5th of November, 2020, I caused to be deposited for mailing a true and correct copy of the  
4 foregoing, **RESPONSE TO PLAINTIFF'S NOTICE OF INTENT TO TAKE DEFAULT**, to the  
5 following:

6 Justin Odell Langford, #1159546  
7 Lovelock Correctional Center  
8 1200 Prison Road  
9 Lovelock, NV 89419

10   
11

12 An employee of the  
13 Office of the Attorney General  
14  
15  
16  
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# EXHIBIT A

# EXHIBIT A

**Nevada Department of Corrections  
Civil Litigation Coordination Form 1**

**"NOTICE TO ATTORNEY GENERAL REGARDING SERVICE OF PROCESS"**

**INSTRUCTIONS:**

Complete the information required by this form and transmit promptly, with a copy of the Summons and Complaint, to the Office of the Attorney General, Litigation Division. The Department's activities related to receiving service of process are governed by the Administrative Regulation 357.

**1. General Information**

CASE NAME AND #: Langford VS NDOC 27CV-0TH-2020-0057  
RECEIVED BY: Connie Campbell AAII  
(Name and Title)  
DATE OF SERVICE: 3/24/2020 WHERE RECEIVED Gatehouse  
DOCUMENTS ENCLOSED: ☒ SUMMONS ☒ COMPLAINT ☐ OTHER

**2. SERVICE ACCEPTED FOR:**

Service of process was accepted for the following named defendants who are currently employed in the public service at the Department of Corrections as defined by NRS 284.015, or are immune contractors currently providing medical services to the Department as defined by NRS 41.0307. Each of these defendants has been provided with a copy of the Summons and Complaint, a form for requesting representation, and instructions on applicable deadlines.

| <u>NAME</u>         | <u>TITLE</u>            | <u>DUTY STATION</u> |
|---------------------|-------------------------|---------------------|
| <u>C. Potter</u>    | <u>Caseworker</u>       | <u>LCC</u>          |
| <u>M. LaFleur</u>   | <u>Caseworker</u>       | <u>LCC</u>          |
| <u>T. Carpenter</u> | <u>Associate Warden</u> | <u>LCC</u>          |
|                     |                         |                     |
|                     |                         |                     |
|                     |                         |                     |
|                     |                         |                     |
|                     |                         |                     |

**3. SERVICE NOT ACCEPTED FOR:**

Service was attempted but not accepted for the following defendants who are no longer employees, have never been employees, or are not identifiable.

| <u>NAME</u>    | <u>FORMER TITLE</u> | <u>FORMER DUTY STATION</u> |
|----------------|---------------------|----------------------------|
| <u>D. Boze</u> | <u>Caseworker</u>   | <u>LCC</u>                 |
|                |                     |                            |
| <u>Smith</u>   | <u>?</u>            | <u>? Sheriff's Deputy</u>  |
|                |                     | <u>Drop Service</u>        |
|                |                     | <u>After I refused</u>     |
|                |                     | <u>service</u>             |

DOC-1032  
8/07

**IN THE ELEVENTH JUDICIAL DISTRICT COURT LANDER OF THE STATE  
OF NEVADA**

Justin Odell Langford #1159546  
PLAINTIFF

Vs

C/O Smith, et al  
DEFENDANT

) Dated: 7/8/2020  
)  
)

) Civil File Number: 20002803  
)

) CASE No.: 27CVOTH20200057  
)

**DECLARATION OF SERVICE**

STATE OF NEVADA }  
CARSON CITY } ss:

**Jakob Dzyak**, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

**Sub-served:** State Of Nevada by serving KRISTALE WOLFE, Authorized Individual  
**Location:** 100 North Carson Street Attorney General's Office Carson City, NV 89701  
**Date:** 6/26/2020 **Time:** 11:17 AM

The document(s) served were: Summons & Complaint

I declare under penalty of perjury under the law provided of the State of Nevada that the foregoing is true and correct.  
No notary is required per NRS 53.045.

**Ken Furlong, SHERIFF**



By: Jakob Dzyak Badge# 9685  
Sheriff's Authorized Agent

Eleventh Judicial District Court Lander

**IN THE ELEVENTH JUDICIAL DISTRICT COURT LANDER OF THE STATE  
OF NEVADA**

Justin Odell Langford #1159546  
PLAINTIFF

Vs

C/O Smith, et al  
DEFENDANT

)  
)  
)  
)  
)  
)

Dated: 7/8/2020

Civil File Number: 20002803

CASE No.: 27CVOTH20200057

**DECLARATION OF SERVICE**

STATE OF NEVADA }  
                                      } ss:  
CARSON CITY }

**Jakob Dzyak**, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

**Sub-served: NDOC by serving NANCY SANDERS (AAIL), Authorized Individual**  
**Location: 5500 East Snyder Avenue Carson City, NV 89701**  
**Date: 6/29/2020 Time: 9:55 AM**

The document(s) served were: Summons & Complaint

I declare under penalty of perjury under the law provided of the State of Nevada that the foregoing is true and correct.  
No notary is required per NRS 53.045.

**Ken Furlong, SHERIFF**



By: Jakob Dzyak Badge# 9685  
Sheriff's Authorized Agent

Eleventh Judicial District Court Lander

**IN THE ELEVENTH JUDICIAL DISTRICT COURT LANDER OF THE STATE  
OF NEVADA**

Justin Odell Langford #1159546  
PLAINTIFF

Vs

C/O Smith, et al  
DEFENDANT

)  
)  
)  
)  
)  
)

Dated: 7/8/2020

Civil File Number: 20002803

CASE No.: 27CVOTH20200057

**DECLARATION OF SERVICE**

STATE OF NEVADA }  
                                      } ss:  
CARSON CITY }

**Jakob Dzyak**, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

**Sub-served: J. Borrowmen by serving NANCY SANDERS (AAIL), Authorized Individual**

**Location: 5500 Snyder Road NDOC Carson City, NV 89706**

**Date: 6/29/2020 Time: 9:55 AM**

The document(s) served were: Summons & Complaint

I declare under penalty of perjury under the law provided of the State of Nevada that the foregoing is true and correct.  
No notary is required per NRS 53.045.

**Ken Furlong, SHERIFF**



By: Jakob Dzyak Badge# 9685  
Sheriff's Authorized Agent

Eleventh Judicial District Court Lander



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.

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

Defendants.

**DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO OUTSTANDING DISCOVERY**

Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta, Carter Potter, Renee Baker, State of Nevada ex. Rel., and the Nevada Department of Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Andrea M. Dominguez, Deputy Attorney General, hereby requests a 30-day extension, until December 14, 2020, to respond to outstanding discovery.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. BACKGROUND**

Defendants respectfully request a 30-day extension of time from the current deadline of November 13, 2020, to respond to Plaintiff's requests for production of documents, and interrogatories addressed to John Borrowman. Defendants request that all outstanding discovery requests become due on December 14, 2020.

In light of the administrative complications within the State of Nevada, and at the Office of the Attorney General (OAG), and with the Defendants, related to COVID-19 and institutional responses thereto, which have affected the responsiveness of communications

1 with Defendants, good cause exists for Defendants' request for an extension. Further, John  
2 Borrowman is no longer with the Nevada Department of Corrections (NDOC), so additional  
3 time is needed to provide responses to the interrogatories. Lastly, the OAG is still in the  
4 process of acquiring documents from NDOC.

## 5 **II. DISCUSSION**

6 Nevada Rule of Civil Procedure 6(b)(1)(B) governs extensions of time and provides  
7 that when an act may or must be done within a specified time, the court may, for good  
8 cause, extend the time: (1) with or without motion or notice if the court acts, or if a request  
9 is made, before the original time or its extension expires; or (2) on motion made after the  
10 time has expired if the party failed to act because of excusable neglect.

11 Defendants assert that the requisite good cause is present to warrant the requested  
12 extension of time. At issue are two requests: (1) requests for production of documents and  
13 (2) interrogatories to John Borrowman. The discovery requests are due November 13, 2020.  
14 Without waiving objections or the right to seek a protective order, Defendants are  
15 requesting until December 14, 2020 to respond to all outstanding requests.

16 Defendants make the instant request in light of the current issues related to COVID-  
17 19, including Nevada Governor Sisolak's first of many emergency declarations, beginning on  
18 March 15, 2020 and then the March 31, 2020 Declaration of Emergency (Directive 010) –  
19 'Stay at Home Order' and the Governor's subsequent extensions and additional directives  
20 and clarifications. In response to COVID-19 and the Governor's Current Directives and  
21 recommendations, the OAG has directed all OAG employees to comply with the Governor's  
22 orders by working strictly from home during at least the weeks of November 9, 2020 and  
23 November 16, 2020.

24 In light of those directives, and due to the difficulties the instant circumstances place  
25 on obtaining the necessary supporting documents, and difficulty corresponding between the  
26 OAG and certain Defendants, Defendants respectfully request that the Court extend the  
27 deadline by 30-days, until December 14, 2020. Defendants' request will not hinder or  
28 prejudice Plaintiff's case. Close of discovery is currently set for December 31, 2020. The

1 requested 30-day extension of time will not change the scheduling order and should permit  
2 sufficient time to overcome the administrative and procedural obstacles created by the  
3 response to COVID-19, and to obtain documents, and responses from Defendants.

4 **III. CONCLUSION**

5 For the above reasons, Defendants respectfully request a 30-day extension to permit  
6 sufficient time for Defendants to respond to the outstanding discovery, as set forth below:

7 **Proposed Schedule for Remaining Deadlines**

8 Current Deadline for Defendants to Respond to Interrogatories and Requests for

9 Production of Documents: **November 13, 2020**

10 Proposed Deadline for the discovery responses: **December 14, 2020**

11 DATED this 13th day of November, 2020.

12 AARON D. FORD  
13 Attorney General

14 By: /s/ Andrea M. Dominguez  
15 ANDREA M. DOMINGUEZ, Bar No. 15209  
16 Deputy Attorney General  
17 *Attorneys for Defendant*  
18  
19  
20  
21  
22  
23  
24  
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26  
27  
28

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of  
3 Nevada, and that on this 13th day of November, 2020, I caused to be deposited for mailing  
4 a true and correct copy of the foregoing, **DEFENDANTS' MOTION FOR EXTENSION**  
5 **OF TIME TO RESPOND TO OUTSTANDING DISCOVERY**, to the following:

6 Justin Odell Langford, #1159546  
7 Lovelock Correctional Center  
8 1200 Prison Road  
9 Lovelock, NV 89419

10  
11 /s/ Caitie Collins  
12 An employee of the  
13 Office of the Attorney General  
14  
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1 Case No. 27CV-OTH-2020-0057

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

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

9 Justin Odell Langford,

10 Plaintiff,

11 vs.

12 C/O Smith; Renee Baker; Caseworker Lefleur;

13 C. Potter; P. Delorto; J. Borrowman; D. Baze;

14 and T. Carpenter,

15 Defendant.

**Order Dismissing Appeal**

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN ODELL LANGFORD,  
Appellant,


vs.

C/O SMITH; RENEE BAKER;  
CASEWORKER LEFLEUR; C. POTTER;  
P. DELORTO; J. BORROWMAN; D.  
BAZE; AND T. CARPENTER,  
Respondents.

No. 82071

FILED

NOV 24 2020

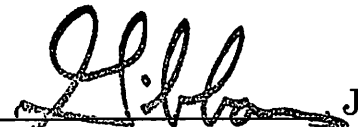
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL


This is a pro se appeal from the district court's "verbal order of denial of default judgment . . ." Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Review of the documents before this court reveals a jurisdictional defect. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013). No appeal lies from the district court's verbal order. See *Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) ("[O]nly a written judgment may be appealed."). Additionally, no statute or court rule provides for an appeal from the district court's denial of default judgment. Thus, this court lacks jurisdiction to consider this appeal, and

ORDERS this appeal DISMISSED.

  
Gibbons J.

  
Stiglich J.

  
Silver J.

cc: Hon. Jim C. Shirley, District Judge  
Justin Odell Langford  
Attorney General/Carson City  
Clerk of the Court/Court Administrator

1 CASE No. 27cv-OTH-2020-0057

2 DEPT No. I

3 Affirmation pursuant to NRS 239B.036

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

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

9 Justin Odell Langford,

10 Plaintiff,

INTERROGATORIES FOR DEFENDANT

11 -vs-

NEVADA DEPARTMENT OF CORRECTIONS

12 c/o Smith Et al,

PURSUANT TO Fed. R. Civ. P. 37

13 Defendants,

14

15 INTERROGATORIES

16

17 1) Does each prison maintain its own file/log for e-files?

18

19 2) Is the e-file log controlled by the court or prison  
20 officials?

21

22 3) Is there an Administrative Regulation "A.R." stating  
23 "Operational Procedure"/"O.P." are superseded by the  
24 "A.R."?

25

26 4) Are the A.R.'s just guidelines for the O.P.'s?

27

28 5) What happens to an officer who causes a breach



1 of security?

2

3 6) Are Grievance Responders Required to conduct a  
4 full investigation into a claim within a grievance  
5 before responding (i.e. interviewing all witnesses)?

6

7 7) When a grievance is upheld is it the same as granted?

8

9 8) When a grievance is upheld is all relief granted?

10

11 9) When a grievance is upheld is the ~~relief~~ relief being  
12 granted suppose to be listed?

13

14 10) Is there an "A.R." governing Facility logs?

15

16 11) Are Caseworkers Offices video/Audio recorded  
17 at all times?

18

19 12) If video/Audio evidence is viewed by staff when  
20 referenced in a grievance is it saved?

21

22 13) Who has control of video/audio evidence pertaining  
23 to grievance's?

24

25 14) Can freestaff put their hands on an inmate at  
26 any time? (i.e. Caseworker's)

27

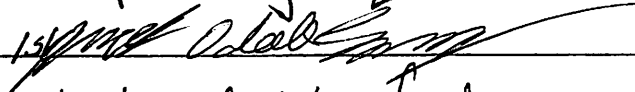
28 15) How much time after an incident happens does

1 staff have to do a write-up on it?

2  
3 16) Are there consequences for staff who don't  
4 adequately investigate a grievance claim? (i.e. not  
5 interview all witnesses)

6  
7 DATED: 11/24/20

8 Respectfully Requested

9   
10 Justin Odell Langford-1159546


11  
12 CERTIFICATE OF SERVICE

13  
14 I certify, that I have attached a true and correct copy of the  
15 foregoing document, with special instructions to the Clerk of the Court  
16 for E-file & E-service to all of my opponents pursuant to W.E.F.C.R.  
17 5(K), 9 Et seq. (A-E) Etc., to the following:

18 Andrea Dominguez

19 adominguez@ag-nv.gov

20  
21 DATED: 11/24/20

22   
23 Justin Odell Langford-1159546

24 LCC, 1200 Prison Rd

25 Lovelock, Nev 89419

1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. I

3 Affirmation pursuant to NRS 239B.030

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

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

9  
10 Justin Odell Langford,

11 Plaintiff,

12 -vs-

13 <sup>vs</sup> Smith, Et al,

14 Defendants

REQUEST FOR PRODUCTION OF  
DOCUMENTS PURSUANT TO

Fed. R. Civ. P. 34

"2<sup>nd</sup> Request"

15  
16 Comes Now Justin Odell Langford, In Proper, to File his Request  
17 For Production of Documents Pursuant to Fed. R. Civ. P. 34 "2<sup>nd</sup> Request"

18 This document is made and based upon the following Points  
19 and Authorities.

20  
21 POINTS AND AUTHORITIES

22  
23 The Plaintiff respectfully ask that the Defendants  
24 present all Documents that relate to the following grievance  
25 it's "2006-30-78531"; "2006-30-83244"; "2006-30-97580"

26  
27 Please send all the following items (i.e. documents, e-mails,  
28 handwritten statements, etc.) as they relate to grievance

1 Number "2006-30-78531": (1) All reports made pursuant to AR 740  
2 as to the Report of Staff misconduct, (2) any and all statements  
3 made by "Smith as it pertains to the above grievance, (3) Any  
4 internal document that can help identify staff members,  
5 (4) List of names who accessed said grievance, (5) Proof that  
6 the Breach of Security by "Smith was documented, (6)  
7 Any statements made by witnesses listed in the above  
8 grievance, (7) identity of unit staff for Unit 3A c/o's for  
9 Feb. 12<sup>TH</sup>, 2019, (8) Proof of identity of G3 Control tower  
10 Feb. 12<sup>TH</sup>, 2019, (9) List of Unit 3A staff for Jan, 2020 to  
11 current, (10) Procedures/Protocols in effect for handling  
12 perceived threats to staff, (11) List of dates for Plaintiff's  
13 6 month reviews and classification hearings

14 Please send all the following items as they relate to  
15 grievance # "2006-30-83244": (1) Any and all written statements  
16 made by witnesses, (2) Any and all video evidence requested  
17 in said grievance to be saved, (3) Any and all ~~video~~ audio  
18 evidence requested in said grievance if any, (4) List of  
19 names who accessed the above video/audio evidence, (5)  
20 Any internal communications related to the above  
21 grievance.

22 Please send all the following items as they relate to  
23 grievance # "2006-30-83244": (1) Any and all internal ~~communication~~  
24 communication, (2) Full copy of grievance on file, (3) who has  
25 access to the Law library e-file log for each inmate,

26 Please send a full copy of all three grievances as I've  
27 just realized that I no longer have copies of them,  
28 as my cell has been searched numerous times since

1 I've filed this lawsuit.

2  
3 DATED:

4 Respectfully Requested

5 15/

6 Justin Odell Langford - 1159546

7  
8  
9 CERTIFICATE OF SERVICE

10  
11 I certify, that I have attached a true and correct copy  
12 of the foregoing document, with special instructions to the  
13 clerk of the Court to E-file & E-serve all of my  
14 opponents pursuant to N.E.F.C.R. (5)(K), 9 et seq. (A-E) Etc., to  
15 the following:

16  
17 Andrea Dominguez

18 adominguez@ag.nv.gov

19  
20  
21 DATED: 11/24/20

22 Respectfully Submitted

23 15/ ~~Justin Odell Langford~~

24 Justin Odell Langford - 1159546

25 LCC, 1200 Prison Rd

26 Lovelock, Nev 89419

1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. I

3 Affirmation pursuant to NRS 239B.030

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

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

9  
10 Justin Odell Langford

11 Plaintiff

ADMISSIONS FOR

12 -vs-

DEFENDANT CARTER POTTER

13 % Smith Et al.,

PURSUANT TO FED. R. CIV. P. 36

14 Defendants

"1<sup>st</sup> Request"

15  
16 ADMISSIONS

17  
18 1) ADMIT THAT YOU RESPONDED TO GRIEVANCE #  
19 2006-30-78531 at the Informal Grievance Level!

20  
21 2) ADMIT THAT GRIEVANCE #2006-30-78531 is in  
22 regards to Officer Smith, i.e. % Smith!

23  
24 3) ADMIT THAT SGT. Gentry, SGT. Pham, % O'Dea are  
25 listed as witnesses in Grievance # 2006-30-78531!

26  
27 4) ADMIT That You ARE Required per AR 740.08(2)  
28 that you were required to investigate grievances

1 you responded to!

2  
3 5) ADMIT That You stated in Response to Interrogatory  
4 No. 9. "Defendant does not know C/O Smith"!

5  
6 6) ADMIT That AR 339.07(9)(A) makes "knowingly  
7 providing false or misleading statements, including  
8 omissions, in response to any question or request  
9 for information in any official investigation,  
10 interview, hearing or judicial proceeding" a CLASS  
11 5 Violation!

12  
13 7) ADMIT That the "Chart of Corrective/Disciplinary  
14 Sanctions" under AR 339.06 list a class 5 violation  
15 a "Dismissal" period!

16  
17 8) ADMIT that "MJ25" under "AR 707" makes "Threats:  
18 issuing a threat, either verbally, by gesture or in a  
19 written statement to or about any person" a ~~class~~  
20 class B violation

21  
22 9) ADMIT that "Plaintiff" was never written up for  
23 a "MJ25"!

24  
25 10) ADMIT that AR 339.01(1)(A)(5) States "Employees shall uphold  
26 the tenets of the United States Constitution, its  
27 Amendments, the Nevada Constitution, federal and state laws, rules,  
28 and regulations, and policies of the Department"!

1 11) ADMIT That On the 2<sup>nd</sup> level Grievance of  
2 Grievance #2006-30-78531 a report of a  
3 Security Breach was documented  
4

5 12) ADMIT That Mixing General Population with  
6 Protective Custody Inmates is a Breach of  
7 Security issue!  
8

9 13) ADMIT That <sup>Sclo</sup> Smith is the same officer that  
10 worked the G3 Control tower Feb. 12<sup>TH</sup>, 2019!  
11  
12

13 DATED: 11/24/20

14 Respectfully Requested

15 ~~15/~~  
16 dustin Odell Langford  
17

18 CERTIFICATE OF SERVICE

19 I certify, that I have attached a true and correct copy of the  
20 foregoing document, with special instructions to the clerk of the court to  
21 E-file & E-serve to all of my opponents pursuant to N.E.F.C.R. 5(b)  
22 9 a. seq. (A-F) Etc., to the following:

23 Andrea Dominguez

24 adominguez@ag.nv.gov  
25  
26  
27  
28



1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. 1

3 Affirmation pursuant to NRS239B.039

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

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

8 Justin Odell Langford,

9 Plaintiff,

PLAINTIFFS' RESPONSE TO DEFENDANT'S

10 vs.

RESPONSE TO PLAINTIFFS' NOTICE OF

11 C/O SMITH ET al.,

INTENT TO TAKE DEFAULT

12 Defendants

13  
14 COMES Now Justin Odell Langford, sui juris, To file his Plaintiffs'  
15 Response To Defendant's Response To Plaintiff's Notice Of Intent  
16 To Take Default, and moves this Honorable Court to Enter an  
17 Order Granting his Default against Defendant C/O SMITH.  
18 This Response is made and based upon the attached Points  
19 and Authorities, the papers and pleadings on file herein, and  
20 such other and Further argument as this Court may  
21 deem appropriate.

22  
23 MEMORANDUM OF POINTS AND AUTHORITIES

24  
25 This matter arises out of Plaintiffs' Complaint for civil  
26 rights violations under 42 U.S.C. section 1983. The Plaintiff,  
27 is a prisoner, and not lawfully incarcerated by the

28 ///

1 Nevada Department of Corrections (NDOC) and is currently  
2 house in the Lovelock Correctional Center (LCC). Plaintiff  
3 filed an Application in Support of Default and a Notice of  
4 Intent to Take Default Judgement on Oct. 22<sup>nd</sup>, 2020.

## 6 LEGAL ARGUMENT

8 As of Nov. 30<sup>th</sup>, 2020 Defendant C/O SMITH Has Been  
9 Served, Counsel says the Defendants don't know who C/O  
10 SMITH is. This Plaintiff finds that weird when defendant  
11 C. Potter responded to the Informal Grievance against  
12 him, so either he's lying to Counsel or he lied in the  
13 Grievance that he talked to him. Also finds it funny  
14 that C/O SMITH Became Unit 3A's Senior Officer in Jan.  
15 Apprx. 2020 and defendant C. Potter was still my case-  
16 worker.

17 Also as of Nov. 3<sup>rd</sup>, 2020 Apprx. Defendant M. LaFleur  
18 became my units caseworker and works with C/O Smith,  
19 This on 14 days of the month they work together. As  
20 stated he is my Unit Senior. Also For Counsel and  
21 Courts attention on numerous pleadings I've written  
22 served a copy via Interdepartmental mail. Also for  
23 the Courts notice every document filed with the Court  
24 it always says C/O Smith nothing else, as were not allowed  
25 to have staff names and if we ask for them were  
26 told this and told not to ask again or will receive  
27 a write up. So the alleged unknown identity issue is

28 ///

1 caused by the defendants internal actions.

2 As the Plaintiff stated, supra, that he has given  
3 Defendant C/O Smith numerous pleadings through inter-  
4 departmental mail. Due to the fact that the Defendants  
5 keep claiming they don't know him or his identity even  
6 though they do, and that their counsel has said they  
7 represent the defendants and list who it is their  
8 representing. By law I have to give ~~me~~ every defendant  
9 a copy of my pleadings, and now that the defendants  
10 Point fingers at Plaintiff their lies and actions have  
11 caused me threats of retaliation by C/O SMITH wherein  
12 if you keep sending me pleadings I will write you up  
13 for attempting to compromising staff. C/O Smith is  
14 unrepresented on file so I did what I'm legally required  
15 to do, and if he ain't come to them and find out  
16 whats going maybe that should tell them something.

17 C/O Smith has verified with me he did get served, as  
18 I told him the issue that is going on and he says "That's  
19 their problem not mine" should tell the defendants  
20 something. Also LCC staff can't refuse service unless  
21 that person don't work at LCC or for NDOC anymore,  
22 refusing service because you don't know that person.  
23 Of course that person didn't know C/O Smith, they  
24 more than likely work two different shifts and any  
25 one person can't remember who's who when staff keeps  
26 quitting around LCC. But staff sure as heck got C/O  
27 Smith a copy of the complaint, also he has 3 other

28 III

1 active lawsuits against him.

2 Also as I've stated to this court before, but  
3 seems to disregard it or don't want to hear it. But  
4 its a fact that every affidavit of service I recieved  
5 back from Carson City City Sheriff and the  
6 Lovelock Sheriff I've sent to the court and on  
7 Plaintiff naiveness sent only one copy and they  
8 have disappeared, just as numerous other pleadings  
9 have in my other case in this Court.

10 Also for the Courts Attention Ms. Domingues stated  
11 that the "WDOC" and "the State of Nevada" were  
12 never served and were not listed as defendants.  
13 Its suspicious that all of sudden that they have  
14 proof of service for them which was filed Jul. 16<sup>TH</sup>, 2020  
15 which shows one served 6/26/20 and 6/29/20 and the bottom  
16 of the complaint their listed as additional defendants,  
17 then listed as defendants on pg 2 of complaint.

18 Then I've also contacted the Lovelock Sheriffs office  
19 and they say they can't find their file on their service  
20 any body in my case. I've also filed a grievance against  
21 CLO Smith for his threat, and I believe Defendant M. Lafleur  
22 might have got it and responded to it, not 100% percent  
23 but Counsel for defendants can check. Also CLO Smith  
24 works Unit 3A Sun-Tue everyweek since Feb. 2020 Apprx.  
25 See Exhibit A of the Defendants Response in regards  
26 to Lines 10-17, this shows Plaintiff was wrongly denied.  
27 his default against those defendants.

28 11/


# CONCLUSION

WHEREFORE Plaintiff Prays that the Court takes notice of all the Deceit by the Defendants to their Counsel and of Counsel's Deceit to the Court on Record and in pleadings, especially when they submit the Proof to my claim of certain defendants be served. And now they have a rogue client at LCC that no one on the Defendants side can tell the truth about. THUS Plaintiff prays this Court Grants his Default against Defendant C/O Smith.

# VERIFICATION

I, verify, that I have read the attached document and to the best of my knowledge and belief that it is true and correct under the pains and penalties of perjury pursuant to 28 USC §1746 & 18 USC §1621.

DATE: 12/3/20

  
Justin Langford - 1159546

LCC, 1200 Prison Rd

Lovelock, Nev 89419

///

///

///

# CERTIFICATE OF SERVICE

I, certify, that I have attached a true and correct copy of the foregoing document. With special instructions to the Clerk of the Court for E-File & E-Service to all of my Opponents pursuant to N.E.F.C.R. 5(k), 9 Et. seq. (A-E) Etc., to the following:

Andrea Dominguez

adominguez@ag.nv.gov

C/O SMITH (NOT GIVEN A COPY DUE TO THREATS OF RETALIATION)

DATE: 12/3/20

15/12/20  
Plaintiff



1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. 1

Affirmation pursuant to NRS 239B.039

3 The undersigned affirms that this

document does not contain the

4 personal information of any person

5

6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE

7 STATE OF NEVADA IN AND FOR THE COUNTY OF PERSHING

8 Justin Odell Langford,

9 Plaintiff,

10 vs.

REQUEST FOR EXTENSION

11 C/O SMITH et al.,

ON ALL DISCOVERY DEADLINES

12 Defendants.

13

14 COMES Now Justin Odell Langford, sui juris, To File his Request

15 For Extension On All Discovery Deadlines, and moves this

16 Honorable Court to enter an Order Granting his request.

17 This request is made and based upon the attached

18 Points and Authorities, the papers and pleadings on file

19 herein, and such other and further argument as this

20 Court may deem appropriate.

21

22 MEMORANDUM OF POINTS AND AUTHORITIES

23

24 This matter arises out of Plaintiff's Complaint for civil

25 rights violations under 42 USC Section 1983. The Plaintiff,

26 is a prisoner, and not lawfully incarcerated by the

27 NEVADA DEPARTMENT OF CORRECTIONS (NDOC) and is

28 ///



1 currently housed in the Lovelock Correctional  
2 Center (LCC)

### 4 LEGAL ARGUMENT

6 The Plaintiff and Defendant's Counsel were in court  
7 via telephonic hearing on Oct. 2<sup>nd</sup>, 2020, wherein  
8 numerous pending matters were heard and decided  
9 by this Honorable Court which no written Orders have  
10 been done for. One of which is the deadline Order  
11 for Discovery and other pretrial matters.

12 The Plaintiff and Defendant's Counsel had both  
13 agreed that it wouldn't take more than 90 days,  
14 The Plaintiff has come to realize that 90 days  
15 was in no way a realistic deadline for discovery.  
16 Especially during the time of a pandemic and with  
17 this case being litigated by mail on the Plaintiff's end.  
18 Also due to a lot of staff shortages at LCC the  
19 Plaintiff has endured more than normal lock  
20 downs which is causing delays in process of  
21 legal materials being received from the LCC  
22 Law library.

23 Also the LCC Inmate Canteen had an issue  
24 with supplies, wherein they had a two month period  
25 of no pads of paper in stock so the Plaintiff had  
26 to find someone to borrow paper from to do what  
27 he had as of the Thanksgiving Holidays. The

28 ///



1 Plaintiff also points out that we are coming up  
2 on Christmas and New Years Holidays, all these  
3 Holidays also have an effect on the mail system  
4 in the Prisons, As it is Prison Officials don't hand out  
5 mail on Saturday. So if we get legal mail on Friday  
6 we don't get it until the next Monday, and thanks-  
7 giving was a Four day holiday weekend for prison  
8 officials.


## 10 CONCLUSION

12 WHEREFORE THE PLAINTIFF Prays this Honorable Court  
13 will extend all deadlines by 90 days due to all the  
14 above circumstances, Plaintiff also prays the Defendant's  
15 will understand and stipulate to this request.

## 17 VERIFICATION

19 I, verify, that I have read the attached document and to  
20 the Best of my knowledge and belief that is true and  
21 correct under the pains and penalties of perjury. Pursuant  
22 to 28 U.S.C. § 1746 & 18 U.S.C. § 1621

23 DATE: 12/3/20

24   
25 Justin Langford - 1159546

26 LCC 1200 Prison Rd

27 Love Rock, Nev 89419

28 ///

## CERTIFICATE OF SERVICE

I, Certify, that I have attached a true and correct copy of the foregoing document, with special instructions to the Clerk of the Court for E-File & E-Service to all of my opponents pursuant to N.E.F.C.R. 5(k), 9 Et seq. (A-E), Etc. to the following:

Andrea M. Dominguez  
adominguez@ag.nv.gov

C/O SMITH (NOT GIVEN A COPY DUE TO THREATS OF  
RETALATION)

DATE: 12/3/20

12/3/20   
Plaintiff

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,

v.

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

Defendants.

**DEFENDANT'S NON-OPPOSITION TO  
PLAINTIFF'S REQUEST FOR AN  
EXTENSION ON ALL DISCOVERY  
DEADLINES**

Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta, Carter Potter, Renee Baker, State of Nevada ex. Rel., and the Nevada Department of Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Andrea M. Dominguez, Deputy Attorney General, hereby submit notice of their non-opposition to Plaintiff's request for an extension on all discovery deadlines.

///

///

///

///

///

///

///

///

1 On December 9, 2020, Plaintiff filed a Request for an Extension on all Discovery  
2 Deadlines in the instant case. Defendants' are not opposed to Plaintiff's request and are  
3 agreeable to a 90-day extension of discovery. The discovery deadlines should be extended  
4 as follows:


5 **Proposed Schedule for Remaining Deadlines**

6 Deadline to Complete Discovery: **March 9, 2021**

7 Deadline to File Dispositive Motions: **April 8, 2021**

8 AARON D. FORD  
Attorney General

9  
10 By:

  
ANDREA M. DOMINGUEZ, Bar No. 15209  
Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717  
(775) 684-1163  
adominguez@ag.nv.gov

11  
12  
13  
14 *Attorneys for Defendant*  
15  
16  
17  
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19  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 9th of December 2020, I caused to be deposited for mailing a true and correct copy of the foregoing, **DEFENDANT’S NON-OPPOSITION TO PLAINTIFF’S REQUEST FOR AN EXTENSION ON ALL DISCOVERY DEADLINES**, to the following:

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

  
An employee of the  
Office of the Attorney General

1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

4 The undersigned affirms that this  
5 document does not contain the  
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7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
8 **IN AND FOR THE COUNTY OF PERSHING**

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 v.

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

15 Defendants.

**DEFENDANT'S AMENDED NON-  
OPPOSITION TO PLAINTIFF'S  
REQUEST FOR AN EXTENSION ON  
ALL DISCOVERY DEADLINES**

16 Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta,  
17 Carter Potter, Renee Baker, State of Nevada ex. Rel., and the Nevada Department of  
18 Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of  
19 Nevada, and Andrea M. Dominguez, Deputy Attorney General, hereby submit notice of  
20 their non-opposition to Plaintiff's request for an extension on all discovery deadlines.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 On December 9, 2020, Plaintiff filed a Request for an Extension on all Discovery  
2 Deadlines in the instant case. Defendants' are not opposed to Plaintiff's request and are  
3 agreeable to a 90-day extension of discovery. The discovery deadlines should be extended  
4 as follows:

5 **Proposed Schedule for Remaining Deadlines**


6 Deadline to Complete Discovery: **March 9, 2021**

7 Deadline to File Dispositive Motions: **April 8, 2021**

8 DATED this 9th day of December, 2020.

9 AARON D. FORD  
10 Attorney General

11 By:

  
12 ANDREA M. DOMINGUEZ, Bar No. 15209  
13 Deputy Attorney General  
14 100 N. Carson Street  
15 Carson City, NV 89701-4717  
16 (775) 684-1163  
17 adominguez@ag.nv.gov


18 *Attorneys for Defendant*  
19  
20  
21  
22  
23  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 9th of December 2020, I caused to be deposited for mailing a true and correct copy of the foregoing, **DEFENDANT'S NON-OPPOSITION TO PLAINTIFF'S REQUEST FOR AN EXTENSION ON ALL DISCOVERY DEADLINES**, to the following:

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

  
An employee of the  
Office of the Attorney General



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.

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

Defendants.

**DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO OUTSTANDING DISCOVERY  
(2ND REQUEST)**

Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta, Carter Potter, Renee Baker, State of Nevada ex. Rel., and the Nevada Department of Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Andrea M. Dominguez, Deputy Attorney General, hereby requests a 30-day extension, until January 13, 2021, to respond to outstanding discovery.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. BACKGROUND**

Defendants respectfully request a 30-day extension of time from the current deadline of December 14, 2020, to respond to Plaintiff's request for interrogatories addressed to John Borrowman. Defendants request this outstanding discovery request becomes due on January 13, 2021.

In light of the administrative complications within the State of Nevada, and at the Office of the Attorney General (OAG), and with the Defendants, related to COVID-19 and institutional responses thereto, which have affected the responsiveness of communications

1  
2 with Defendants, good cause exists for Defendants' request for an extension. Further, John  
3 Borrowman is no longer with the Nevada Department of Corrections (NDOC), so additional  
4 time is needed to provide responses to the interrogatories. The NDOC is in the process of  
5 providing responses to John Barrowman's interrogatories.

## 6 **II. DISCUSSION**

7 Nevada Rule of Civil Procedure 6(b)(1)(B) governs extensions of time and provides  
8 that when an act may or must be done within a specified time, the court may, for good  
9 cause, extend the time: (1) with or without motion or notice if the court acts, or if a request  
10 is made, before the original time or its extension expires; or (2) on motion made after the  
11 time has expired if the party failed to act because of excusable neglect.

12 Defendants assert that the requisite good cause is present to warrant the requested  
13 extension of time. Defendant's have already responded to (1) Request for Production of  
14 Documents, and (2) Interrogatories to John Potter. The only discovery item outstanding is  
15 the Interrogatories to John Borrowman. The discovery requests were due December 14,  
16 2020. However, due to an inadvertent calendaring issue, this motion for an extension was  
17 not requested timely.

18 Defendants make the instant request in light of the current issues related to COVID-  
19 19, including Nevada Governor Sisolak's first of many emergency declarations, beginning on  
20 March 15, 2020 and then the March 31, 2020 Declaration of Emergency (Directive 010) –  
21 'Stay at Home Order' and the Governor's subsequent extensions and additional directives  
22 and clarifications. In response to COVID-19 and the Governor's Current Directives and  
23 recommendations, the OAG has directed all OAG employees to comply with the Governor's  
24 orders by working strictly from home.

25 In light of those directives, and due to the difficulties, the instant circumstances place  
26 on obtaining the necessary supporting documents, and difficulty corresponding between the  
27 OAG and certain Defendants, Defendants respectfully request that the Court extend the  
28 deadline by 30-days, until January 13, 2021. Defendants' request will not hinder or

1 prejudice Plaintiff's case. Close of discovery is currently set for December 31, 2020, however,  
2 Plaintiff requested a 90-day extension to March 9, 2021. The requested 30-day extension of  
3 time to respond to the interrogatories will not change the scheduling order and should  
4 permit sufficient time to overcome the administrative and procedural obstacles created by  
5 the response to COVID-19, and to obtain responses from Defendant Borrowman.

### 6 **III. CONCLUSION**

7 For the above reasons, Defendants respectfully request a 30-day extension to permit  
8 sufficient time for Defendants to respond to the outstanding discovery, as set forth below:

#### 9 **Proposed Schedule for Remaining Deadlines**


10 Current Deadline to Respond to Interrogatories: **December 14, 2020**

11 Proposed New Deadline to Respond to Interrogatories: **January 13, 2021**

12 DATED this 16th day of December, 2020.

13 AARON D. FORD  
14 Attorney General

15 By:



16 ANDREA M. DOMINGUEZ, Bar No. 15209  
17 Deputy Attorney General

18 *Attorneys for Defendant*  
19  
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of  
3 Nevada, and that on this 16th day of December, 2020, I caused to be deposited for mailing  
4 a true and correct copy of the foregoing, **DEFENDANTS' MOTION FOR EXTENSION**  
5 **OF TIME TO RESPOND TO OUTSTANDING DISCOVERY (2ND REQUEST)**, to  
6 the following:

7 Justin Odell Langford, #1159546  
8 Lovelock Correctional Center  
9 1200 Prison Road  
10 Lovelock, NV 89419

11 

12 \_\_\_\_\_  
13 An employee of the  
14 Office of the Attorney General  
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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;  
CASEWORKER LEFLEUR; C. POTTER; P.  
DELPORITO; J. BORROWMAN; D. BAZE;  
and T. CARPENTER,  
Defendant.

**REMITTITUR**

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN ODELL LANGFORD,  
Appellant,  
vs.  
C/O SMITH; RENEE BAKER; CASEWORKER  
LEFLEUR; C. POTTER; P. DELORTO; J.  
BORROWMAN; D. BAZE; AND T.  
CARPENTER,  
Respondents.

**Supreme Court No. 82071**  
District Court Case No. 27CV-OTH-2020-  
0057

**REMITTITUR**

TO: Kate Martin, Clerk of the Court/Court Administrator

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: December 21, 2020

Elizabeth A. Brown, Clerk of Court

By: Kaitlin Meetze  
Administrative Assistant

cc (without enclosures):

Hon. Jim C. Shirley, District Judge  
Justin Odell Langford  
Attorney General/Carson City

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on December 23, 2020.

Adeana Ramon  
District Court Clerk

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.

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

Defendants.

**DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO OUTSTANDING DISCOVERY**

Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta, Carter Potter, Renee Baker, State of Nevada ex. rel., and the Nevada Department of Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Andrea M. Dominguez, Deputy Attorney General, hereby requests a 30-day extension, until January 22, 2021, to respond to outstanding discovery.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. BACKGROUND**

Defendants respectfully request a 30-day extension of time from the current deadline of December 23, 2020, to respond to Plaintiff's second request for production of documents. Defendants request that all outstanding discovery requests become due on January 22, 2021.

Good cause exists for an extension because counsel, and the responding Defendants, have been heavily impacted by COVID-19 restrictions. These restrictions include working from home, limiting the number of staff at a given time, and NDOC's necessary restrictions

1 to prevent the spread of COVID-19. Further, Plaintiff has requested extensive  
2 documentation, which requires additional research to see if any responsive documentation  
3 exists. Due to the various complications relating to COVID-19, counsel is still in the process  
4 of obtaining these documents.

## 5 **II. DISCUSSION**

6 Nevada Rule of Civil Procedure 6(b)(1)(B) governs extensions of time and provides  
7 that when an act may or must be done within a specified time, the court may, for good  
8 cause, extend the time following a timely request.

9 This Court should find good cause exists to support an extension. At issue is one  
10 request: (1) second request for production of documents. The discovery requests are due  
11 December 23, 2020. Without waiving objections or the right to seek a protective order,  
12 Defendants are requesting until January 22, 2021 to respond to the outstanding request.

13 Defendants make the instant request in light of the current issues related to COVID-  
14 19. Recently, Governor Sisolak imposed the Pause 2.0 and as a result, counsel has been  
15 required to transition back to working from home. Further, the NDOC, which has control  
16 and custody of the requested documentation, is operating under significant COVID  
17 restrictions. This has significantly delayed Defendants' ability to obtain responsive  
18 documentation.

19 Accordingly, Defendants respectfully request that the Court extend the deadline by  
20 30-days, until January 22, 2021. Defendants' request will not hinder or prejudice Plaintiff's  
21 case. Close of discovery is currently set for December 31, 2020, however, Plaintiff has  
22 requested a 90-day extension which Defendants did not oppose. The requested 30-day  
23 extension of time will not change the scheduling order and should permit sufficient time to  
24 overcome the administrative and procedural obstacles created by the response to COVID-19,  
25 and to obtain documents from Defendants.

26 ///

27 ///

28 ///



1 **III. CONCLUSION**

2 For the above reasons, Defendants respectfully request a 30-day extension to permit  
3 sufficient time for Defendants to respond to the outstanding discovery, as set forth below:

4 **Proposed Schedule for Remaining Deadlines**


5 Current Deadline for Defendants to Respond to Second Request for Production of  
6 Documents: **December 23, 2020**

7 Proposed Deadline for the discovery responses: **January 22, 2021**

8 DATED this 23rd day of December, 2020.

9 AARON D. FORD  
Attorney General

10  
11 By:

  
ANDREA M. DOMINGUEZ, Bar No. 15209  
Deputy Attorney General

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13 *Attorneys for Defendant*  
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# CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 23rd day of December, 2020, I caused to be deposited for mailing a true and correct copy of the foregoing, **DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO OUTSTANDING DISCOVERY**, to the following:

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

Cary Hall

An employee of the  
Office of the Attorney General

1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. I

3 Affirmation pursuant to NRS 239B.030

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

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

8 IN AND FOR THE COUNTY OF PERSHING

9 Justin Odell Langford,

10 Plaintiff,

ADMISSIONS FOR DEFENDANT

11 vs-

NEVADA DEPARTMENT OF CORRECTIONS

12 c/o Smith, Et al.,

PURSUANT TO FED. R. CIV. P. 36

13 Defendants.

"1<sup>ST</sup> REQUEST"

14  
15 I) ADMISSIONS

16  
17 1) ADMIT That Putting a Protective Custody Inmate with  
18 General Population Inmates is a breach of security!

19  
20 2) ADMIT That Freestaff (i.e. Caseworkers) can't put their hands  
21 on an inmate!

22  
23 3) ADMIT That Responses to grievance's are made under  
24 penalty of perjury!

25  
26 4) ADMIT That AR339 Provided in C. Potters answers to  
27 interrogatories shows false or misleading statements is  
28 a class 5 violation and automatic dismissal!



1 5) ADMIT That Notis-RPT-OR-0217.4 does not have Plaintiff's  
2 Evidence attached to it!

3  
4 6) ADMIT That the copy of the legal document in grievance  
5 2006-30-87580 is actually a photocopy of the one the  
6 Plaintiff attached to the grievance!

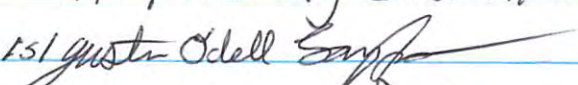
7  
8 7) ADMIT That the photocopy of the legal document has  
9 staple holes at the top center in photocopy matching  
10 Plaintiff's copy provided! (in grievance 2006-30-87580)!

11  
12 8) ADMIT That the photocopy of the legal document provided  
13 Mrs. Carpenter at Informal Level has no date or  
14 Signature showing Plaintiff recieved it!

15  
16 9) ADMIT That Plaintiff Requested for All Audio and Video  
17 Evidence be held in grievance 20063087580!

18  
19 10) ADMIT That Administrative Procedures Supersede  
20 Operational Procedures!

21  
22 DATED: ~~10/12~~ 1/20/21

23  
24 Respectfully Submitted  
25   
26 Justin Odell Langford  
27  
28



1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. I

3 AFFIRMATION pursuant to NRS 239B.036

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

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

8 IN AND FOR THE COUNTY OF PERSHING

9 Justin Odell Langford,

10 Plaintiff,

REQUEST FOR PRODUCTION OF

11 - vs -

DOCUMENTS PURSUANT TO

12 % Smith Et al.,

FED. R. CIV. P. 34

13 Defendants.

"3rd Request"

14

15 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff

16 requests that Defendant Nevada Department of corrections

17 produce the following documents:

18 1) Plaintiff's complete prison records (i.e. I-File, disciplinary, and any  
19 other record maintained about the Plaintiff),

20 2) All written statements/taped statements prepared for grievance #'s  
21 20063078531 ; 20063083244

22 3) LCC movement logs for G3 Control tower for Feb. 12<sup>th</sup>, 2019.

23 4) All Video Evidence for grievance #20063083244 as it was requested  
24 to be held in the grievance!

25 5) Any and all rules, regulations, and policies of the Nevada  
26 Department of corrections that are relevant to any and all  
27 aspects of this case!

28 //

1 6) The Personnel Records of all the Defendants in this matter  
2 (i.e. disciplinary, misconduct complaints),

3 7) Full names of the following %'s:

4 A.) Sgt. Gentry

5 B.) Sgt. Phono

6 C.) % O'Dea

7 D.) Kerns

8  
9 8) What prison Sgt. Phono was moved/transferred to?

10  
11 9) The Newest and Most Relevant Copy of AR339 as  
12 Defendant C. Potter and LCC staff are claiming it is  
13 unavailable!

14  
15 10) Anything that shows how often or the percentage of  
16 grievances granted out of what's filed by inmates!

17  
18  
19 DATE: 1/20/21

20 15) *Justin Odell Langford*  
21 Justin Odell Langford



1 CASE No. 27CV-OTH-2020-0057

2 DEPT. No. I

3 AFFIRMATION pursuant to NRS 239B.030

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

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

8 IN AND FOR THE COUNTY OF PERSHING

9 Justin Odell Langford,

10 Plaintiff,

"Proposed"

11 -vs-

SETTLEMENT OFFER

12 c/o Smith, Et al.,

13 Defendants

14

15 Plaintiff is offering the following as a settlement to  
16 resolve all issues in this matter:

17

18 1<sup>st</sup> Offer: \$10,000 to close out all claims and end the case.

19

20 2<sup>nd</sup> Offer: \$3,000 and to move to WNCC, where plaintiff can  
21 get a job

22

23 DATE: 1/20/21

24

15/Justin Odell Langford

25

Justin Odell Langford, 1159546

26

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1 CASE No. 27CV-OTH-2020-0057

2 DEPT. No. I

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

5 IN AND FOR THE COUNTY OF PERSHING

6

7 Justin Odell Langford,

8 Plaintiff,

9

- vs -

CERTIFICATE OF SERVICE

10 c/o Smith Et al.,

11 Defendants,

12

13 I Justin Odell Langford, certify, that I have attached the  
14 following documents: "Admissions For Defendant Nevada Department  
15 of Corrections Pursuant To Fed. R. Civ. P. 36 "1<sup>st</sup> Request";  
16 "Proposed Settlement Offer"; "Request For Production of  
17 Documents Pursuant To Fed. R. Civ. P. 34 "3<sup>rd</sup> Request". With  
18 special instructions to the Clerk of the Court for E-file and  
19 E-Service to all of my opponents pursuant to N.E.F.C.R.  
20 S(C), 9 Et seq. (A-E) Etc. to the following;

21

22 Andrea Dominguez

23 adominguez@ag.nv.gov

24

25

26 DATE: 1/20/21

27

15/Justin Odell Langford

28

Justin Odell Langford

(1)



1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

8 **IN AND FOR THE COUNTY OF PERSHING**

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

**NOTICE OF CHANGE OF DEPUTY  
ATTORNEY GENERAL**

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

Defendants.

16 Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta,  
17 Carter Potter, Renee Baker, State of Nevada ex. Rel., and the Nevada Department of  
18 Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of  
19 Nevada, and Laura M. Ginn, Deputy Attorney General, , notifies the Court and the  
20 respective parties that Deputy Attorney General Laura M. Ginn has assumed  
21 responsibility for representing the interests of the above-named Defendant in this matter.

22 ///

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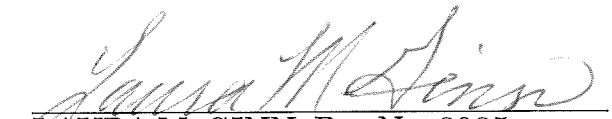
28 ///

1 Deputy Attorney General Andrea M. Dominguez is no longer responsible for the  
2 handling of this case and should be removed from this matter.

3 DATED this 15<sup>th</sup> day of February, 2021.

4 AARON D. FORD  
5 Attorney General

6 By:


  
7 LAURA M. GINN, Bar No. 8085  
8 Deputy Attorney General  
9 100 N. Carson Street  
10 Carson City, NV 89701-4717  
11 (775) 684-1120  
12 lginn@ag.nv.gov

13 *Attorneys for Defendants*  
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of  
3 Nevada, and that on the 8<sup>th</sup> of February 2021, I caused to be deposited for mailing a true  
4 and correct copy of the foregoing, **NOTICE OF CHANGE OF DEPUTY ATTORNEY**  
5 **GENERAL**, to the following:

6 Justin Odell Langford, #1159546  
7 Lovelock Correctional Center  
8 1200 Prison Road  
9 Lovelock, NV 89419

10   
11 An employee of the  
12 Office of the Attorney General  
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1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. I

3 AFFIRMATION Pursuant To NRS 239B.030

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

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

8 IN AND FOR THE COUNTY OF PERSHING

9 Justin Odell Langford,

10 Plaintiff,

11 vs.

12 C/O Smith, Et al.,

13 Defendants.

REQUEST FOR PRODUCTION OF

DOCUMENTS PURSUANT TO

FED. R. CIV. P. 34 "4<sup>TH</sup> REQUEST"

14  
15 Pursuant to Rule 34 of the Federal Rules of Civil Procedure,  
16 Plaintiff request that Defendant Nevada Department of Corrections  
17 produce the following documents/records:

18  
19 1) The Plaintiff respectfully ask that the Defendants present all  
20 documents that relate to the following grievance #'s:

21 A) 2006-30-78531

22 B) 2006-30-83244

23 C) 2006-30-87580

24  
25 2) The Plaintiff respectfully ask that the Defendant  
26 present the following items: (as they relate to grievance  
27 Number 2006-30-78531

28 A) All reports made pursuant to AR740 as to the Report of Staff



misconduct

B) Any and all statements made by c/o Smith as it pertains to said grievance

C) Any internal document that can help identify staff members who worked on Feb. 12<sup>TH</sup> 2019 at LCC

D) List of names who accessed said grievance

E) Proof that the Breach of Security by c/o Smith was Documented

F) Any Statements made by witnesses listed in said grievance (i.e. S/C O'Dea, Sgt. Phono, Sgt. Gentry)

G) Identity of unit staff for Unit 3A for Feb. 12<sup>TH</sup>, 2019.

H) Identity of G3 control tower Feb. 12<sup>TH</sup>, 2019

I) Identity of Unit 3A staff for Jan. 2020 to Current

J) Procedures/Protocols in effect for handling perceived threats to staff

K) List of dates for Plaintiff's 6 month reviews and classification hearings

3) Please send all the following items: (as they relate to grievance number 2006-30-87580)

A) Any and all internal communication made in relation to said grievance (i.e. e-mails, typed/written statements)

B) Full copy of said grievance as it is in NDOC Records

C) Who has access to the law library e-file log for each inmate.

4) Please send all the following items: (as they relate to grievance number 2006-30-83244)



1 A) Any and all written statements made by witnesses

2 B) Any and all video evidence requested in said grievance  
3 to be saved

4 C) Any and all audio evidence requested in said grievance to  
5 be saved if any

6 D) List of names who accessed the above video/audio  
7 evidence

8 E) Any internal communications related to the above  
9 grievance (i.e. e-mails, typed/written statements)  
10

11 4) Copy of Plaintiff's Prison E-File logs  
12

13 5) Copy of AR 457 and any NRS quoted in said AR  
14

15 6) Complete Copy of Plaintiff's I-file and any other  
16 records maintained by NDOC on Plaintiff  
17

18 7) Complete Copy of all Defendant's Employee records to include  
19 Staff Misconduct Complaint  
20

21 8) Any and all Administrative Regulations that are relevant to all  
22 grievance  
23

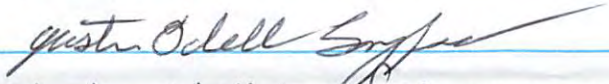
24 9) Any and all NRS's that give the Administrative Regulations  
25 provided as requested in #8 (Statutes as printed in the Statute  
26 Books)  
27 //

27 //

28 //

1 10) A Full copy of Any Administrative Regulation with a  
2 copy of WRS giving said Administrative Regulation its  
3 authority, that is used as a defense! (Provide said WRS's  
4 the same as request #9)  
5  
6

7 DATE: 1/26/21

8 

9 Justin Odell Langford #1159546

10 LCC, c/o 1200 Prison Road

11 Lovelock, Nev. 89419  
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1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. 1

3 AFFIRMATION pursuant to NRS 239B.039

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

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

8 IN AND FOR THE COUNTY OF PERSHING

9 Justin Odell Langford,  
10 Plaintiff,

11 vs.

12 C/O Smith Et al,

13 Defendants.

REQUEST FOR EXTENSION

ON ALL DISCOVERY DEADLINES

14 COMES Now Justin Odell Langford, sui juris, To File his Request  
15 For Extension On All Discovery Deadlines, and moves this Honorable  
16 Court to enter an Order Granting his request. This request is made  
17 and based upon the attached Points And Authorities, the papers and  
18 pleadings on file herein, and such other further argument as this  
19 Court may deem appropriate.

20  
21 MEMORANDUM OF POINTS AND AUTHORITIES

22  
23 This matter arises out of Plaintiff's Complaint for civil rights  
24 violations under 42 USC section 1983. The Plaintiff, is a prisoner,  
25 and not lawfully incarcerated by the NEVADA DEPARTMENT OF  
26 CORRECTIONS (NDOC) and is currently housed in the Lovelock  
27 Correctional Center (LCC)



## LEGAL ARGUMENT

The Plaintiff and Defendant's Counsel were in Court via telephonic hearing on Oct. 2<sup>nd</sup>, 2020, wherein numerous pending matters were heard and decided by this Honorable Court which no written Orders have never been done for. One of which is the Deadline Order for Discovery and other pretrial matters.

The Plaintiff and Defendant's Counsel had both agreed that it wouldn't take more than 90 days, the Plaintiff has already filed a 90 day extension request on Dec. 9, 2020 which the Defendants agreed to in their response to it. At that time the Plaintiff was still coming to an understanding on what was included in the discovery process for a civil suit. And have further learned on how to due a proper discovery request, in which I know has created a major burden on appossing counsel. Which the Plaintiff appologizes for causing on them, Plaintiff appreciates that Counsel continues to cooperate and understand the Plaintiffs position in this matter.

The Plaintiff is asking for another 90 day extension due to mail delays, NOOC staffing issues are causing delays in responses to request for stuff/documents. Also mail is moving at a slower rate during the pandemic, which is causing a delay in the response to pleadings on either side of this action. So Plaintiff is seeking to move the Discovery deadline on out to June 28<sup>TH</sup>, 2021 for the close of all discovery.



## CONCLUSION

WHEREFORE THE PLAINTIFF Prays this Honorable Court will extend all deadlines by 90 days due to all the above circumstances, Plaintiff also prays the Defendant's will understand and stipulate to this request.

## VERIFICATION

I, Verify, that I have read the attached document and to the Best of my knowledge and belief that is true and correct under the pains and penalties of perjury. Pursuant to 28 U.S.C.S. 1746

DATE: 2/10/21

*151 guster [Signature]*

## CERTIFICATE OF SERVICE

I, Certify, that I have attached a true and correct copy of the foregoing document, with special instructions to the clerk of the Court for E-File & E-Service to all of my opponents pursuant to N.E.F.C.R. 5(K), 9 Et. Seq. (A-E), Etc. to the following:

~~Andrea M. Dominguez~~

LAURA M. GINN

~~adominguez@ag.nv.gov~~

LGINN@ag.nv.gov

Clo Smith (Not Given a copy due to threats of retaliation)

DATE: 2/10/21

*151 guster [Signature]*

Justin Langford #1159546

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,

Appellant,

vs.

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

Respondents.

**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 September 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

September 26, 2022

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

Re: Notice of Appeal / 27CV-OTH-2022-0057  
Justin Odell Langford vs. C/O Smith; Renee Baker; Caseworker Lefleur; C.  
Potter; P. Delorto; J. Borrowman; D. Baze; T. Carpenter

Enclosed, please find the Record on Appeal for the above-entitled matter as  
ordered by the Supreme Court on September 2, 2022.

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 Ramirez  
Deputy Clerk

/ar  
Encl.

☒ **Pershing County**  
P.O. Box H  
Lovelock, NV 89419  
Tel. (775) 273-2410  
Fax: (775) 273-2434

☐ **Lander County**  
50 State Route 305  
Battle Mountain, NV 89820  
Tel. (775) 635-1332  
Fax: (775) 635-0394

☐ **Mineral County**  
P.O. Box 1450  
Hawthorne, NV 89415-0400  
Tel. (775) 945-0738  
Fax: (775) 945-0706

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,

Appellant,

vs.

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

Respondents.

**RECORD ON APPEAL**

**PLEADINGS**

VOLUME II

Justin Odell Lanford  
1200 Prison Road  
Lovelock, NV 89419  
Appellant, In Pro Per

Laura M. Ginn  
100 N. Carson St.  
Carson City, NV 89701  
Attorney for Respondents

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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.

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

Defendants.

**DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO OUTSTANDING REQUEST FOR  
DISCOVERY  
(FIRST REQUEST)**

Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta, Carter Potter, Renee Baker, State of Nevada ex. Rel., and the Nevada Department of Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Laura M. Ginn, Deputy Attorney General, hereby requests a 5-day extension, until March 2, 2021.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. BACKGROUND**

Defendants respectfully request a 5-day extension of time from the current deadline of February 25, 2021, to respond to Plaintiff's request for production addressed to Nevada Department of Corrections (NDOC). Defendants request this outstanding discovery request become due on March 2, 2021.

Additionally, in light of the administrative complications within the State of Nevada, and at the Office of the Attorney General (OAG), and with the Defendants, related to COVID-19 and institutional responses thereto, which have affected the responsiveness of

1 communications with Defendants, good cause exists for Defendants' request for an  
2 extension. The NDOC is in the process of providing responses and additional time is needed.

## 3 **II. DISCUSSION**

4 Nevada Rule of Civil Procedure 6(b)(1)(B) governs extensions of time and provides  
5 that when an act may or must be done within a specified time, the court may, for good  
6 cause, extend the time: (1) with or without motion or notice if the court acts, or if a request  
7 is made, before the original time or its extension expires; or (2) on motion made after the  
8 time has expired if the party failed to act because of excusable neglect.

9 Defendants assert that the requisite good cause is present to warrant the requested  
10 extension of time. Defendants responded to Plaintiff's third round of discovery last week.  
11 The only discovery item outstanding is Plaintiff's Fourth Request for Production.

12 Defendants make the instant request in light of the current issues related to  
13 COVID19 and the stay-at-home orders in response to the pandemic created numerous  
14 workplace inefficiencies for counsel and the NDOC. In light of those directives, and due to  
15 the difficulties, the instant circumstances place on obtaining the necessary documents,  
16 Defendants respectfully request that the Court extend the deadline by 5-days, until March  
17 2, 2021. Defendants' request will not hinder or prejudice Plaintiff's case. Close of discovery is  
18 currently set for March 9, 2021. The requested 5-day extension of time to respond to the  
19 interrogatories will not change the discovery deadline and should permit sufficient time to  
20 obtain responses from the Nevada Department of Corrections.

## 21 **III. CONCLUSION**

22 For the above reasons, Defendants respectfully request a 5-day extension of time to  
23 respond to the request for production.

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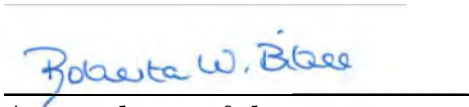
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 24<sup>th</sup> of February, 2021, I caused to be deposited for mailing a true and correct copy of the foregoing, **DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO OUTSTANDING REQUEST FOR DISCOVERY (FIRST REQUEST)**, to the following:

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

  
An employee of the  
Office of the Attorney General

# Declaration of Laura M. Ginn



1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

8 **IN AND FOR THE COUNTY OF PERSHING**

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

**DECLARATION OF LAURA M. GINN**

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

Defendants.

16 I, Laura M. Ginn, declare the following:

- 17 1. I am over the age of 18 and am otherwise competent to testify;
- 18 2. I am an attorney admitted to practice before the Eleventh Judicial District;
- 19 3. I am employed as a Deputy Attorney General with the Office of the Attorney  
20 General for the State of Nevada, and am assigned as counsel for the Defendants  
21 appearing in the above-captioned case;
- 22 4. The statements contained in this declaration are based on my own personal  
23 knowledge;
- 24 5. This is Plaintiff's fourth round of discovery;
- 25 6. The only discovery item outstanding is Plaintiff's Fourth Request for  
26 Production;
- 27 7. In response to the coronavirus pandemic, the Governor of the State of Nevada  
28 issued stay at home orders;

///

1 8. The requested 5-day extension of time to respond to the request for production  
2 will not change the discovery deadline;

3 9. The requested 5-day extension should permit sufficient time to obtain responses  
4 from the Nevada Department of Corrections;

5 10. This extension is not sought to unduly delay these proceedings, or for any other  
6 improper purpose.

7 Pursuant to NRS 53.045 Declarant certifies, under penalty of perjury, that the  
8 foregoing is true and correct.

9 DATED this 24th day of February, 2021.

10 AARON D. FORD  
11 Attorney General

12  
13 By:



14 LAURA M. GINN, Bar No. 8085  
15 Deputy Attorney General  
16 100 N. Carson Street  
17 Carson City, NV 89701-4717  
18 (775) 684-1120  
19 [lginn@ag.nv.gov](mailto:lginn@ag.nv.gov)

20 *Attorneys for Defendants*  
21  
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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.

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

Defendants.

**DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO OUTSTANDING REQUEST FOR  
DISCOVERY  
(SECOND REQUEST)**

Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta, Carter Potter, Renee Baker, State of Nevada ex. Rel., and the Nevada Department of Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Laura M. Ginn, Deputy Attorney General, hereby requests a seven (7)-day extension, until March 9, 2021.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. BACKGROUND**

On February 25, 2021, Defendants filed a Motion for Extension of Time to Respond to Outstanding Request for Discovery to March 2, 2021. The Court has not yet rendered a decision on this unopposed Motion for Extension of Discovery Deadlines. Defendants respectfully request an additional seven (7)-day extension of time to **March 9, 2021**, to respond to Plaintiff's Request for Production addressed to Nevada Department of Corrections (NDOC).

///

1           Additionally, COVID-19 has caused administrative complications within the State of  
2 Nevada and at the Office of the Attorney General (OAG), which have affected the ability to  
3 otherwise timely prepare and respond to Plaintiff's discovery requests. Further, COVID-19  
4 has also affected the ability of OAG to communicate and the responsiveness of  
5 communications with Defendants. Therefore, good cause exists for Defendants' request for  
6 an extension.

7           NDOC is actively and in good faith in the process of providing responses and further  
8 time is necessary.

## 9   **II.   DISCUSSION**

10          Nevada Rule of Civil Procedure 6(b)(1)(B) governs extensions of time and provides  
11 that when an act may or must be done within a specified time, the court may, for good  
12 cause, extend the time: (1) with or without motion or notice if the court acts, or if a request  
13 is made, before the original time or its extension expires; or (2) on motion made after the  
14 time has expired if the party failed to act because of excusable neglect.

15          Defendants assert that the requisite good cause is present to warrant the requested  
16 extension of time. Defendants responded to Plaintiff's third round of discovery two (2) weeks  
17 ago. The only discovery item outstanding is Plaintiff's Fourth Request for Production.

18          Defendants make the instant request as responding to the Request for Production  
19 requires more time than previously indicated. Defendants are diligently working to get the  
20 request completed. The current issues related to COVID19 and the stay-at-home orders in  
21 response to the pandemic created numerous workplace inefficiencies for counsel and NDOC.  
22 In light of those directives and due to the difficulties that the instant circumstances place on  
23 obtaining the necessary documents, Defendants respectfully request that the Court extend  
24 the deadline by seven (7)-days, or until **March 9, 2021**. Defendants' request will not hinder  
25 or prejudice Plaintiff's case. Discovery is currently set to close on March 9, 2021. The  
26 requested seven (7)-day extension will not change the discovery deadline and should permit  
27 sufficient time to obtain responses from NDOC.

28   ///

1 **III. CONCLUSION**

2 For the above reasons, Defendants respectfully request a seven (7)-day extension of  
3 time to respond to Plaintiff's Request for Production.

4 **Proposed Schedule for Remaining Deadlines**

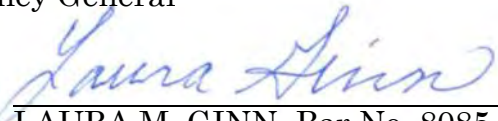
5 Current Deadline to Respond to Request for Production: **March 2, 2021**

6 Proposed New Deadline to Respond to Request for Production: **March 9, 2021**

7 DATED this 2nd day of March, 2021.

8 AARON D. FORD  
9 Attorney General

10 By:

  
11 LAURA M. GINN, Bar No. 8085  
12 Deputy Attorney General  
13 100 N. Carson Street  
14 Carson City, NV 89701-4717  
15 (775) 684-1120  
16 [lginn@ag.nv.gov](mailto:lginn@ag.nv.gov)

17 *Attorneys for Defendants*

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of  
3 Nevada, and that on the 2nd of March 2021, I caused to be deposited for mailing a true  
4 and correct copy of the foregoing, **DEFENDANTS' MOTION FOR EXTENSION OF**  
5 **TIME TO RESPOND TO OUTSTANDING REQUEST FOR DISCOVERY (SECOND**  
6 **REQUEST)**, to the following:

7 Justin Odell Langford, #1159546  
8 Lovelock Correctional Center  
9 1200 Prison Road  
10 Lovelock, NV 89419

11 

12 An employee of the \_\_\_\_\_  
13 Office of the Attorney General  
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# Declaration of Laura M. Ginn

1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

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

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

**DECLARATION OF LAURA M. GINN**

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

Defendants.

16 I, Laura M. Ginn, declare the following:

- 17 1. I am over the age of 18 and am otherwise competent to testify;
- 18 2. I am an attorney admitted to practice before the Eleventh Judicial District;
- 19 3. I am employed as a Deputy Attorney General with the Office of the Attorney  
20 General for the State of Nevada, and am assigned as counsel for the Defendants  
21 appearing in the above-captioned case;
- 22 4. The statements contained in this declaration are based on my own personal  
23 knowledge;
- 24 5. The only discovery item outstanding is Plaintiff's Fourth Request for  
25 Production;
- 26 6. In response to the coronavirus pandemic, the Governor of the State of Nevada  
27 issued stay at home orders;
- 28 7. The requested seven (7)-day extension of time to respond to Plaintiff's Request  
for Production will not change the discovery deadline;



1 8. The requested seven (7)-day extension should permit sufficient time to obtain  
2 responses from the Nevada Department of Corrections;

3 9. The Nevada Department of Corrections is actively working to provide responses  
4 and further time is necessary.

5 10. This extension is brought in good faith and not sought to unduly delay these  
6 proceedings, or for any other improper purpose.

7 Pursuant to NRS 53.045 Declarant certifies, under penalty of perjury, that the  
8 foregoing is true and correct.

9 DATED this 2nd day of March, 2021.

10 AARON D. FORD  
11 Attorney General

12 By:



13 LAURA M. GINN, Bar No. 8085  
14 Deputy Attorney General  
15 100 N. Carson Street  
16 Carson City, NV 89701-4717  
17 (775) 684-1120  
18 [lginn@ag.nv.gov](mailto:lginn@ag.nv.gov)

19 *Attorneys for Defendants*  
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1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

8 **IN AND FOR THE COUNTY OF PERSHING**

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

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

Defendants.

**OPPOSITION TO PLAINTIFF'S  
SECOND REQUEST TO EXTEND  
DISCOVERY DEADLINE**

15 Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta,  
16 Carter Potter, Renee Baker, State of Nevada ex. Rel., and the Nevada Department of  
17 Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of  
18 Nevada, and Laura M. Ginn, Deputy Attorney General, hereby file their Opposition to  
19 Plaintiff Justin Langford's (Plaintiff) Request to Extend Discovery Deadline, filed on  
20 February 18, 2021.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 On December 9, 2020, Plaintiff filed his First Request to Extend Discovery. On  
23 December 9, 2020, Defendants filed their Amended Non-Opposition to Plaintiff's Request for  
24 an Extension on all Discovery Deadlines. The Court has not rendered a decision on this  
25 unopposed Extension of Discovery Deadlines. On February 18, 2021, Plaintiff filed his  
26 second Request to Extend Discovery.

27 Since discovery began, Plaintiff has propounded, and the Defendants have responded  
28 at least twenty-eight requests for production in four sets and at least twenty-three request

1 for admissions. Additionally, Plaintiff requested responses to at least forty-two  
2 interrogatories. Defendants requested five extensions in order to respond to Plaintiff's  
3 voluminous discovery requests.

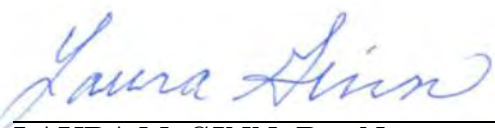
4 Plaintiff has already propounded a sizeable amount of discovery in this matter, and it  
5 appears Plaintiff is seeking an extension to further an impermissible "fishing expedition." In  
6 his request, filed February 18, 2021, Plaintiff claims that the parties agreed that discovery  
7 would not take more than 90 days. No good cause exists to triple the discovery period.

8 For the foregoing reasons, Defendants oppose Plaintiff's Second Request to extend the  
9 discovery deadline. Plaintiff has not demonstrated any extraordinary circumstances  
10 justifying a second extension, *see* Plaintiff's February 18, 2021 Request to Extend Discovery  
11 Deadlines, and ask this Court to deny Plaintiff's Second Request.

12 DATED this 3rd day of March, 2021.

13 AARON D. FORD  
14 Attorney General

15 By:

  
16 LAURA M. GINN, Bar No. 8085  
17 Deputy Attorney General  
18 100 N. Carson Street  
19 Carson City, NV 89701-4717  
20 (775) 684-1120  
21 [lginn@ag.nv.gov](mailto:lginn@ag.nv.gov)

22 *Attorneys for Defendants*  
23  
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28

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of  
3 Nevada, and that on the 3rd of March, 2021, I caused to be deposited for mailing a true  
4 and correct copy of the foregoing, **OPPOSITION TO PLAINTIFF'S SECOND**  
5 **REQUEST TO EXTEND DISCOVERY DEADLINE**, to the following:

6 Justin Odell Langford, #1159546  
7 Lovelock Correctional Center  
8 1200 Prison Road  
9 Lovelock, NV 89419

10 

11 An employee of the \_\_\_\_\_  
12 Office of the Attorney General  
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1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. 1

3

4 IN THE ELEVENTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA

5 IN AND FOR THE COUNTY OF PERSHING

6

7 Justin Odell Langford,

8 Plaintiff,

9 -VS-

NOTICE OF IDENTITY

10 % Smith, Et al.,

AND

11 Defendants.

JUDICIAL NOTICE

12

13 This is to notify the Defendants and the Court that the  
14 Full Identity of Defendant "% Smith" is "% Smith" and is  
15 the only % with the last name of Smith, so all the  
16 other defendants have been lying that they don't know  
17 who he is and have been hampering litigation and again  
18 he has also failed to come forward when told of this  
19 Lawsuit and the issues that it pertains to And has said  
20 it's not his problem. Even though it is when one of the  
21 things I request for relief is his job.

22 DATE: 3/1/21

23

24

25

26

27

28

Respectfully Submitted  
15/ Justin Odell Langford  
Justin Odell Langford  
LCC, 1200 Prison Rd  
Lovelock, Nev 89419  
(1)

1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. 1

3

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

5 IN AND FOR THE COUNTY OF PERSHING

6 \* \* \* \* \*

7 Justin Odell Langford,

8 Plaintiff,

9 - vs -

JUDICIAL NOTICE

10 % Smith, Et al.,

AND

11 Defendants

NOTICE TO THE

12

ATTORNEY GENERAL

13

14 On March 3<sup>rd</sup>, 2021 % Smith AKA % Smith went to my cell  
15 after walking the tier in Unit 3A and never touching any other  
16 cell in my unit. % Smith was with a rookie % while in my  
17 cell in which both of them ran sacked my and my  
18 cell mates belongings leaving our cell looking like a  
19 tornado hit our cell. This was two days after I just  
20 sent notice of his proper name "% Smith" along with  
21 what he has said to me in regards to this suit, I believe  
22 this is in retaliation for said pleading. % Smith is known  
23 in this institution for retaliating against inmates, this  
24 is why I filed my complaint marked "Filed in Fear  
25 of Retaliation". Now my Fear has come to reality.

26 And on March 5<sup>th</sup> 2021, LCC administration  
27 held a Full classification hearing in Unit 3A  
28 Activity Room. Wherein Several inmates where

1 Classified as General Population Inmates then  
2 had them sign waivers, but left everyone of  
3 those inmates in Protective Segregation with the  
4 same cell mates who didn't Get Classification  
5 hearings to go to General Population.  
6 LCC has been letting inmates Go Back and forth From  
7 General Population and Protective segregation for  
8 years now. I was one of the Inmates brought in  
9 for Classification due to me asking to go "GP at  
10 WNCC", but instead they tried to get me to go  
11 GP here at LCC even though I have a sepratee in  
12 my Inmate I-File and legally can't be put on the  
13 same yard as my sepratee at any time. Defendant  
14 Mark Lafluer was part of this classification  
15 Committee and is my caseworker in Unit. It  
16 seems now that I'm starting to have issues at  
17 this Facility "LCC" due to my Lawsuit, and me pointing  
18 out the perjury being committed in NDOC documents  
19 and pleadings. I believe they are trying to cause  
20 me harm and I seem to dodge any harm by their  
21 reckless and actions and disregard I need  
22 relocation to WNCC

23 DATE: March 5<sup>th</sup> 2021.

24 151<sup>st</sup> Justin Odell Smyke

25 Justin Odell Langford #1159546

26 LCC, 1200 Prison Rd

27 Lovelock, Nev. 89419

28



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.

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

Defendants.

**JOINDER OF ROBERT SMITH,  
THE STATE OF NEVADA, ex rel.  
NDOC, AND THE NEVADA  
DEPARTMENT OF CORRECTIONS**

Defendants, Robert Smith, State of Nevada, ex rel. NDOC, and the Nevada Department of Corrections (NDOC), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Laura M. Ginn, Deputy Attorney General, hereby join in full to Defendants' Answer to Plaintiff's Complaint. Defendants John Borrowman, Tara Carpenter, Mark La Fleur, Pam Del Porto, and Carter Potter filed their Answer on July 31, 2020. Renee Baker filed a Joinder to the Answer on October 1, 2020.

Defendants, Robert Smith, State of Nevada, ex rel. NDOC, and NDOC, assert all admissions and denials in the Answer and assert all available defenses and affirmative defenses set forth in Defendants' Answer.

DATED this 17th day of March, 2021.

AARON D. FORD  
Attorney General

By: /s/ Laura M. Ginn  
LAURA M. GINN, Bar. No. 8085  
Deputy Attorney General

*Attorneys for Defendants*



1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of  
3 Nevada, and that on this 17th day of March, 2021, I caused to be deposited for mailing a  
4 true and correct copy of the foregoing, **JOINDER OF ROBERT SMITH, THE STATE**  
5 **OF NEVADA, ex. Rel. NDOC, AND THE NEVADA DEPARTMENT OF**  
6 **CORRECTIONS**, to the following:

7 Justin Odell Langford, #1159546  
8 Lovelock Correctional Center  
9 1200 Prison Road  
10 Lovelock, NV 89419

11 /s/ Roberta W. Bibee  
12 An employee of the  
13 Office of the Attorney General  
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CASE No. 27CV-OTH-2020-0057

DEPT No. 1

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

Justin Odell Langford,  
Plaintiff,

2ND SETTLEMENT  
OFFER

vs.

Clo Smith, Et al.,  
Defendants

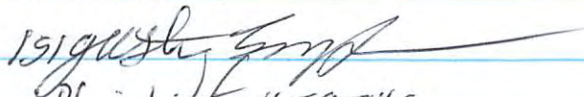
1) \$1,500 for all claims

or

2) \$750 and transfer to H.D.S.P. with my  
Father Roger Langford & Daughter Kaylie Langford  
Put on my visiting list; or

3) \$500 and the new Score 5 player  
willing to Negotiate

DATE: 3/14/21

  
Plaintiff, 1159546

LCC, 1200 Prison Rd  
Javelock, Nev. 89419

1 CASE No. 27CV-OTH-2020-0057

2 DEPT No 1

3 AFFIRMATION pursuant to NRS 239B.030

4 The undersigned affirms that this  
5 Document does not contain the personal  
6 Information of any person.

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

7 IN AND FOR THE COUNTY OF PERSHING

8 Justin Odell Langford,  
9 Plaintiff,

10 vs.

MOTION TO COMPEL

11 C/O Smith, Et al.,

DISCOVERY BY THE

12 Defendants,

DEFENDANTS AND REQUEST

13 FOR SANCTIONS

14 COMES Now Justin Odell Langford, In Pro se, To File his Motion

15 To Compel Discovery By The Defendants, and moves this honorable

16 court for an Order Granting his motion.

17 This motion is made and based upon Fed. R. Civ. P. 34, and is

18 Further made and based on the papers, pleadings on file with

19 this Honorable Court along with the attached Memorandum

20 of Points and Authorities and Attached Exhibits.

21

22 A) MEMORANDUM OF POINTS AND AUTHORITIES

23

24 I) NOTICE OF MOTION

25

26 A hearing is required and one is requested.

27

28

## II) CLAIMS OF PRIVILEGE AND CONFIDENTIALITY ASSERTED UNDER UNCONSTITUTIONAL STATUTES

All written constitutions prescribe the mode and process of making laws. This includes the reading of the Bill on three (3) different days in each house, that if passed it is to be signed by the speaker of the house and by the President of the Senate, the recording of the votes upon the journal, being signed by the Governor, and other such procedures.

But the Constitutions also regulate the form and style in which laws are to be enacted to make them laws of the State. The form and style are regarded as essential parts of the law and thus must be included at all times with the law to make it a valid law, laws or statutes traditionally have three main parts;

The three essential parts of every bill or law are; (1) the title, (2) the enacting clause and (3) the body.<sup>1</sup>

we will first examine the enacting clause as this is the main item that directly relates to authority of law. An enacting clause, sometimes called an enacting style or enacting authority, is that part of a law which usually comes after the title and before the body of the law. The following shows the manner in which this provision is prescribed in Nevada Constitution Art. 4, §23:

The enacting clause of every law shall be as follows;

1) H. Walker, Law Making in the United States, p. 316 some laws also have an optional "preamble,"

"The people of the State of Nevada represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

The Supreme Court of Georgia in 1967, said that "the Constitutions of 46 states specify the form of the enacting clause. Only the Constitutions of Delaware, Georgia, Pennsylvania and Virginia, as well as the Constitution of the United States, are silent on the point." The Court also stated the function and purpose of such a provision;

The enacting clause is that portion of a statute which gives it jurisdictional identity and constitutional authority authenticity, \*\*\* The purpose of an enacting clause is to establish the act; to give it permanence, uniformity and certainty; to allow a record evidence of its legislative, statutory nature, and thus prevent inadvertance, possible mistake, and fraud<sup>2</sup>

The enacting clause gives a statute its "Constitutional authenticity," which makes its use essential since the Constitution is the source of the legislature's authority for ~~enacting~~ enacting laws. A law cannot be regarded as coming from a Constitutionally authorized source if it does not have an enacting clause. The enacting clause provides evidence that the law which follows is of the proper legislative source or jurisdiction. This function and purpose of such a Constitutional provision has often been expressly stated;

2) Joiner v. State, 155 S.E. 2<sup>nd</sup> 8, 10, 223 Ga. 367 (1967)

What is the object of the style of a bill or enacting clause anyway? To show the authority by which the bill is enacted into law; to show that the act comes from a place pointed out by the Constitution as the source of legislation.<sup>3</sup>

The enacting clause is a short formal statement, appearing after the title, indicating that all which follows is to become law, and giving the authority by which the law is made. There is no excuse for not using it.<sup>4</sup>

The enacting clause is the section of a bill or statute which establishes the whole document as a law.<sup>5</sup>

The enacting part of a statute is that which declares its enactment and identifies it as an act of legislation.<sup>6</sup>

Since the legislature, and not any other body or agency, is given certain law making authority, an enacting clause is necessary to show that the law in question comes from the duly assembled legislature. If any

3) Ferrill v. Keel, 151 S.W. 269, 272, 105 Ark. 380 (1912)

4) Harvey Walker, The Legislative Process, N.Y., Ronald Press Co. (1948), p. 346

5) Pearce v. Vittum, 61 N.E. 1116, 1117, 193 Ill. 192 (1901)

6) State v. Reilly, 95 Ill. 1005, 1006, 88 N.W. Law 104 (1915)

1 law is to have authority behind it, it must have an enacting clause  
2 preceding it, as is required by the Constitution and Fundamental  
3 law.

4 The question has often been raised as to whether Constitutional  
5 provisions that call for a particular form and style of laws, or  
6 procedure for their enactment, are to be regulated regarded as  
7 directory or mandatory. The question is critical since its use will  
8 have an effect on the validity of a statute or law. If such  
9 provisions are directory, then they are treated as legal advice  
10 which those in government can decide whether or not to follow. But  
11 if mandatory such provisions must be strictly followed or else the  
12 resulting act or law is unconstitutional and invalid.

13 While a few courts at an early period held that such provisions  
14 were merely directory, the great weight of authority has deemed  
15 them to be mandatory. In speaking on the mandatory character of  
16 enacting clause provisions, one legal textbook states

17 [T]he view that this provision is merely directory  
18 seems to conflict with the Fundamental principle of  
19 Constitutional construction that whatever is  
20 prohibited by the Constitution, if in fact done, is  
21 ineffectual. And the vast preponderance of  
22 authority holds such provisions to be mandatory  
23 and that a failure to comply with them renders a  
24 statute void.

25  
26 when something is "directory" its usage is only an advisable guide,

27  
28 6) Ruling Case law, vol. 25 "Statutes", 384, p. 836

1 and can be ignored. But the requirement of an enacting clause is based  
2 upon its ancient usage in legislative acts.

3 A declaration of the enacting authority in  
4 laws is a usage and custom of great  
5 antiquity, \* \* \* and a compulsory observance of it is  
6 founded in sound reason.<sup>7</sup>

7  
8 The Supreme Court of Illinois had under consideration an ordinance  
9 with no enacting clause. The Court expounded upon why the lack of the clause  
10 invalidated the law:

11 upon looking into the constitution, it will be observed that  
12 "The style of the laws of this State shall be: 'Be it enacted by the  
13 People of the State of Illinois, represented in the General  
14 Assembly:' (Art. 4, § 11). \* \* \* The foregoing sections of Articles 3,  
15 4, and 5, of the Constitution, are the only ones in that instrument  
16 prescribing the mode in which the will of the People, acting  
17 through the legislative and executive departments of the  
18 government, can become law. \* \* \* That these provisions, giving  
19 the form and mode by which, \* \* \* valid and binding laws are  
20 enacted, are, in the highest sense mandatory, and cannot be  
21 doubted. \* \* \* Then it follows that this resolution cannot  
22 be held to be a law. It is not the will of the people,  
23 Constitutionally expressed, in the only mode and manner by  
24 which that will can acquire the force and validity, under the  
25 Constitution, of law, for this legislative act is without a  
26 title, has no enacting clause, \* \* \* and is sufficient to

27  
28 7) Caine v. Robbins, 131 P.2d 516, 518, 61 Nev. 416 (1992)



deprive this expression of the legislative will of the force and effect of law, and the same did not become, therefore, and is not, legally binding and obligatory upon the respondents.

The Court concluded that the Constitutional provisions regulating the form and mode of laws, such as the enacting clause and title, are "essential and indispensable parts" of the process of making laws.

In a case in Nevada a law passed the ~~legislative~~ legislature without a proper enacting clause, raising the question of whether the Constitutional enacting clause was a requisite to a valid law. The Court said it was because the provision was mandatory:

[T]he said section of the Constitution is imperative and mandatory, and a law contravening its provisions of the Constitution may be disregarded as directory, why not at all? And if all, it certainly requires no argument to show what the result would be. The Constitution, which is the paramount law, would soon be looked upon and treated by the legislature as devoid of all moral obligations; without any binding force and effect: a mere "rope of sand", to be held together or pulled to pieces at its will and pleasure. We think the provisions under consideration must be treated as mandatory.

Everybody person at all familiar with practice of legislative bodies is aware that one of the most common methods

8) City of Carlyle v. Nicolay, 165 N.E. 211, 215-16 (Ill.), affirmed, Liberty Nat. Bank of Chicago v. Metrick, 102 N.E. 2<sup>nd</sup> 308, 310, 410 Ill., 429 (1931).

1 adapted to kill a bill and prevent its becoming a law, is  
2 for a member to move to strike out the enacting clause.  
3 If such a motion is carried, the bill is lost. Can it be  
4 seriously contended that such a bill, with its head cut  
5 off, could thereafter by any legislative action become  
6 a law? certainly not.<sup>9</sup>

7  
8 This case was cited and approved by the Supreme Court of Michigan,  
9 which also stated:

10 It will be an unfortunate day for constitutional rights  
11 when courts begin the insidious process of undermining  
12 constitutions by holding unambiguous provisions and  
13 limitations to be director merely, to be disregarded at  
14 pleasure.<sup>10</sup>

15  
16 In Montana a case arose that involved a statute with a "defective  
17 enacting clause". The Supreme Court of Montana, after quoting the  
18 Constitutional section relating to the enacting clause, held that:

19 These provisions are to be construed as mandatory and  
20 prohibitory, because there is no exception to their requirements  
21 expressed anywhere in the Constitution. \*\*\* We think the provisions  
22 of the Constitution are so plainly and clearly expressed and  
23 are so entirely free from ambiguity that there can be no  
24 substantial ground for any other conclusion than that chapter  
25 199 was not enacted in accordance with the mandatory

26 9) Nevada v. Rogers, 10 Nev. 250, 255, 256 (1875); approved in Cain v. Robbins, 131 P.2d 516, 518,  
27 61 Nev. 416 (1952)

28 10) People v. DeHenthaler, 77 N.W. 450, 453, 118 Mich. 595 (1898)

provisions of that instrument, and that the act must be  
declared invalid,"

These provisions relating to the mode of enacting laws "have been  
repeatedly held to be mandatory, and that any legislation in disregard  
thereof is unconstitutional and void"<sup>12</sup>

While it has been well decided that the passage of a bill in the  
legislation without an enacting clause on the bill renders it void as a law,  
we need to consider the result of not using an enacting clause after it  
leaves the legislature. This is the important question today in light of  
the fact that the state "Codes" and "Revised Statutes" and the "U.S. Code"  
are publications which purport to be law, but which no enacting clauses.  
Is a publication of a law without an enacting clause a valid and  
lawful law?

If laws are only required to have an enacting clause while in the  
legislative system, only to be thereafter removed, then what is their  
value and purpose to the public? If they are to serve as evidence of law's  
legislative nature, and as identification of its source and authority  
as a law, what good does that function do only for the legislators?  
The vast majority of the public never sees the bill under  
consideration until it passes and is printed in public records or  
statute books. The generally only see the finished "law".

When we read the provisions which require an enacting  
clause, they say that "all laws shall...", or "the laws of this ~~st~~ state  
shall..." they do not say "all bills shall..." The terms "bills" and

11) Vaughn & Ragsdale Co. v. State Bd of Equalization, 96 P.2d 420, 423, 424, 109 Mont. 52 (1939)

12) State v. Burlington & M.R.R. Co. 84 N.W. 254, 255, 60 Neb. 741 (1902)

1 "laws" are clearly distinguished from one another in most  
2 Constitutions in prescribing the procedure of legislative process,  
3 such as:

4 "No law shall be passed except by bill"

5 "No bill shall become a law except by a  
6 vote of a majority."

7 "Every bill which shall pass both houses  
8 shall be presented to the governor of  
9 the State; and every bill he approves shall  
10 become a law".

11  
12 A bill is a form or draft of a law ~~presented~~ presented to a  
13 legislative legislature, "A bill does not become a law until the Constitutional  
14 prerequisites have been met."<sup>13</sup> Thus a bill is something that becomes a law.  
15 Laws do not exist in the legislature, rather only bills do. Laws only  
16 exist only when the legislative process is followed and completed as  
17 prescribed in the Constitution.

18 Clearly, the legislature cannot enact a law it merely has  
19 the power to pass bills, which may become laws when  
20 signed by the presiding officer of each house and are  
21 approved and signed by the Governor.<sup>14</sup>

22  
23 Since all Constitutional provisions place the requirement of an enacting  
24 clause on "laws" it includes the statutes as it exists outside the  
25 legislative process, that is, as it is published in statute books. We have  
26

27 13) State v. Naftalin, 74 N.W. 2<sup>nd</sup> 249, 261, 246 Minn. 181 (1956)

28 14) Vaughn & Ragsdale Co. v. State Bd of Eq., 96 P.2<sup>nd</sup> 420, 423 (1939)

1 to also regard the Fundamental maxim which states: "A law is not  
2 obligatory unless it be promulgated."<sup>15</sup> An act is not even regarded as a law,  
3 or enforceable as a law, unless it be made publicly known. This is usually  
4 done through a publication by the proper public authority such as the  
5 Secretary of State. But a law is not properly or lawfully promulgated  
6 without an enacting clause or title published with the law.

7 Since the Constitution requires "all laws" to have an enacting clause, it  
8 makes it a requirement on published laws as well as on bills in the  
9 legislature. If the Constitution said "all bills" shall have an enacting  
10 clause, then their use in publication would not be required.

11 That published laws are to have an enacting clause is made clear by the  
12 statement commonly used by legal authorities that an enacting clause of a  
13 law is to be "on the face". To be on its face means to be in the same plain  
14 of view.

15 Face has been defined as the surface of anything; especially  
16 the front, upper, or outer part of surface; that which particularly  
17 offers itself to the view of a spectator.<sup>16</sup>

18  
19 The face of an instrument is that which is shown by the language  
20 employed without any explanation, modification or addition  
21 from extrinsic facts or evidence.<sup>17</sup>

22  
23 For the enacting clause to be any of any use it must appear with a law,  
24 that is, on its face, so that all who look at the law know that it came from  
25

26 15) Black's Law Dictionary, 2d edition, p. 826

27 16) Cunningham v. Great Southern Life Ins. Co., 66 S.W.2d 765, 773 (Tex. Civ. App.)

28 17) In re Stoneman, 146 N.Y.S. 172, 174

1 the legislative authority designated by the Constitution. The enacting  
2 clause would not serve its intended purpose if not printed in the  
3 statute book on the face of the law.

4 The purpose of an enacting clause in legislation is to  
5 express on the face of the legislation itself the  
6 authority behind the act and identify it as an act  
7 of legislation.<sup>18</sup>

8  
9 The purpose of provisions of this character [enacting  
10 clauses] is that all statutes may bear upon their faces  
11 a declaration of the sovereign authority by which they  
12 are enacted and declared to be the law, and to promote  
13 and preserve uniformity in legislation. Such clauses also  
14 import a command and obedience and clothe the statute  
15 with certain dignity, believed in all times to command respect  
16 and aid in the enforcement of laws.<sup>19</sup>

17  
18 It is necessary that every law should show on its face the  
19 authority by which it is adopted and promulgated, and that it  
20 should clearly appear that it is intended by the legislative  
21 power that enacts it that it should take effect as  
22 a law.<sup>20</sup>

23  
24  
25 18) Preckel v. Byrne, 243 N.W. 823, 826, 62 N.D. 356 (1932)

26 19) State v. Burrow, 104 S.W. 526, 529, 119 Tenn. 376 (1907)

27 20) People v. Dettenthaler, 77 N.W. 450, 451, 118 Mich. 596 (1898); citing Swan v. Buck,  
28 40 Miss. 268 (1866)

The enacting clause, sometimes referred to as the commencement or style of the act, is used to indicate the authority from which the statute emanates. Indeed, it is a custom of long standing to cause legislative enactments to express on their face the authority by which they were enacted or promulgated.<sup>21</sup>

A law is "promulgated" by its being printed and published and made available or accessible by a public document such as an official statute book. When this promulgation occurs the enacting clause is to appear "on the face" of that law, thus being printed in that statute book along with the law.

The enacting clause must be readily visible on the face of the statute so that citizens don't have to search through the legislative journals or other records or books to see if one exists. Thus a statute book without the enacting clause is not a valid publication of laws. In regards to the validity of a law that was found in their statute books without an enacting clause, the Supreme Court of Nevada held:

our Constitution expressly provided that the enacting clause of every law shall be. "The people of the state of Nevada, represented in Senate and Assembly, do enact as follows." This language is susceptible of but one interpretation. There is no doubtfull meaning as to the intention. It is, in our judgement, as imperative mandate of the people, in their sovereign capacity, to the legislature, requiring that all laws, to be binding

21) Earl T. Crawford, *The Construction of Statutes*, St. Louis, 1940, 389, p. 125

1 Upon them, shall, upon their face, express the authority  
2 by which they were enacted; and, since this act comes  
3 to us without such authority appearing upon its face,  
4 "it is not a law."<sup>22</sup>

5  
6 The manner in which the law came to the court was by the way it  
7 was found in the statute book, cited by the court as "Stat. 1875, 66," and  
8 that is how they judge the validity of the law. Since they saw that the  
9 act, as it was printed in the statute book, had an insufficient enacting  
10 clause on its face, it was deemed to be "not a law". It is only by  
11 inspecting the publicly printed statute book that the people can  
12 determine the source, authority & authenticity of the law they are  
13 expected to follow.

14 The common mode by which a law is "promulgated" is by it being  
15 printed and published in some authorized public statute book. Thus that  
16 mode of promulgation must show the enacting clause of each law  
17 therein on its face, that is, on the face of the law as it is printed in  
18 the statute book. This is the only way that the "Courts of justice and  
19 the public are to judge of its authenticity and validity." Thus whatever  
20 is published without an enacting clause is void, as it lacks the  
21 required evidence or statement of authority.

22 The Following NRS's have no enacting clause: 209.131; 209.241;  
23 209.243; 613.075; 284.105; 629.061; 41.0339. Along with the following  
24 NAC's: 239.722; 284.718; 284.726; 284.730; 284.734

25 The First thing the Respondents are going to quote as a defense  
26 to this is NRS 230.110, this statute in of itself does not help them

27  
28 22) State of Nevada v. Rogers, 10 Nev. 120, 261 (1875)



1 in anyway and is also missing the enacting clause required by  
2 the Nev. Const.

3

4 NRS 220.110 (Contents of Nevada Revised Statutes), which states;

5 Nevada Revised Statutes shall contain:

6 1) The Constitution of the United States

7 2) The Constitution of the State of Nevada

8 3) The laws of this state of general application

9 4) A full and accurate index of the statute laws

10 5) Such annotations, historical notes, supreme court  
11 and district court rules and other information  
12 as the legislative Counsel deems appropriate  
13 to include.

14

15 The Respondent will state this statute relieves the NRS of the  
16 requirement of an ~~enacting~~ enactment clause. What this statute  
17 actually means if you read it in plain language standards, is that some  
18 statutes will have the U.S. Const., some will have the Nev. Const.,  
19 some will have "the laws" of general application, some will have an  
20 index of the "statute laws", then the rest will have what is listed  
21 as in number 5. But if you go by what the ~~re~~ Defendants interpretation  
22 is of this statute, it in of itself is an unconstitutional statute  
23 as it is an illegal amendment to the Constitution of Nev., the Nev.  
24 Const. cannot be amended by statute. See Nev. Const. Art.  
25 16, § 31 and/or 2, sets forth the requirements to amend the Nev.  
26 Const. and by statute is not one of them.

27 Then Defendants will go on to argue NRS 220.120 in its  
28 defense wherein they will state "while it is well-established

1 that the laws of Nevada must include an enacting clause, the  
2 Nevada Revised Statutes do not have the same requirement, as they  
3 are not the laws enacted by the legislature. Instead, the Nev. Rev.  
4 Stat. consist of previously enacted laws, which have been  
5 classified, codified, and annotated by the Legislative Counsel. See  
6 NRS 220.120. "nowhere" in NRS 220.120 does it say that.

7 Also for courts notice, the Legislative Counsel's Preface to the  
8 Nev. Rev. Stat. is available at [https://www.leg.state.nv.us/Division/](https://www.leg.state.nv.us/Division/Research/Library/Documents/HistDocs/Preface.Pdf)  
9 [Research/Library/Documents/HistDocs/Preface.Pdf](https://www.leg.state.nv.us/Division/Research/Library/Documents/HistDocs/Preface.Pdf), this  
10 committee was charged with compiling and revising the existing  
11 statutes of Nevada;

12 [T]o the end that upon the convening of the 1957 legislature  
13 Nevada Revised Statutes was ready to present for approval.  
14 By the provisions of chapter 2, Statutes of Nevada 1957,  
15 Nevada Revised Statutes, consisting of NRS 1.010 to 710.590,  
16 inclusive was "adopted and enacted as the law of the  
17 state of Nevada."

18  
19 And that is part of Senate Bill No. 2 (1957) which created the Nev.  
20 Rev. Stat., also known as the law. Not as previously enacted laws  
21 or "prima facie evidence of the law," what law are they evidence of  
22 when all prior laws were repealed by Senate bill No. 2 (1957), meaning  
23 all the old laws had no effect and don't exist ~~as~~ as of the passing  
24 Senate Bill No. 2 (1957). See Senate Bill No. 2 (1957) title wherein it states:

25 An act to revise the laws and statutes of Nevada of a  
26 general or public nature; to adopt and enact such revised  
27 laws and statutes, to be known as the Nevada Revised  
28 Statutes, as the law of the State of Nevada; to repeal

all prior laws and statutes of a general, public and permanent nature; providing penalties; and other matters relating thereto."

Senate Bill No. 2 (1957) clearly contradicts any argument the Defendants can put forth. "Repeal" means the following:

REPEAL abolish, rescind, annul by legislative act;  
"the abrogation or annulling of a previous existing law by the enactment of a subsequent statute, which either declares the former law shall be revoked and abrogated, or which contains provisions so contrary to or irreconcilable with those of the earlier law that the only one of the two can stand in force; the latter is the "implied" repeal, the former, the 'express' repeal." 139 S.W. 443, 445 compare amend (Barrons Law Dictionary 7<sup>th</sup> Ed., pg. 469).

So before the Defendants go and argue NRS 220.170(3) wherein it says "Constitutes the official codified version of the statutes of Nevada and may be cited as prima facie evidence of the law," this lacks merit in of itself as Senate Bill No. 2 (1957) created Every Statute From NRS 1.010 to 710.590 and it says those are the law. So for Courts Notice the NRS's quoted supra at pg 14, lines 22-24 and this pg supra at line 18, all fall between the range of NRS 1.010 to 710.590. Which means they are 'the Law of Nevada' and none of them have the Constitutionally Mandated Enactment Clause, Which means all of those statutes are VOID and have no force and effect and are Unconstitutional.

1 **III) PRODUCTION OF DOCUMENTS PURSUANT TO**  
2 **FED. R. CIV. P. 34**

3  
4 On Oct. 22<sup>nd</sup>, 2020 the Plaintiff filed his first "Request For  
5 Production Of Documents Pursuant To Fed. R. Civ. P. 34", and on Jan.  
6 11<sup>th</sup>, 2021 the Defendants' responded, both are attached as Exhibit  
7 1. Then on Dec. 1<sup>st</sup>, 2020 the Plaintiff filed his second "Request  
8 For Production Of Documents Pursuant to Fed. R. Civ. P. 34", and on  
9 Feb. 8<sup>th</sup>, 2021 the Defendants Responded, both are attached as  
10 Exhibit 2. Then on Jan. 29<sup>th</sup>, 2021 the Plaintiff filed his third "Request  
11 For Production Of Documents Pursuant To Fed. R. Civ. P. 34" and  
12 Defendants responded on Feb. 8<sup>th</sup>, 2021, both are attached as Exhibit 3.  
13 Then the Plaintiff filed his fourth and final "Request For Production  
14 Of Documents Pursuant To Fed. R. Civ. P. 34" on Feb. 8<sup>th</sup>, 2021, and the  
15 Defendants responded on Mar. 8<sup>th</sup>, 2021, Both are attached as  
16 Exhibit 4.

17 In The Defendants Response to Plaintiff's First request to production  
18 of documents, in response to Item #1 they provide everything in  
19 Notis as they relate to ~~Exh~~ the Grievances. But are missing items  
20 from their records. see Exhibit 5 (All Grievances). And in response  
21 to Item #2 in request ~~two~~ one they state they can't produce  
22 any video or audio with a list of names who accessed said items,  
23 the list of names would be essential items as now they can  
24 testify to what was seen in the video. And as saying no video  
25 exist says they failed to save it when it was requested in  
26 the grievance as evidence so they destroyed evidence and  
27 now interfere with Plaintiff's case, See Exhibits 1, 2, 5

1 The Plaintiff requested all documents related to all the  
2 grievances related to this case in item 1 of his second  
3 request and defendants respond with everything has been  
4 provided and nothing else can be located, see Exhibit 2 & 5. In  
5 Item two they Object to everything and claim vagueness. See  
6 *Pl. v. District of Columbia*, 251 F.R.D. 38 (D.D.C. 2008). In Item 3 of  
7 the request Plaintiff once again request what he is looking for  
8 in relation to grievance 2006-30-83244, And defendants claim the  
9 statements are privileged, even though in response to item 1  
10 in this request and First request they say everything is provided.  
11 So now their is statements and there privileged. If there are  
12 statements they go to any witnesses credibility. See *Ferenc v.*  
13 *Mess*, 61 R.F.D. 1 (D. Pa. 1973). And claim no video/audio evidence  
14 again what is stated by Defendants leads to destruction  
15 of evidence, see Exhibit 5. Item #4 defendants respond with  
16 there is no such item, see grievance in Exhibit 5 as proof it  
17 does exist.

18 In item #2 in request plaintiff request all written statements  
19 relating to Grievance Nos 2006-30-78531 and 2006-30-83244 and  
20 Defendants claim everything is provided. Item No 4 again Plaintiff  
21 request video for grievance 2006-30-83244, and defendants claim  
22 none exist and the institution retains video as it deems it is  
23 necessary, not because an inmate.

24 In Request for documents #4 the Plaintiff directed it at  
25 Defendant NDOC, And Defendants make the Objection that it was  
26 served on all defendants. See Exhibit 4. Item 1 the Defendant  
27 responds with we've provided all documents associated with the

1 grievances. Defendants claim in response #2 to item #2  
2 that they are unclear as "what 'staff misconduct' or 'breach  
3 of ~~concerning~~ security' " plaintiff is referring to, Even though  
4 Plaintiff puts the grievance No on his request "2006-30-  
5 78531" so the Defendant is just interfering with the  
6 discovery process and Plaintiff's ability to litigate his  
7 claims. Also list of staff shows that defendants have lied  
8 in numerous pleadings. Also the defendants Produce the  
9 Name "SC/O Robert Smith" which is the c/o smith in  
10 grievance 2006-36-78531 which all defendants keep claiming  
11 they don't know, so either they did their job and  
12 investigated said grievance and they have lied in their  
13 pleadings or they didn't investigate the grievance per  
14 AR740. This also shows they've had the identity of c/o smith  
15 the whole time and have blocked litigation of his  
16 Plaintiff's claims. "Plaintiff also has a Default Application  
17 Pending against c/o smith" and should get it due to this  
18 information.

19 In response to item 3 in request 4, they claim they produced  
20 everything and no such records exist. See Exhibit 4 & 5  
21 wherein proof of perjury and refusal to cooperate in the  
22 discovery process. Item 5 Plaintiff request his prison  
23 e-file log and defendants response was it is unproportional  
24 and that plaintiff can get it from the Court. see  
25 Ferenc v. Moss, 61 F.R.D. 1 (D. Pa. 1973). Then in request item #8  
26 Plaintiff request all Defendants Employee records to include staff  
27 misconduct complaint and object based on Confidentiality

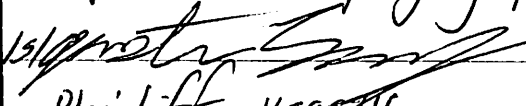
1 Under State law and Federal law. See Argument on State laws  
2 supra at pgs 2-17 as they are Unconstitutional, and as for  
3 Federal law Plaintiff is unsure what law their refrenaing  
4 as they dont quote one. If they were to quote one it  
5 would be a United States Code which has the same issue  
6 as the state laws so Plaintiff incorporates that argument  
7 here in regards to the United States Code.

## 8 9 CONCLUSION

10  
11 WHEREFORE Plaintiff prays that this Honorable Court  
12 Grants the Foregoing motion forcing the Defendants to  
13 produce the said records ~~and~~ requested in all 4  
14 request For Production of records, ~~and~~ declare said  
15 NRS's in pgs 2-17 as void/Unconstitutional and issue sanctions  
16 for all perjury committed by defendants and the henderance  
17 of litigation of Plaintiff's claims.

## 18 19 Verification

20  
21 I, declare and verify, that the foregoing motion is true and  
22 correct to the best of my knowledge and belief under the pains  
23 and penalties of perjury pursuant to 28 U.S.C. §1746.

24   
25 Plaintiff, 1159546

26 LCC, 1200 Prison Rd.

27 Lovelock, Nev. 89419

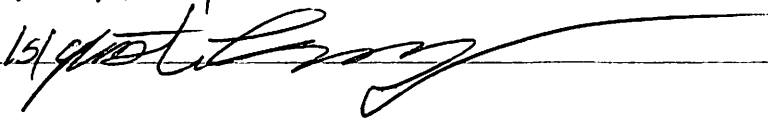
CERTIFICATE OF SERVICE

I, Certify, that I have attached a true and correct copy of the foregoing document. With special instructions to the clerk of the Court for E-File and E-Service to all of my opponents pursuant to N.E.F.C.R. 5(k), 9 Et seq. (A-E) Etc., to the following:

Laura M. Ginn, Bar No. 8085

Lginn@ag.nv.gov

DATE: 3/12/21





# **EXHIBIT**

1

1.1 1<sup>ST</sup> Request For Documents

1.2. Response To Request For Documents

# **EXHIBIT**

1

**EXHIBIT**

1.1

**EXHIBIT**

1.1

1 Case No. 27cv-OTH-2020-0057

2 Dept. No.

3 Affirmation pursuant to NRS 239B.036

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

7 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF

8 NEVADA IN AND FOR THE COUNTY OF PERSHING

9  
10 Justin Odell Langford

11 Plaintiff,

REQUEST FOR PRODUCTION OF

12 -VS-

DOCUMENTS PURSUANT TO

13 % SMITH, Et al.,

Fed. R. Civ. P. 34

14 Defendants.

15  
16 Comes Now Justin Odell Langford, In Proper, to File his request  
17 For Production Of Documents Pursuant to Fed. R. Civ. P. 34.

18 This document is made and based upon the following Points and  
19 Authorities.

20  
21 POINTS AND AUTHORITIES

22  
23 The Plaintiff respectfully asks that the Defendants  
24 present all Documents that relate to the following  
25 grievance #'s "2006-30-83244", "2006-30-87580", "2006-  
26 30-78531".

27 These documents would include any internal  
28 communications via e-mail or handwritten, any notices

FILE STAMP COPY

1 documented in NOTIS or any other department files that  
2 are maintained by NDOC.

3 The Plaintiff also respectfully request that any and  
4 all video/audio recordings that are viewed or are heard  
5 as it relates to each of the grievance named supra, along  
6 with a list of anyone who viewed the evidence as its  
7 maintained within the possession of the NDOC.

8 DATED: 10/4/20

9 Respectfully Requested

10 13/Justin Odell Langford

11 Justin Odell Langford

12  
13 Certificate of Service

14  
15 I certify, that I have attached a true and correct copy of the  
16 foregoing document, with special instructions to the Clerk of the  
17 Court to E-File & E-Serve all my opponents pursuant to  
18 NEFCR, 5(k), 9 et seq. (A-E) Etc. to the following:

19  
20 Andrea Dominguez -

21 100 N. Carson St.

22 Carson City, Nev 89701

23  
24 DATED: 10/4/20

25 13/Justin Langford

**EXHIBIT** 1.2

**EXHIBIT**

1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

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

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

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

Defendants.

**DEFENDANT LAFLEUR'S RESPONSE  
TO PLAINTIFF'S REQUEST FOR  
PRODUCTION OF DOCUMENTS  
[SET ONE]**

15 Defendant, Mark La Fleur, by and through counsel, Aaron D. Ford, Attorney  
16 General of the State of Nevada, and Andrea M. Dominguez, Deputy Attorney General,  
17 hereby responds to Plaintiff's Request for Production of Documents, set one, as follows:

18 **I. RESERVATION OF RIGHTS**

19 1. Defendant is bound to comply with statutes, regulations, and protocols  
20 governing the dissemination of confidential and privileged information. In preparing  
21 these responses, Defendant might not yet have discovered all bases to assert objections  
22 based on confidentiality and privilege. Accordingly, Defendant reserves the right to  
23 assert objections based on confidentiality and privilege if and when their applicability to  
24 the discovery request is realized.

25 2. Defendant has not completed his/her investigation of the facts, his/her  
26 discovery, or his/her preparation for trial in this case. All responses to Plaintiff's First  
27 Request for Production of Documents are based solely upon such information and  
28 documentation presently available to and known by Defendant. With respect to any

1 responses that assert a lack of knowledge or information as a reason for failing to  
2 substantively respond, a reasonable inquiry has been made and the information known to  
3 responding Defendant is based on the information known to him or readily obtainable.  
4 These responses are hereby given with the understanding that Defendant reserves the right  
5 to revise or amend them as facts or documents become subsequently known. It is  
6 anticipated that further discovery, investigation, research, and analysis will supply  
7 additional facts and documents, in addition to known facts and documents, as well as may  
8 establish entirely new factual conclusions and legal contentions, all of which may lead to  
9 additions to, changes in, or variations from, the responses below set forth.

10 3. The fact that Defendant has objected or responded to any production request  
11 shall not be deemed an admission that Defendant accepts or admits the existence of any  
12 facts set-forth or assumed by the production request.

13 4. Defendant reserves the right to object to the admissibility of the information  
14 called for in these production requests either prior to or during trial.

15 5. Defendant's responses to part or all of any production request is not intended  
16 to and shall not be construed to be a waiver by this Defendant of any part of any objection  
17 to any production request.

## 18 **II. RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**

19 Objection. The Nevada Rules of Civil Procedure (NRCP) require that a party serve  
20 pleadings on another party. Plaintiff failed to do so. However, for the purposes of judicial  
21 economy we will respond to the extent it is practicable. We do not waive any rights or  
22 objections in responding hereto.

### 23 **REQUEST NO. 1:**

24 The Plaintiff respectfully ask that the Defendants present all documents that  
25 relate to the following grievance #'s "2006-30-83244", "2006-30-87580", "2006-30-78531".  
26 These documents would include any internal communications via e-mail or handwritten,  
27 any notices documents in NOTIS or any other department files that are maintained by  
28 NDOC.

1 **RESPONSE TO REQUEST NO. 1:**

2       Objection. This request is in violation of NRCP 34(a) as it was served on  
3 "Defendants" and not served on any particular Defendant, which is improper.

4       Notwithstanding this objection and without waiving it, Defendants produce  
5 Grievances 2006-30-83244, 2006-30-87580, and 2006-30-78531, in their entirety, from  
6 Plaintiff's grievance file and NOTIS, identified as LANGFORD 057: Def. Resp. to  
7 RFPD [1] – 001-042. No other documents could be located.

8 **REQUEST NO. 2:**

9       The Plaintiff also respectfully request that any and all video/audio recordings that  
10 are viewed or are heard as it relates to each of the grievance named supra, along with a  
11 list of anyone who viewed the evidence as its maintained within the possession of the  
12 NDOC.

13 **RESPONSE TO REQUEST NO. 2:**

14       Objection. This request is in violation of the NRCP 34(a) as it was served on  
15 "Defendants" and not served on any particular Defendant, which is improper. Subparts–  
16 Objection. Compound and conjunctive. This Request for Production contains two  
17 discrete subparts which is improper. See *New Amsterdam Project Management*  
18 *Humanitarian Foundation v. Laughrin*, 2009 WL 102816 (N.D. Cal. 2009); *White v.*  
19 *Cinemark USA, Inc.*, 2005 WL 3881658 (E.D. Cal. 2005). Objection. This request exceeds  
20 the scope of permissible discovery under NRCP 26(b)(1). Defendants are not required to  
21 create a "list" in response to a request for the production of documents. Objection. This  
22 request is unduly vague. Defendants do not know what "audio" Plaintiff is requesting.

23       Notwithstanding these objections and without waiving it, Defendants cannot  
24 produce any surveillance video as the system, due to storage capacity, automatically  
25 overwrites periodically unless an altercation or a serious incident warrants the retention  
26 of the video, or alternatively if regulations require maintenance of video. Further,  
27 Defendants cannot respond as to the "audio" as Defendants do not know what "audio"  
28 Plaintiff is requesting as there is no audio associated with any of these grievances, nor is



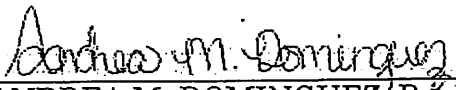
1 there a "list" of anyone who "viewed the evidence."

2 The Defendants are not producing a 'list' in response to the Request for Production.  
3 This request must be submitted to an individual with knowledge by way of Interrogatory.

4 DATED this 11th day of January, 2021.

5 AARON D. FORD  
6 Attorney General

7 By:

  
8 ANDREA M. DOMINGUEZ, Bar No. 15209  
9 Deputy Attorney General  
10 100 N. Carson Street  
11 Carson City, NV 89701-4717  
12 (775) 684-1163  
13 adominguez@ag.nv.gov


14 *Attorneys for Defendant*  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 11th of January 2021, I caused to be deposited for mailing a true and correct copy of the foregoing, **DEFENDANT'S RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS [SET ONE]**, to the following:

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

  
An employee of the  
Office of the Attorney General

# **EXHIBIT**

2

2.1 2<sup>nd</sup> Request For Documents

2.2 Response to 2<sup>nd</sup> Request For Documents

**EXHIBIT**

2

# EXHIBIT 2.1

# EXHIBIT 2.1

1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. I

3 Affirmation pursuant to NRS 239B.030

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

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

10 Justin Odell Langford,

11 Plaintiff,

REQUEST FOR PRODUCTION OF  
DOCUMENTS PURSUANT TO

12 -vs-

13 <sup>co</sup> Smith, Et al.,

Fed. R. Civ. P. 34

14 Defendants

"2<sup>nd</sup> Request"

15  
16 Comes Now Justin Odell Langford, In Pro per, to File his Request  
17 for Production of Documents Pursuant to Fed. R. Civ. P. 34 "2<sup>nd</sup> Request"

18 This document is made and based upon the following Points  
19 and Authorities.

20  
21 POINTS AND AUTHORITIES

22  
23 The Plaintiff respectfully asks that the Defendants  
24 present all Documents that relate to the following grievance  
25 it's "2006-30-78531"; "2006-30-83244"; "2006-30-97580"

26  
27 Please send all the following items (i.e. documents, e-mails,  
28 handwritten statements, etc.) as they relate to grievance

1 Number "2006-30-78531": (1) All reports made pursuant to AR240  
2 as to the Report of staff misconduct, (2) any and all statements  
3 made by "Smith as it pertains to the above grievance, (3) Any  
4 internal document that can help identify staff members,  
5 (4) List of names who accessed said grievance, (5) Proof that  
6 the Breach of Security by "Smith was documented, (6)  
7 Any statements made by witnesses listed in the above  
8 grievance, (7) identity of unit staff for Unit 3A c/o's for  
9 Feb. 12<sup>TH</sup>, 2019, (8) Proof of identity of G3 Control tower  
10 Feb. 12<sup>TH</sup>, 2019, (9) List of Unit 3A staff for Jan, 2020 to  
11 current, (10) Procedures/Protocols in effect for handling  
12 perceived threats to staff, (11) List of dates for Plaintiff's  
13 6 month reviews and classification hearings

14 Please send all the following items as they relate to  
15 grievance # "2006-30-83244": (1) Any and all written statements  
16 made by witnesses, (2) Any and all video evidence requested  
17 in said grievance to be saved, (3) Any and all ~~video~~ audio  
18 evidence requested in said grievance if any, (4) List of  
19 names who accessed the above video/audio evidence, (5)  
20 Any internal communications related to the above  
21 grievance.

22 Please send all the following items as they relate to  
23 grievance # "2006-30-83244": (1) Any and all internal ~~communication~~  
24 communication, (2) Full copy of grievance on file, (3) who has  
25 access to the law library e-file log for each inmate,

26 Please send a full copy of all three grievances as I've  
27 just realized that I no longer have copies of them,  
28 as my cell has been searched numerous times since

1 I've filed this lawsuit.

3 DATED: 11/24/20

4 Respectfully Requested

5 ~~15/~~  
6 Justin Odell Langford - 1159546

9 CERTIFICATE OF SERVICE

11 I certify, that I have attached a true and correct copy  
12 of the foregoing document, with special instructions to the  
13 clerk of the Court to E-File & E-Serve all of my  
14 opponents pursuant to N.E.F.C.R. (5)(K), 9 et seq. (A-E) Etc., to  
15 the following:

17 Andrea Dominguez

18 adominguez@ag.nv.gov

21 DATED: 11/24/20

22 Respectfully Submitted

23 ~~15/~~  
24 Justin Odell Langford - 1159546

25 LCC, 1200 Prison Rd

26 Lovelock, Nev 89419

**EXHIBIT**

2.2

**EXHIBIT**

2.2



1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

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

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

12 C/O SMITHL RENEE BAKER;  
13 CASEWORKER LeFLUER; C POTTER;  
14 P. DeLPORTo; J BORROWMAN; D.  
15 BAZE; TARA CARPENTER, et al.,

16 Defendants.

**DEFENDANTS' RESPONSE TO  
PLAINTIFF'S REQUEST FOR  
PRODUCTION OF DOCUMENTS  
[SET TWO]**

17 Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta,  
18 Carter Potter, by and through counsel, Aaron D. Ford, Attorney General of the State of  
19 Nevada, and Andrea M. Dominguez, Deputy Attorney General, hereby responds to  
20 Plaintiff's Request for Production of Documents, set two, as follows:

21 **I. RESERVATION OF RIGHTS**

22 1. Defendant is bound to comply with statutes, regulations, and protocols  
23 governing the dissemination of confidential and privileged information. In preparing  
24 these responses, Defendant might not yet have discovered all bases to assert objections  
25 based on confidentiality and privilege. Accordingly, Defendant reserves the right to  
26 assert objections based on confidentiality and privilege if and when their applicability to  
27 the discovery request is realized.

28 2. Defendant has not completed his/her investigation of the facts, his/her  
discovery, or his/her preparation for trial in this case. All responses to Plaintiff's First  
Request for Production of Documents are based solely upon such information and

1 documentation presently available to and known by Defendant. With respect to any  
2 responses that assert a lack of knowledge or information as a reason for failing to  
3 substantively respond, a reasonable inquiry has been made and the information known to  
4 responding Defendant is based on the information known to him or readily obtainable.  
5 These responses are hereby given with the understanding that Defendant reserves the right  
6 to revise or amend them as facts or documents become subsequently known. It is  
7 anticipated that further discovery, investigation, research, and analysis will supply  
8 additional facts and documents, in addition to known facts and documents, as well as may  
9 establish entirely new factual conclusions and legal contentions, all of which may lead to  
10 additions to, changes in, or variations from, the responses below set forth.

11 3. The fact that Defendant has objected or responded to any production request  
12 shall not be deemed an admission that Defendant accepts or admits the existence of any  
13 facts set-forth or assumed by the production request.

14 4. Defendant reserves the right to object to the admissibility of the information  
15 called for in these production requests either prior to or during trial.

16 5. Defendant's responses to part or all of any production request is not intended  
17 to and shall not be construed to be a waiver by this Defendant of any part of any objection  
18 to any production request.

## 19 **II. RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**

### 20 **REQUEST NO. 1:**

21 The Plaintiff respectfully ask that the Defendants present all documents that  
22 relate to the following grievance #'s "2006-30-78531"; "2006-30-83244"; "2006-30-87580"

### 23 **RESPONSE TO REQUEST NO. 1:**

24 Objection. This request is improper as it was served on "Defendants" and not  
25 served on any one particular Defendant.

26 Notwithstanding this objection and without waiving it, Defendants produced  
27 Grievances 200-30-83244, 2006-30-87580, and 2006-30-78531, in their entirety, from

28 ///

1 proportional to the needs of the case as Plaintiff is requesting his "complete prison  
2 records" and "any other record maintained about Plaintiff." Plaintiff's allegations stem  
3 from events that took place in 2019, therefore, Plaintiff's "complete prison records" are not  
4 proportional to the needs of the case. Objection. Pursuant to Administrative Regulation  
5 ("AR") 568.01, Plaintiff has access to his I-File and therefore could request to review and  
6 obtain copies of the documents through a proper written request.

7 Notwithstanding these objections and without waiving them, Defendants produce  
8 Plaintiff's disciplinary records from his Institutional File ("I-File"), his Disciplinary  
9 History Report from NOTIS, and his Offender Information Summary from NOTIS,  
10 identified as LANGFORD 057: Def. Resp. to RFPD [3] – 052-089.

11 **REQUEST NO. 2:**

12 All written statements/typed statements prepared for grievance #'s 20063078531;  
13 20063083244

14 **RESPONSE TO REQUEST NO. 2:**

15 Objection. This request is improper as it was served on "Defendants" and not  
16 served on any particular Defendant, which is improper. Objection. This discovery  
17 request has, in substance, been previously propounded. See Request No. 1, set 1.  
18 Continuous discovery into the same matter constitutes oppression, and Defendants  
19 further object on that ground.

20 Notwithstanding these objections and without waiving them, Defendants state: As  
21 previously stated, Defendants provided a copy of Grievance Nos. 2006-30-78531 and 2006-  
22 30-83244, along with all documents associated with the grievance, identified as  
23 LANGFORD 057: Def. Resp. to RFPD [1] – 001-042.

24 **REQUEST NO. 3:**

25 LCC movement logs for G3 control tower for Feb. 12<sup>th</sup>, 2019.

26 **RESPONSE TO REQUEST NO. 3:**

27 Objection. This request is improper as it was served on "Defendants" and not  
28 served on any particular Defendant, which is improper.

1 Notwithstanding these objections and without waiving them, Defendants state: No  
2 such log exists; therefore, no documents can be produced.

3 **REQUEST NO. 4:**

4 All video evidence for grievance #20063083244 as it was requested to be held in the  
5 grievance!

6 **RESPONSE TO REQUEST NO. 4:**

7 Objection. This request is improper as it was served on "Defendants" and not  
8 served on any particular Defendant, which is improper.

9 Notwithstanding this objection and without waiving it, Defendants state: No video  
10 exists; therefore, no video can be produced. The institution retains video as it deems it is  
11 necessary, not because an inmate requests it.

12 **REQUEST NO. 5:**

13 Any and all rules, regulations, and policies of the Nevada Department of  
14 Corrections that are relevant to any and all aspects of this case!

15 **RESPONSE TO REQUEST NO. 5:**

16 Objection. This request is improper as it was served on "Defendants" and not  
17 served on any particular Defendant, which is improper. Objection. This request, as  
18 written, is ambiguous as "all rules, regulations and policies" "that are relevant" is subject  
19 to multiple interpretations.

20 Notwithstanding these objections and without waiving them, Defendants produced  
21 AR 457, "Investigations," effective October 15, 2013, AR 503, "Conduct of Objection  
22 Classification," effective May 19, 2015, AR 506, "Reclassification Schedule," effective May  
23 19, 2015, AR 507, "Administrative Segregation," effective May 20, 2010, and AR 509,  
24 "Protective Segregation," effective October 15, 2013, which may be relevant, identified as  
25 **LANGFORD 057: Def. Resp. to RFPD [3] – 090-122.**

26 **REQUEST NO. 6:**

27 The personel [sic] records of all the Defendants in this matter (i.e. disciplinary;  
28 misconduct complaints)!

1 **RESPONSE TO REQUEST NO. 6:**

2       Objection. This request is improper as it was served on "Defendants" and not  
3 served on any particular Defendant, which is improper. Objection. This request calls for  
4 confidential and privileged information related to the employment files of the Defendants.  
5 To the extent Plaintiff requests information related to employment/personnel records, this  
6 information is protected by privileges and confidentiality provided for under the law  
7 including but not limited to NDOC Administrative Regulation 308, Nevada Revised  
8 Statute Chapter 284, Nevada Administrative Code Chapter 284, and the official  
9 information privilege under federal law.

10       Notwithstanding these objections and without waiving them, Defendants state:  
11 Pursuant to Administrative Regulation 308, Nevada Revised Statute Chapter 284,  
12 Nevada Administrative Code Chapter 284, the documents Plaintiff is requesting will not  
13 be produced.

14 **REQUEST NO. 7:**

15       Full names of the following C/O's:

16       A.) Sgt. Gentry

17       B.) Sgt. Phono

18       C.) SC/O O'Dea

19       D.) Kerns

20 **RESPONSE TO REQUEST NO. 7:**

21       Objection. This request is improper as it was served on "Defendants" and not  
22 served on any particular Defendant, which is improper. Objection. This request is  
23 improper as it is requesting the information and requires a response instead of the  
24 production of documents and should have been propounded in the form of an  
25 Interrogatory.

26       Notwithstanding these objections and without waiving them, Defendants will  
27 respond to this request as Interrogatory and responses as follows:

28       A) Starlin Gentry

1 B) After a search, no "Sgt. Phono" could be located

2 C) Jason O'Dea

3 D) Travis Kerns

4 **REQUEST NO. 8:**

5 What prison Sgt. Phono was moved/transferred to!

6 **RESPONSE TO REQUEST NO. 8:**

7 Objection. This request is improper as it was served on "Defendants" and not  
8 served on any particular Defendant, which is improper. Objection. This request is  
9 improper as it is requesting the information and requires a response instead of the  
10 production of documents and should have been propounded in the form of an  
11 Interrogatory.

12 Notwithstanding these objections and without waiving them, Defendants will  
13 respond to this request as Interrogatory. As stated, no "Sgt. Phono" could be located.

14 **REQUEST NO. 9:**

15 The newest and most relevant copy of AR 339 as Defendant C. Potter and LCC  
16 staff are claiming it is unavailable!

17 **RESPONSE TO REQUEST NO. 9:**

18 Objection. This request is improper as it was served on "Defendants" and not  
19 served on any particular Defendant, which is improper.

20 Notwithstanding this objection and without waiving it, Defendants produce AR  
21 339, "Employee Code of Ethics and Conduct, Corrective or Disciplinary Action, and  
22 Prohibitions and Penalties," effective August 30, 2017, which is the last version, however  
23 AR 339 became obsolete as of June 21, 2019, identified as LANGFORD 057: Def. Resp.  
24 to RFPD [3] - 123-147.

25 **REQUEST NO. 10:**

26 Anything that shows how often or the percentage of grievance's granted out of  
27 whats [sic] filed by inmates!

28 ///

1 **RESPONSE TO REQUEST NO. 10:**

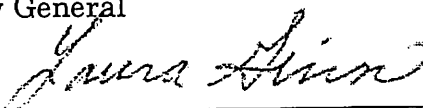
2       Objection. This request is improper as it was served on "Defendants" and not  
3 served on any particular Defendant, which is improper. Objection. This request, as  
4 written, is ambiguous as "anything that show" is subject to multiple interpretations.

5       Notwithstanding these objections and without waiving them, Defendants states:  
6 There is no such report that would provide the requested information; therefore, no report  
7 can be produced.

8       DATED this 18th day of February, 2021.

9                   AARON D. FORD  
10                  Attorney General

11       By:

  
12       LAURA M. GINN, Bar No. 8085  
13       Deputy Attorney General  
14       100 N. Carson Street  
15       Carson City, NV 89701-4717  
16       (775) 684-1120  
17       lginn@ag.nv.gov

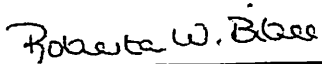
18                   Attorneys for Defendant  
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 18th of February 2021, I caused to be deposited for mailing a true and correct copy of the foregoing, DEFENDANTS' RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS [SET THREE], to the following:

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

  
\_\_\_\_\_  
An employee of the  
Office of the Attorney General



# **EXHIBIT**

3

3.1 3<sup>rd</sup> Request For Documents

3.2 Response to 3<sup>rd</sup> Request For Documents

# **EXHIBIT**

3

**EXHIBIT**

3.1

**EXHIBIT**

3.1

1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. I

3 AFFIRMATION pursuant to NRS 239B.036

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

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

7 IN AND FOR THE COUNTY OF PERSHING

8  
9 Justin Odell Langford,

10 Plaintiff, REQUEST FOR PRODUCTION OF

11 - vs - DOCUMENTS PURSUANT TO

12 % Smith Et al., FED. R. CIV. P. 34

13 Defendants. "3rd Request"

14  
15 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff  
16 requests that Defendant Nevada Department of corrections  
17 produce the following documents:

18 1) Plaintiff's complete prison records (i.e., I-File, disciplinary, and any  
19 other record maintained about the Plaintiff),

20 2) All written statements/taped statements prepared for grievance #'s  
21 20063078531 ; 20063083244

22 3) LCC movement logs for G3 Control tower for Feb. 12<sup>TH</sup>, 2019.

23 4) All Video Evidence for grievance #20063083244 as it was requested  
24 to be held in the grievance!

25 5) Any and all rules, regulations, and policies of the Nevada  
26 Department of Corrections that are relevant to any and all  
27 aspects of this case!

28 //

1 6) The Personnel Records of all the Defendants in this matter  
2 (i.e. disciplinary; misconduct complaints),!

3 7) Full names of the following C/O's:

4 A.) Sgt. Gentry

5 B.) Sgt. Phono

6 C.) S/O O'Dea

7 D.) Kerns

8  
9 8) What prison Sgt. Phono was moved/transferred to!

10  
11 9) The Newest and Most Relevant Copy of AR339 as  
12 Defendant C. Potter and LCC staff are claiming it is  
13 unavailable!

14  
15 10) Anything that shows how often or the percentage of  
16 grievances granted out of what's filed by inmates!

17  
18  
19 DATE: 1/20/21

20 15/ ~~Justin Odell Longford~~  
21 Justin Odell Longford

**EXHIBIT**

3.2

**EXHIBIT**

3.2

EXHIBIT  
#0001

1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

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

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

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

16 Defendants.

17 DEFENDANTS' RESPONSE TO  
18 PLAINTIFF'S REQUEST FOR  
19 PRODUCTION OF DOCUMENTS  
20 [SET THREE]

21 Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta,  
22 Carter Potter, Renee Baker, State of Nevada ex. Rel., and the Nevada Department of  
23 Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of  
24 Nevada, and Laura M. Ginn, Deputy Attorney General, hereby responds to Plaintiff's  
25 Request for Production of Documents, set three, as follows:

26 I. RESERVATION OF RIGHTS

27 1. Defendant is bound to comply with statutes, regulations, and protocols  
28 governing the dissemination of confidential and privileged information. In preparing  
these responses, Defendant might not yet have discovered all bases to assert objections  
based on confidentiality and privilege. Accordingly, Defendant reserves the right to  
assert objections based on confidentiality and privilege if and when their applicability to  
the discovery request is realized.

2. Defendant has not completed his/her investigation of the facts, his/her  
discovery, or his/her preparation for trial in this case. All responses to Plaintiff's First

1 Request for Production of Documents are based solely upon such information and  
2 documentation presently available to and known by Defendant. With respect to any  
3 responses that assert a lack of knowledge or information as a reason for failing to  
4 substantively respond, a reasonable inquiry has been made and the information known to  
5 responding Defendant is based on the information known to him or readily obtainable.  
6 These responses are hereby given with the understanding that Defendant reserves the right  
7 to revise or amend them as facts or documents become subsequently known. It is  
8 anticipated that further discovery, investigation, research, and analysis will supply  
9 additional facts and documents, in addition to known facts and documents, as well as may  
10 establish entirely new factual conclusions and legal contentions, all of which may lead to  
11 additions to, changes in, or variations from, the responses below set forth.

12 3. The fact that Defendant has objected or responded to any production request  
13 shall not be deemed an admission that Defendant accepts or admits the existence of any  
14 facts set-forth or assumed by the production request.

15 4. Defendant reserves the right to object to the admissibility of the information  
16 called for in these production requests either prior to or during trial.

17 5. Defendant's responses to part or all of any production request is not intended  
18 to and shall not be construed to be a waiver by this Defendant of any part of any objection  
19 to any production request.

20 **II. RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**  
21 **REQUEST NO. 1:**

22 Plaintiff's complete prison records (i.e. I-File, disciplinary, and any other record  
23 maintained about Plaintiff).

24 **RESPONSE TO REQUEST NO. 1:**

25 Objection. This request is improper as it was served on "Defendants" and not  
26 served on any particular Defendant. Objection. This request, as written, is ambiguous as  
27 "complete prison records" is subject to multiple interpretations, and Defendants are  
28 unclear as to what documents Plaintiff is requesting. Objection. This request is not

1 Plaintiff's grievance file and NOTIS, identified as LANGFORD 057: Def. Resp. to RFPD  
2 [1] – 001-042. No other documents could be located.

3 **REQUEST NO. 2:**

4 Please send all the following items (i.e. documents, e-mails, handwritten  
5 statements, etc.) as they relate to grievance number "2006-30-78531": (1) all reports made  
6 pursuant to AR 740 as to the Report of staff misconduct, (2) any and all statements made  
7 by C/O Smith as it pertains to the above grievance, (3) any internal document that can  
8 help identify staff members, (4) list of names who accessed [sic] said grievance, (5) proof  
9 that the breach of security by C/O Smith was documented, (6) any statements made by  
10 witnesses listed in the above grievance, (7) identity of unit staff for Unit 3A C/O's for Feb.  
11 12<sup>th</sup>, 2019, (8) proof of identity of G3 Control Tower Feb. 12<sup>th</sup>, 2019, (9) list of Unit 3A  
12 staff for Jan. 2020 to current, (10) procedures/protocols in effect for handling perceived  
13 threats to staff, (11) list of dates for Plaintiff's 6 month reviews and classification  
14 hearings

15 **RESPONSE TO REQUEST NO. 2:**

16 Objection. This request is improper as it was served on "Defendants" and not  
17 served on any one particular Defendant, which is improper. Various Defendants have  
18 different documents under their control and custody and this request fails to identify  
19 which Defendant should respond. Objection. This request exceeds the scope of  
20 permissible discovery as Defendants are not required to create a "list" in response to a  
21 request for the production of documents. Objection. This request is unduly vague and  
22 lacks sufficient information to respond. Objection. The purposes of requests for  
23 production are to obtain documentation not information thus Defendants respond only  
24 with documents that may be responsive to this request. Objection. Policies and  
25 procedures governing staff responses to threats are confidential and providing them may  
26 result in a threat to the safety and security on the institution.

27 Notwithstanding these objections and without waiving them, Defendants state:  
28 identified as (1) Defendants previously provided a copy of Grievance 2006-30-78531, along  
292



1 with all documents associated with the grievance. Defendants do not know what "staff  
2 misconduct" is associated with this grievance, therefore, no documents could be located.  
3 (2) No statements made by C/O Smith could be located. (3) This request is unduly vague.  
4 Defendants do not know who Plaintiff is requesting to identify, or what document would  
5 show this information, therefore, no documents could be located. (4) Defendants are not  
6 required to create a "list" in response to a request, however, Defendants previously  
7 provided a copy of Grievance 2006-30-78531, which identifies staff associated with this  
8 grievance. (5) This request is unduly vague. Defendants do not know what "breach of  
9 security by C/O Smith that should be documented, therefore, no documents could be  
10 located. (6) No witness statements could be located associated with Grievance 2006-30-  
11 78531; therefore, no documents can be produced. (7) This request is requesting  
12 information and should have been propounded in the form of an Interrogatory.(8) This  
13 request is unduly vague. Defendants do not know what "proof" Plaintiff is requesting. (9)  
14 This request is unduly vague as it does not specify what dates. The report cannot be run  
15 without specific dates; therefore, Defendants cannot respond. (10) Defendants produce  
16 OP 707, "Disciplinary Process," effective August 13, 2020, identified as LANGFORD 057:  
17 Def. Resp. to RFPD [1] – 043-051. (11) There is no list that can be run that would show  
18 this information, and Defendants are not required to create a "list" in response to a  
19 request. Further, this request is unduly vague.

20 **REQUEST NO. 3:**

21 Please send all the following items as they relate to grievance number "2006-30-  
22 83244": (1) any and all written statements made by witnesses, (2) any and all video  
23 evidence requested in said grievance to be saved, (3) any and all audio evidence requested  
24 in said grievance if any, (4) list of names who accessed the above video/audio evidence, (5)  
25 any internal communications related to the above grievance.

26 **RESPONSE TO REQUEST NO. 3:**

27 Objection. This request is improper as it was served on "Defendants" and not  
28 served on any one particular Defendant, which is improper. Objection. This request

1 exceeds the scope of permissible discovery as Defendants are not required to create a "list"  
2 in response to a request for the production of documents. Objection. This request is  
3 requesting confidential information. Pursuant to AR 457.06, all investigations, are  
4 confidential and cannot be disseminated. Objection. This request is unduly vague and  
5 lacks sufficient information to respond. Objection. The purpose of requests for production  
6 is to obtain documentation and not information thus request (4) is an interrogatory and  
7 not a request for production.

8 Notwithstanding these objections and without waiving them, Defendant states: (1)  
9 all witness statements are confidential pursuant to AR 457.06, and cannot be produced.  
10 (2) This request is unduly vague. Defendants do not know what "video" Plaintiff is  
11 requesting; however, no video could be located associated with Grievance 2006-30-83244,  
12 therefore, cannot be produced. (3) This request is unduly vague. Defendants do not know  
13 what "audio evidence" Plaintiff is requesting, however, there is no "audio" associated with  
14 Grievance 2006-30-83244, therefore, cannot be produced. (4) Defendants are not obligated  
15 to create a "list" in response to a request, however, there is no video or audio associated  
16 with Grievance 2006-30-83244, therefore, there is no list of names to produce. (5) This  
17 request is unduly vague. Defendants do not know who may or may not have any "internal  
18 communications" associated with Grievance 2006-30-83244, however, Defendants  
19 previously provided a copy of Grievance 2006-30-83244.

20 **REQUEST NO. 4:**

21 Please send all the following items as they relate to grievance number "2006-30-  
22 83244": (1) any and all internal communication, (2) full copy of grievance on file, (3) who  
23 has access to the Law library e-file log for each imate [sic],

24 **RESPONSE TO REQUEST NO. 4:**

25 Objection. This request is improper as it was served on "Defendants" and not  
26 served on any one particular Defendant, which is improper. Objection. This request  
27 exceeds the scope of permissible discovery as Defendants are not required to create a "list"  
28 in response to a request for the production of documents. Objection. This request is  
294

1 unduly vague and lacks sufficient information to respond. Request three is not an  
2 appropriate request for production of documents as it calls for information and not  
3 documentation.

4 Notwithstanding these objections and without waiving them, Defendants state: (1)  
5 As previously stated in response to Request No. 3 (5), This request is unduly vague.  
6 Defendants do not know who may or may not have any "internal communications"  
7 associated with Grievance 2006-30-83244, however, Defendants previously provided a  
8 copy of Grievance 2006-30-83244. (2) Defendants previously provided Plaintiff with a  
9 copy of Grievance 2006-30-83244. (3) This request is requesting information and should  
10 have been propounded in the form of an Interrogatory, however, LCC does not keep a  
11 "Law Library e-file log for each inmate."

12 **REQUEST NO. 5:**

13 Please send full copy of all three grievances as I've just realized that I no longer  
14 have copies of them, as my cell has been searched numerous times since I've filed this  
15 lawsuit.

16 **RESPONSE TO REQUEST NO. 5:**

17 Objection. This request is improper as it was served on "Defendants" and not  
18 served on any one particular Defendant, which is improper. Objection. This request  
19 exceeds the scope of permissible discovery as Defendants are not required to create a "list"  
20 in response to a request for the production of documents.

21 Notwithstanding this objection and without waiving it, Defendants produced  
22 Grievances 200-30-83244, 2006-30-87580, and 2006-30-78531, in their entirety, from

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 Plaintiff's grievance file and NOTIS, identified as LANGFORD 057: Def. Resp. to RFPD  
2 [1] – 001-042.

3 DATED this 21st day of January, 2021.

4 AARON D. FORD  
5 Attorney General

6 By: /s/ Andrea M. Dominguez  
7 ANDREA M. DOMINGUEZ, Bar No. 15209  
8 Deputy Attorney General  
9 100 N. Carson Street  
10 Carson City, NV 89701-4717  
11 (775) 684-1163  
12 adominguez@ag.nv.gov

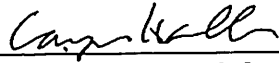
13 *Attorneys for Defendant*  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 21st of January 2021, I caused to be deposited for mailing a true and correct copy of the foregoing, **DEFENDANTS' RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS [SET TWO]**, to the following:

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

  
An employee of the  
Office of the Attorney General

# **EXHIBIT**

4

4.1 4<sup>TH</sup> Request For Documents

4.2 Response to Request For Documents

# **EXHIBIT**

4

**EXHIBIT**

4.1

**EXHIBIT**

4.1

1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. I

3 AFFIRMATION Pursuant To NRS 239B.030

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

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

8 IN AND FOR THE COUNTY OF PERSHING

9 Justin Odell Langford,

10 Plaintiff,

REQUEST FOR PRODUCTION OF

11 vs.

DOCUMENTS PURSUANT TO

12 C/O Smith, Et al.,

FED. R. CIV. P. 34 "4TH REQUEST"

13 Defendants.

14

15 Pursuant to Rule 34 of the Federal Rules of Civil Procedure,

16 Plaintiff request that Defendant Nevada Department of Corrections

17 produce the following documents/records:

18

19 1) The Plaintiff respectfully ask that the Defendant present all  
20 documents that relate to the following grievance #'s:

21 A) 2006-30-78531

22 B) 2006-30-83244

23 C) 2006-30-87580

24

25 2) The Plaintiff respectfully asks that the Defendant

26 present the following items: (as they relate to grievance

27 Number 2006-30-78531.

28 A) All reports made pursuant to AR740 as to the Report of Staff



1 misconduct

2 B) Any and all statements made by C/O Smith as it pertains to said  
3 grievance

4 C) Any internal document that can help identify staff  
5 members who worked on Feb. 12<sup>TH</sup> 2019 at LCC

6 D) List of names who accessed said grievance

7 E) ~~Full~~ Proof that the Breach of Security by C/O Smith was  
8 Documented

9 F) Any Statements made by witnesses listed in said  
10 grievance (i.e. <sup>Sgt.</sup>1/c O'Dea, Sgt. Phono, Sgt. Gentry)

11 G) Identity of unit staff for Unit 3A for Feb. 12<sup>TH</sup>, 2019

12 H) Identity of G3 control tower Feb. 12<sup>TH</sup>, 2019

13 I) Identity of Unit 3A staff for Jan. 2020 to Current

14 J) Procedures/Protocols in effect for handling perceived  
15 threats to staff

16 K) List of dates for Plaintiff's 6 month reviews and  
17 classification hearings

18  
19 3) Please send all the following items: (as they relate to grievance  
20 number 2006-30-87580)

21 A) Any and all internal communication made in relation to  
22 said grievance (i.e. e-mails, typed/written statements)

23 B) Full copy of said grievance as it is in NDOC Records

24 C) Who has access to the law library e-file log for each  
25 inmate.

26  
27 4) Please send all the following items: (as they relate to grievance  
28 number 2006-30-83244)

- 1 A) Any and all written statements made by witnesses
- 2 B) Any and all video evidence requested in said grievance
- 3 to be saved
- 4 C) Any and all audio evidence requested in said grievance to
- 5 be saved if any
- 6 D) List of names who accessed the above video/audio
- 7 evidence
- 8 E) Any internal communications related to the above
- 9 grievance (i.e. e-mails, typed/written statements)
- 10
- 11 4) Copy of Plaintiff's Prison E-file logs
- 12
- 13 5) Copy of AR 457 and any NRS quoted in said AR
- 14
- 15 6) Complete Copy of Plaintiff's I-File and any other
- 16 records maintained by NDOC on Plaintiff
- 17
- 18 7) Complete Copy of all Defendant's Employee records to include
- 19 Staff misconduct complaint
- 20
- 21 8) Any and all Administrative Regulations that are relevant to all
- 22 grievance
- 23
- 24 9) Any and all NRS's that give the Administrative Regulations
- 25 Provided as requested in #8 (Statutes as printed in the Statute
- 26 Books)

27 //

28 //

1 10) A Full copy of Any Administrative Regulation with a  
2 Copy of NRS giving said Administrative Regulation it's  
3 authority, that is used as a defense! (Provide said NRS's  
4 the same as request #9)  
5  
6

7 DATE: 1/26/21

8 *Justin Odell Langford*

9 Justin Odell Langford #1159546

10 LCC, 40 1200 Prison Road

11 Lovelock, Nev. 89419  
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**EXHIBIT**

**4.2**

**EXHIBIT**

**4.2**

1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

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

8 IN AND FOR THE COUNTY OF PERSHING

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

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

16 Defendants.

DEFENDANTS' RESPONSE TO  
PLAINTIFF'S REQUEST FOR  
PRODUCTION OF DOCUMENTS  
[SET FOUR]

17 Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta,  
18 Carter Potter, Renee Baker, State of Nevada ex. Rel., and the Nevada Department of  
19 Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of  
20 Nevada, and Laura M. Ginn, Deputy Attorney General, hereby responds to Plaintiff's  
21 Request for Production of Documents, set four, as follows:

22 I. RESERVATION OF RIGHTS

23 1. Defendants are bound to comply with statutes, regulations, and protocols  
24 governing the dissemination of confidential and privileged information. In preparing  
25 these responses, Defendants might not yet have discovered all bases to assert objections  
26 based on confidentiality and privilege. Accordingly, Defendants reserve the right to  
27 assert objections based on confidentiality and privilege if and when their applicability to  
28 the discovery request is realized.

2. Defendants have not completed their investigation of the facts, their  
discovery, or their preparation for trial in this case. All responses to Plaintiff's Request

1 for Production of Documents, set four, are based solely upon such information and  
2 documentation presently available to and known by Defendants. These responses are  
3 provided with the understanding that Defendants reserve the right to revise or amend  
4 their responses as relevant information to this case becomes subsequently known or  
5 available to them.

6 3. The fact that Defendants have objected or responded to any production  
7 request shall not be deemed an admission that Defendants accept or admit the existence  
8 of any facts set-forth or assumed by the production request.

9 4. Defendants reserve the right to object to the admissibility of the information  
10 called for in these production requests either prior to or during trial.

11 5. Defendants' responses to part or all of any production request is not intended  
12 to and shall not be construed to be a waiver by these Defendants of any part of any  
13 objection to any production request.

## 14 **II. RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**

### 15 **REQUEST NO. 1:**

16 The Plaintiff respectfully ask that the Defendants present all documents that  
17 related to the following grievance #'s:

18 A) 2006-30-78531

19 B) 2006-30-83244

20 C) 2006-30-87580

### 21 **RESPONSE TO REQUEST NO. 1:**

22 Objection. This request is improper as it was served on "Defendants" and not  
23 served on any particular Defendant, which is improper. Objection. This discovery  
24 request has, in substance, been previously propounded. See Request No. 1, set 1, and  
25 Request No. 2, set 3. Continuous discovery into the same matter constitutes oppression,  
26 and Defendants further object on that ground. Objection. Vague and ambiguous, overly  
27 broad and compound. Defendants are unable to determine what is meant by "all  
28 documents", as it is vague and ambiguous by not specifying what documents Plaintiff is

1 requesting. As to overly broad, without Plaintiff stating what documents he is referring to  
2 or providing any specific information, his request is overly broad and does not place any  
3 limitation on the information requested. Accordingly, Defendants will respond to this  
4 request with good faith and to the best of their ability. This request is compound in that it  
5 asks for information related to more than one (1) grievance.

6 Notwithstanding these objections and without waiving them, Defendants state:  
7 As previously stated, Defendants provided a copy of Grievance Nos. 2006-30-78531, 2006-  
8 30-83244, and 2006-30-87580, along with all documents associated with the grievance,  
9 identified as LANGFORD 057: Def. Resp. to RFPD [1] – 001-042.

10 **REQUEST NO. 2:**

11 The Plaintiff respectfully ask that the Defendant present the following items: (as  
12 they relate to grievance number 2006-30-78531

- 13 A) All reports made pursuant to AR 740 as to the Report of staff misconduct
- 14 B) Any and all statements made by C/O Smith as it pertains to said grievance
- 15 C) Any internal document that can help identify staff members who worked on  
16 Feb. 12<sup>th</sup> 2019 at LCC
- 17 D) List of names who accessed said grievance
- 18 E) Proof that the Breach of Security by C/O Smith was documents
- 19 F) Any statements made by witnesses listed in said grievance (i.e. S/C/O O'Dea,  
20 Sgt. Phono, Sgt. Gentry)
- 21 G) Identity of unit staff for Unit 3A for Feb. 12<sup>th</sup>, 2019.
- 22 H) Identity of G3 Control Tower Feb. 12<sup>th</sup> 2019
- 23 I) Identity of Unit 3A staff for Jan. 2020 to current
- 24 J) Procedures/Protocols in effect for handling percieved [sic] threats to staff
- 25 K) List of dates for Plaintiffs 6 month reviews and classifications hearings

26 **RESPONSE TO REQUEST NO. 2:**

27 Objection. This request is improper as it was served on "Defendants" and not  
28 served on any particular Defendant, which is improper. Objection. This request is

1 unduly vague. Defendants are unclear what "staff misconduct" or "breach of security"  
2 Plaintiff is referring to. Objection. This request is irrelevant and not proportional to the  
3 needs of the case. Plaintiff fails to state how the identify of Unit 3A staff from January  
4 2020 to current is relevant to his alleged "staff misconduct" and "breach of security" on  
5 February 12, 2019.

6 Notwithstanding these objections and without waiving them, (A) Defendants do not  
7 know what Plaintiff is requesting. Plaintiff alleges there was "staff misconduct,"  
8 however, these allegations were not substantiated, therefore, the only documents that can  
9 be produced is Plaintiff's grievance, which was produced in Set 1, No. 1. All documents  
10 associated with the grievance have been produced; (B) No written statement could be  
11 located attached to Grievance 2006-30-78531, therefore, no documents exist that can be  
12 produced; (C) There is no document that can be produced, however, C/O Travis Kerns,  
13 and SC/O Scott Steinheimer worked on February 12, 2019; (D) Defendants are unclear  
14 what is being requested, however, there is no document that can be produced that would  
15 list the names of who accessed this grievance. Any staff would be indicated on the NOTIS  
16 version of the grievance, which was produced in Set 1, No.1; (E) Defendants do not know  
17 what Plaintiff is requesting. Plaintiff alleges there was "breach of security," however,  
18 these allegations were not substantiated, therefore, the only documents that can be  
19 produced is Plaintiff's grievance, which was produced in Set 1, No. 1; (F) No written  
20 statement could be located attached to Grievance 2006-30-78531, therefore, no documents  
21 exist that can be produced; (G) There is no document that can be produced, however, C/O  
22 Travis Kerns and SC/O Scott Steinheimer were working in Unit 3A on February 12, 2019;  
23 (H) There is no document that can be produced, however, SC/O Robert Smith worked the  
24 G3 Control Tower on February 12, 2019; (I) There is no such document, therefore, no  
25 documents can be produced; (J) There is no AR/OP that is specific to a "percieved [sic]"  
26 threat to staff, however, Defendants produce Administrative Regulation ("AR") 707,  
27 "Inmate Disciplinary Process" and Operational Procedure ("OP") 707, "Disciplinary  
28 Process," identified as **LANGFORD 057: Def. Resp. to RFPD [4] - 148-168**; (K)



1 Defendants are unaware of any document that would list the dates of Plaintiff's 6-month  
2 review and classification hearing, therefore, no "list" can be produced.

3 **REQUEST NO. 3:**

4 Please send all the folling [sic] items: (as they relate to grievance number 2006-30-  
5 87580)

6 A) Any and all internal communication made in relation to said grievance (i.e. e-  
7 mails, typed/written statements)

8 B) Full copy of said grievance as it is in NDOC records

9 C) Who has access to the law library e-file log for each inmate

10 **RESPONSE TO REQUEST NO. 3:**

11 Objection. This request is improper as it was served on "Defendants" and not  
12 served on any particular Defendant, which is improper. Objection. This discovery  
13 request has, in substance, been previously propounded. See Request No. 1, set 1.  
14 Continuous discovery into the same matter constitutes oppression, and Defendants  
15 further object on that ground.

16 Notwithstanding these objections and without waiving them, (A) Defendants do not  
17 know what Plaintiff is requesting. The only documents that can be produced is Plaintiff's  
18 grievance, which was produced in Set 1, No. 1. All documents associated with this  
19 grievance have been produced; (B) Plaintiff's grievance was produced in Set 1, No. 1; (C)  
20 LCC does not keep a "Law Library e-file Log for each inmate," and there is no document  
21 that lists people who have access to e-file, therefore, no document can be produced.

22 **REQUEST NO. 4:**

23 Please send all the following items: (as they relate to grievance number 2006-30-  
24 83244)

25 A) Any and all written statements made by witnesses

26 B) Any and all video evidence requested in said grievance to be saved

27 C) Any and all audio evidence requested in said grievance to be saved if any

28 D) List of names who accessed the above video/audio evidence

1 E) Any internal communications related to the above grievance (i.e. e-mails,  
2 typed/written statements)

3 **RESPONSE TO REQUEST NO. 4:**

4 Objection. This request is improper as it was served on "Defendants" and not  
5 served on any particular Defendant, which is improper. Objection. This request is  
6 requesting confidential reports that cannot be produced for safety and security reasons.  
7 Objection. This discovery request has, in substance, been previously propounded. See  
8 Request Nos. 1 and 2, set 1, and Request Nos. 2 and 4, set 3. Continuous discovery into  
9 the same matter constitutes oppression, and Defendants further object on that ground.

10 Notwithstanding these objections and without waiving them, (A) Any statements  
11 are confidential and will not be produced; (B) As previously stated, no video exists,  
12 therefore, cannot be produced; (C) This request is vague. It is unclear what audio  
13 Plaintiff is requesting. If Plaintiff is requesting audio of a disciplinary hearing, Plaintiff  
14 will have to provide the OIC number. If he is requesting audio in relation to this  
15 grievance, as previously stated, no audio exists and cannot be produced; (D) As previously  
16 stated, no audio or video exists, therefore, no list exists and cannot be produced; (E) All  
17 documents associated with this grievance have been produced in Set 1, No. 1, therefore,  
18 no further documents can be produced.

19 **REQUEST NO. 5:<sup>1</sup>**

20 Copy of Plaintiff's prison e-file log

21 **RESPONSE TO REQUEST NO. 5:**

22 Objection. This request is improper as it was served on "Defendants" and not  
23 served on any particular Defendant, which is improper. Objection. This request is not  
24 proportional to the needs of the case as Plaintiff is requesting his "prison e-file log." Plaintiff's  
25 allegations of "alleged misconduct" that took place in 2019, therefore, Plaintiff's request is not

26 ///

27  
28 <sup>1</sup> This is Plaintiff's second No. 4, therefore, Defendant will respond to this one as No. 5.

1 proportional to the needs of the case. Objection, calls for information in possession of another. Plaintiff  
2 has a copy of all of his filings. Plaintiff can request a copy of all case filings from the Court.

3 Notwithstanding these objections and without waiving them, no such log exists.  
4 LCC Law Library does not have a "e-file log" for each inmate, therefore, no log can be  
5 produced.

6 **REQUEST NO. 6:**

7 Copy of AR 457 and any NRS quoted in said AR

8 **RESPONSE TO REQUEST NO. 6:**

9 Objection. Plaintiff has access to the Law Library for his research. Defendants are  
10 not required to assist with Plaintiff's legal research.

11 Notwithstanding these objections and without waiving them, Defendants produce  
12 NRS 209.131 and Chapter 171, identified as **LANGFORD 057: Def. Resp. to RFPD [4]**  
13 **- 170-199.** Defendants already produced AR 457, identified as identified as **LANGFORD**  
14 **057: Def. Resp. to RFPD [3] - 090-122.**

15 **REQUEST NO. 7:**

16 Complete copy of Plaintiffs I-File and any other records maintained by NDOC on  
17 Plaintiff

18 **RESPONSE TO REQUEST NO. 7:**

19 Objection. This request is improper as it was served on "Defendants" and not  
20 served on any particular Defendant, which is improper. Objection. This discovery  
21 request has, in substance, been previously propounded. See Request No. 1, set 3.  
22 Continuous discovery into the same matter constitutes oppression, and Defendants  
23 further object on that ground. Objection. This request is not proportional to the needs of the case  
24 as Plaintiff is requesting his "complete copy of Plaintiff's I-File" and "any other records maintained by  
25 NDOC." Plaintiff's allegations of "alleged misconduct" that took place in 2019, therefore, Plaintiff's  
26 "complete copy" of his I-File and other records are not proportional to the needs of the case. Objection.  
27 Pursuant to Administrative Regulation ("AR") 568.01, Plaintiff has access to his I-File and therefore  
28 could request to review and obtain copies of the documents through a proper written request.

1 Notwithstanding these objections and without waiving them, Defendants produced Plaintiff's  
2 disciplinary records from his Institutional File ("I-File"), his Disciplinary History Report from NOTIS,  
3 and his Offender Information Summary from NOTIS, identified as LANGFORD 057: Def. Resp. to  
4 RFPD [3] – 052-089.

5 **REQUEST NO. 8:**

6 Complete copy of all Defendants Employee records to include staff misconduct  
7 complaint

8 **RESPONSE TO REQUEST NO. 8:**

9 Objection. This request is improper as it was served on "Defendants" and not served on any  
10 particular Defendant, which is improper. Objection. This request calls for confidential and privileged  
11 information related to the employment files of the Defendants. To the extent Plaintiff requests  
12 information related to employment/personnel records, this information is protected by privileges and  
13 confidentiality provided for under the law including but not limited to NDOC Administrative  
14 Regulation 308, Nevada Revised Statute Chapter 284, Nevada Administrative Code Chapter 284, and  
15 the official information privilege under federal law. Objection. This discovery request has, in  
16 substance, been previously propounded. See Request No. 6, set 3. Continuous discovery  
17 into the same matter constitutes oppression, and Defendants further object on that  
18 ground.

19 Notwithstanding these objections and without waiving them, Defendants state: Pursuant to  
20 Administrative Regulation 308, Nevada Revised Statute Chapter 284, Nevada Administrative Code  
21 Chapter 284, the documents Plaintiff is requesting will not be produced.

22 **REQUEST NO. 9:**

23 Any and all Administrative Regulations that are relevant to all grievance

24 **RESPONSE TO REQUEST NO. 9:**

25 Objection. This request is improper as it was served on "Defendants" and not  
26 served on any particular Defendant, which is improper. Objection. This request is  
27 unduly vague and ambiguous as to "any and all Administrative Regulations" relevant to

28 ///

1 "all grievances" is subject to multiple interpretations. Further, this request is unclear as  
2 to what "grievances" Plaintiff is referring to or what AR's he is requesting.

3 Notwithstanding these objections and without waiving them, Defendants produce  
4 AR 740, "Inmate Grievance Procedure," effective November 20, 2018, identified as  
5 **LANGFORD 057: Def. Resp. to RFPD [4] – 200-213.** This is the only AR that sets  
6 forth the policies and procedures for grievances.

7 **REQUEST NO. 10:**

8 Any and all NRS's that give the Administrative Regulations provided as request in  
9 #8 (statutes as printed in the statute books)

10 **RESPONSE TO REQUEST NO. 10:**

11 Objection. This request is improper as it was served on "Defendants" and not  
12 served on any particular Defendant, which is improper.

13 Notwithstanding this objection and without waiving it, Defendants produce AR  
14 308, "Department Staff and Applicant Records," effective June 17, 2012, NRS 284.105,  
15 NRS 629.061, NAC 239.722 and NAC Chapter 284, identified as **LANGFORD 057: Def.**  
16 **Resp. to RFPD [4] – 214-364.**

17 **REQUEST NO. 11:**

18 A full copy of Any Administrative Regulation with a copy of NRS giving said  
19 Administrative Regulation it's authority, that is used as a defense! (provide said NRS's  
20 the same as request #9)

21 **RESPONSE TO REQUEST NO. 11:**

22 Objection. This request is improper as it was served on "Defendants" and not  
23 served on any particular Defendant, which is improper. Objection. Calls for legal opinion  
24 and legal strategy, as it calls for Administrative Regulation and NRS that will be used as  
25 a defense.

26 ///

27 ///

28 ///

1       Notwithstanding this objection and without waiving it, Defendants produce NRS  
2 41.031, 41.0322, 41.0375 and 209.243, identified as **LANGFORD 057: Def. Resp. to**  
3 **RFPD [4] – 365-368.**

4       DATED this 8th day of March, 2021.

5                   AARON D. FORD  
6                   Attorney General

7                   By:   
8

9                   LAURA M. GINN, Bar No. 8085  
10                   Deputy Attorney General  
11                   100 N. Carson Street  
12                   Carson City, NV 89701-4717  
13                   (775) 684-1120  
14                   lginn@ag.nv.gov

15                   Attorneys for Defendants  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 8th of March, 2021, I caused to be deposited for mailing a true and correct copy of the foregoing, **DEFENDANTS' RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS [SET FOUR]**, to the following:  
Justin Odell Langford, #1159546  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

Roberta W. Blee  
An employee of the  
Office of the Attorney General

# EXHIBIT 5

5.1 Full copy of Grievance 2006-30-87580 (with Exhibits) -

5.2 Full copy of Grievance 2006-30-78631

5.3 Full copy of Grievance 2006-30-83244

# EXHIBIT 5



EXHIBIT 5.1

EXHIBIT 5.1



State of Nevada  
Department of Corrections

INMATE GRIEVANCE REPORT

3A/44

ISSUE ID# 20063087580

ISSUE DATE: 08/06/2019

| INMATE NAME            | NDOC ID | TRANSACTION TYPE | ASSIGNED TO |
|------------------------|---------|------------------|-------------|
| LANGFORD, JUSTIN ODELL | 1159546 | RTRN_L2          | JBORROWMAN  |

| LEVEL | TRANSACTION DATE | DAYS LEFT | FINDING | USER ID | STATUS   |
|-------|------------------|-----------|---------|---------|----------|
| 2     | 01/10/2020       |           | Denied  | PBABB   | INACTIVE |

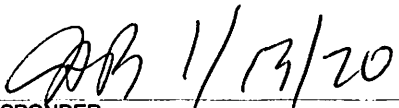
INMATE COMPLAINT

OFFICIAL RESPONSE

Inmate states that due to staff not giving him his paperwork, he was not able to file his objections with the court. Inmate states this is an attempt to block his access to the courts. He is requesting to receive \$450 or a TV with a coax cable.

Law Library records reflect that you received your documents. The fact that you attached your notice of filing indicates that you have received the documents that are printed with the notice of filing.

Your grievance is denied.

  
GRIEVANCE RESPONDER

Report Name: NVRIGR  
Reference Name: NOTIS-RPT-OR-0217.4  
Run Date: JAN-10-20 11:19 AM

Page 1 of 6

|                       |                         |                   |  |    |       |         |           |                |
|-----------------------|-------------------------|-------------------|--|----|-------|---------|-----------|----------------|
| 00155                 | LANGFORD,<br>J #1159546 | USDC 15           | Notice of filing                           | 2  | \$0.2 | Receive | 4/12/2019 | Edit<br>Delete |
| 3:19-<br>cv-<br>00155 | LANGFORD,<br>J #1159546 | USDC              | FIRST AMENDED<br>CIVIL RIGHTS<br>COMPLAINT | 28 | \$0   | Send    | 4/15/2019 | Edit<br>Delete |
| 3:19-<br>cv-<br>00155 | LANGFORD,<br>J #1159546 | USDC 16           | Notice of filing                           | 2  | \$0.2 | Receive | 4/16/2019 | Edit<br>Delete |
| 3:19-<br>cv-<br>00155 | LANGFORD,<br>J #1159546 | USDC 17           | Notice of filing                           | 2  | \$0.2 | Receive | 4/16/2019 | Edit<br>Delete |
| 3:19-<br>cv-<br>00155 | LANGFORD,<br>J #1159546 | USDC 18           | Notice of filing                           | 2  | \$0.2 | Receive | 4/16/2019 | Edit<br>Delete |
| 3:19-<br>cv-<br>00155 | LANGFORD,<br>J #1159546 | USDC              | EX PARTE MOTION                            | 3  | \$0   | Send    | 4/19/2019 | Edit<br>Delete |
| 3:19-<br>cv-<br>00155 | LANGFORD,<br>J #1159546 | USDC 19           | Notice of filing                           | 1  | \$0.1 | Receive | 4/19/2019 | Edit<br>Delete |
| 3:19-<br>cv-<br>00155 | LANGFORD,<br>J #1159546 | USDC              | Certificate of service                     | 3  | \$0   | Send    | 5/6/2019  | Edit<br>Delete |
| 3:19-<br>cv-<br>00155 | LANGFORD,<br>J #1159546 | USDC 20           | Notice of filing                           | 2  | \$0.2 | Receive | 5/7/2019  | Edit<br>Delete |
| 3:19-<br>cv-<br>00175 | LANGFORD,<br>J #1159546 | USDC 1            | Notice of filing                           | 3  | \$0.3 | Receive | 3/28/2019 | Edit<br>Delete |
| 3:19-<br>cv-<br>00175 | LANGFORD,<br>J #1159546 | USDC 2            | ADVISORY LETTER                            | 5  | \$0.5 | Receive | 3/28/2019 | Edit<br>Delete |
| 3:19-<br>cv-<br>00175 | LANGFORD,<br>J #1159546 | USDC no<br>attach | CASE ASSIGNED TO<br>JUDGE                  | 1  | \$0.1 | Receive | 3/28/2019 | Edit<br>Delete |
| 3:19-<br>cv-<br>00175 | LANGFORD,<br>J #1159546 | USDC 3            | REPORT AND<br>RECOMMENDATION               | 3  | \$0.3 | Receive | 7/18/2019 | Edit<br>Delete |
| 3:19-<br>cv-<br>00175 | LANGFORD,<br>J #1159546 | USDC 4            | ORDER                                      | 3  | \$0.3 | Receive | 8/6/2019  | Edit<br>Delete |
| 3:19-<br>CV-          | LANGFORD,<br>J #1159546 | USDC 2            | ADVISORY LETTER                            | 5  | \$0.5 | Receive | 4/9/2019  | Edit<br>Delete |

**RECEIVED**

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GRIEVANCES

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SEP 23 2019

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**lcclawlibrary - Activity in Case 3:19-cv-00175-MMD-WGC Langford v. McNeill Report and Recommendation**

**From:** <cmecf@nvd.uscourts.gov>  
**To:** <cmecfhelpdesk@nvd.uscourts.gov>  
**Date:** 7/18/2019 11:12 AM  
**Subject:** Activity in Case 3:19-cv-00175-MMD-WGC Langford v. McNeill Report and Recommendation

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

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United States District Court

District of Nevada

Name

NDOC# 1159546

**Notice of Electronic Filing**

The following transaction was entered on 7/18/2019 at 11:11 AM PDT and filed on 7/18/2019

**Case Name:** Langford v. McNeill  
**Case Number:** 3:19-cv-00175-MMD-WGC  
**Filer:**  
**Document Number:** 3

**Docket Text:**

**REPORT AND RECOMMENDATION** that the District Judge enter an order **DENYING** Plaintiff's IFP application (ECF No. [1]) as moot, and **DISMISSING** this action and administratively closing the case. Objections to R&R due by 8/1/2019. Signed by Magistrate Judge William G. Cobb on 7/18/2019. (Copies have been distributed pursuant to the NEF - LH)

3:19-cv-00175-MMD-WGC Notice has been electronically mailed to:

Lovelock Correctional Center lcclawlibrary@doc.nv.gov

3:19-cv-00175-MMD-WGC Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1101333072 [Date=7/18/2019] [FileNumber=9330440-0]  
 ] [a73725790313380bbcf2d89c0351f18def6ea71b0f93f38f4012fb88e0c7d834339  
 402236122ed0dab2874ecf0950cdb5d0147821ed5ff0464c888b5b248037f]]

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file:///C:/Users/dmbequette/AppData/Local/Temp/XCEN.../5D30540CDOC\_DomainLC... 7/18/2019

Activity in Case 3:19-cv-00175-MMD-WGC Langford v. McNeill Report and Recommendation

From: <cmecf@nvd.uscourts.gov>  
To: <cmecfhelpdesk@nvd.uscourts.gov>  
Date: 7/18/2019 11:12 AM  
Subject: Activity in Case 3:19-cv-00175-MMD-WGC Langford v. McNeill Report and Recommendation

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United States District Court

District of Nevada

Name

NDOC# 1159546

Notice of Electronic Filing

Date

The following transaction was entered on 7/18/2019 at 11:11 AM PDT and filed on 7/18/2019

Case Name: Langford v. McNeill  
Case Number: 3:19-cv-00175-MMD-WGC  
Filer:  
Document Number: 3

Docket Text:  
REPORT AND RECOMMENDATION that the District Judge enter an order DENYING Plaintiff's IFP application (ECF No. [1]) as moot, and DISMISSING this action and administratively closing the case. Objections to R&R due by 8/1/2019. Signed by Magistrate Judge William G. Cobb on 7/18/2019. (Copies have been distributed pursuant to the NEF - LH)

3:19-cv-00175-MMD-WGC Notice has been electronically mailed to:

Lovelock Correctional Center lcclawlibrary@doc.nv.gov

3:19-cv-00175-MMD-WGC Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp\_ID=1101333072 [Date=7/18/2019] [FileNumber=9330440-0] [a73725790313380bbcf2d89c0351f18def6ea71b0f93f38f4012fb88e0c7d834339402236122ed0deb2874ecf0950cdb5d0147821ed5ff0464c888b5b248037f]]

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SEP 23 2019

LOVELOCK CORRECTIONAL CENTER GRIEVANCES

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LOVELOCK CORRECTIONAL CENTER GRIEVANCES

LOG NUMBER: \_\_\_\_\_

NEVADA DEPARTMENT OF CORRECTIONS  
SECOND LEVEL GRIEVANCE

NAME: Justin O. Langford I.D. NUMBER: 11859546

INSTITUTION: LCC UNIT: 3A

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063087580, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 10-22-19

WHY DISAGREE: I disagree with your response, my Argument from my Informal still stands as is. And my remedy is \$450 or in alternative TV w/coaxle cable, If this goes to court I'm seeking the full amount in that case not now that it was dismissed due to no opposition of the missing document

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 10/24/19

SECOND LEVEL RESPONSE: \_\_\_\_\_

SEE ATTACHED

\_\_\_\_\_  
GRIEVANCE UPHELD ☒ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AR 740

SIGNATURE: [Signature] 1/13/20 TITLE: DEPUTY DIRECTOR DATE: \_\_\_\_\_

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 1/22/20

INMATE SIGNATURE: [Signature] DATE: 1/28/20

THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's initial receipt

RECEIVED

OCT 24 2019

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GRIEVANCES

322

DOC 3094 (12/01)

DEC 02 2019



State of Nevada  
Department of Corrections

INMATE GRIEVANCE REPORT

3A/16

ISSUE ID# 20063087580

ISSUE DATE: 08/06/2019

| INMATE NAME            | NDOC ID | TRANSACTION TYPE | ASSIGNED TO |
|------------------------|---------|------------------|-------------|
| LANGFORD, JUSTIN ODELL | 1159546 | RTRN_L1          | RBAKER      |


| LEVEL | TRANSACTION DATE | DAYS LEFT | FINDING | USER ID  | STATUS |
|-------|------------------|-----------|---------|----------|--------|
| 1     | 10/07/2019       | 5         | Denied  | KHOSTMAN | A      |

INMATE COMPLAINT

OFFICIAL RESPONSE

Law library logs reflect that you received the e-file on the date in question and even ended up with an extra copy of the front page. All e-files are logged. Your log reflects that you received your copy.

Grievance Denied

  
GRIEVANCE RESPONDER

Report Name: NVRIGR  
Reference Name: NOTIS-RPT-OR-0217.4  
Run Date: OCT-07-19 09:10 AM

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Page 1 of 1

OCT 24 2019

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GRIEVANCES

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**NEVADA DEPARTMENT OF CORRECTIONS  
FIRST LEVEL GRIEVANCE**

NAME: Justin Langford I.D. NUMBER: 1159546  
INSTITUTION: LCC UNIT: 3A-16

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063087580, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

**SWORN DECLARATION UNDER PENALTY OF PERJURY**

INMATE SIGNATURE: Justin Langford DATE: 9/19/19

WHY DISAGREE: I disagree with your response, my Argument from my Informal still stands as is. And my remedy is: \$450 or in alternative TV w/coaxle cable, If this goes to court I'm seeking the full amount in that case now that it was dismissed due to no opposition of the

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 9/23/19

FIRST LEVEL RESPONSE: \_\_\_\_\_

\_\_\_\_\_ GRIEVANCE UPHELD \_\_\_\_\_ GRIEVANCE DENIED \_\_\_\_\_ ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: [Signature] TITLE: Warden DATE: 10/10/19

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 10/7/19

\_\_\_\_\_ INMATE AGREES X INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 10-22-19

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's initial receipt

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GRIEVANCES

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GRIEVANCES

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NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Justin Langford I.D. NUMBER: 1159546

INSTITUTION: LCC UNIT #: 3A-16B

GRIEVANCE #: 20063087580 GRIEVANCE LEVEL: 1st

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

missing document.

Original:  
Pink:

Attached to Grievance  
Inmate's Copy

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GRIEVANCES

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SEP 23 2019

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GRIEVANCES  
DOC - 3097 (01/02) 325



State of Nevada  
Department of Corrections

3A/14

INMATE GRIEVANCE REPORT

ISSUE ID# 20063087580

ISSUE DATE: 08/06/2019

| INMATE NAME            | NDOC ID | TRANSACTION TYPE | ASSIGNED TO |
|------------------------|---------|------------------|-------------|
| LANGFORD, JUSTIN ODELL | 1159546 | RTRN_INF         | TCARPENTER  |

| LEVEL | TRANSACTION DATE | DAYS LEFT | FINDING | USER ID  | STATUS   |
|-------|------------------|-----------|---------|----------|----------|
| IF    | 09/16/2019       | 5         | Denied  | KHOSTMAN | INACTIVE |

INMATE COMPLAINT

OFFICIAL RESPONSE

Law library logs reflect that you received the e-file on the date in question and even ended up with an extra copy of the front page. All e-files are logged. Your log reflects that you received your copy.

Grievance Denied

GRIEVANCE RESPONDER

Report Name: NVRIGR  
Reference Name: NOTIS-RPT-OR-0217.4  
Run Date: SEP-16-19 09:16 AM

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GRIEVANCES

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Page 1 of 1  
OCT 24 2019  
LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES

Log Number 2000-30-87580

NEVADA DEPARTMENT OF CORRECTIONS  
INFORMAL GRIEVANCE

NAME: Justin O. Langford I.D. NUMBER: 1159546  
INSTITUTION: LCC UNIT: 3A-1B

GRIEVANT'S STATEMENT: Attached you will find a receipt for an e-file out of one my lawsuits, I just discovered it in a batch of paperwork but what wasn't with it was my copy of the document or my receipt for it. This is an attempt to block my access to the courts & litigating that case.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Justin O. Langford DATE: 8/15/19 TIME: 11:30 AM  
GRIEVANCE COORDINATOR SIGNATURE: ABell DATE: 8/16/19 TIME: 930

GRIEVANCE RESPONSE: \_\_\_\_\_

CASEWORKER SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_ GRIEVANCE UPHELD \_\_\_ GRIEVANCE DENIED \_\_\_ ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: mas DATE: 9/16/19

\_\_\_ INMATE AGREES X INMATE DISAGREES

INMATE SIGNATURE: Justin O. Langford DATE: 9/19/19

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's final receipt

LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES

SEP 23 2019  
LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES

AUG 06 2019  
LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES

327

DOC 3091 (12 / 01)

NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Justin O. Langford I.D. NUMBER: 1159546

INSTITUTION: LCC UNIT #: 3A

GRIEVANCE #: \_\_\_\_\_ GRIEVANCE LEVEL: IF

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

Releif I want is  
~~the copy of that document's receipt~~  
2) \$450 or in alternative Tv w/coaxle cable  
3) IF this goes to court I'm seeking the full  
amount in the case I'm now going to lose

Original:  
Pink:

RECEIVED  
Attached to Grievance  
Inmate's Copy  
OCT 24 2019

LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES

RECEIVED  
SEP 23 2019  
LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES

RECEIVED

AUG 06 2019  
LOVELOCK CORRECTIONAL 328  
CENTER  
GRIEVANCES (01/02)

NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE CLAIM FORM

THIS FORM MUST BE COMPLETED PER NRS 41.036, 41.0322,  
209.243 AND ADMINISTRATIVE REGULATION 740

DO NOT SEND DIRECTLY TO ATTORNEY GENERAL'S OFFICE,  
BOARD OF EXAMINERS, OR DIRECTOR

This form is to be attached to your grievance form for any injuries or any other claim (except property) arising out of a tort alleged to have occurred during your incarceration as a result of an act or omission of the Department of Corrections or any of its agents, former officers, employees or contractors.

The following information is necessary to fairly evaluate your claim. Please provide complete information. If you need more space, attach a separate sheet of paper. You may submit additional evidence if available. Such additional evidence will be returned.

CLAIM IN THE AMOUNT OF \$ \_\_\_\_\_ is hereby made against the Department of Corrections, based upon the following facts:

|  |  |                              |
|--|--|------------------------------|
| 1. NAME OF CLAIMANT (Please print full name)<br><i>Justin Odell Langford</i> | 2. I.D. #<br><i>1159546</i>  | 3. INSTITUTION<br><i>LCC</i> |
| 4. AMOUNT OF CLAIM   | 5. DATE AND DAY OF OCCURRENCE<br><i>Not sure, But discovered on 8/5/19</i> | 6. TIME (a.m. or p.m.)       |
| 7. PLACE OF OCCURRENCE<br><i>LCC</i>   |  |                              |

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Page 1 of 3

DOC 3095 (12/01)

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GRIEVANCES

329

8. Describe here, in complete detail, exactly how your claim loss or damage occurred and why you believe the institution is responsible or liable:

Do to staff not giving me my paperwork I was not able to file my objections to the magistrates Report & Recommendation which ~~ordered the case to get dismissed~~ is going to get the case dismissed your now responsible for my losses.

9. Witnesses. Be sure to include any staff member who may have been involved in, or has any knowledge of, your alleged loss; also, list any inmate who has actual knowledge of facts pertinent to your claim:

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10. Other pertinent information:

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GRIEVANCES 330

STATE OF NEVADA )  
 ) SS  
COUNTY OF Pershing )

I, Justin Odell Langford, do hereby swear under penalty of perjury that I am the claimant named above, that I have read the foregoing claim and know the contents thereof, that the same is true of my own knowledge, except those matters stated upon information and belief, and as to those matters, I believe them to be true, and that THIS IS MY ENTIRE CLAIM AGAINST THE STATE OF NEVADA/DEPARTMENT OF CORRECTIONS.

I FULLY UNDERSTAND THAT I WILL HAVE TO SIGN A GENERAL RELEASE OF ALL CLAIMS IN THE PRESENCE OF A NOTARY PUBLIC FOR THE EXACT AMOUNT I AM CLAIMING BEFORE ANY PAYMENT WILL BE OFFERED TO ME. THIS GENERAL RELEASE WILL BECOME EFFECTIVE ONLY UPON ACTUAL PAYMENT OF THE CLAIM BY THE STATE OF NEVADA.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature of Claimant

#### NOTICE

NEVADA REVISED STATUTE 197.160 provides that every person who knowingly presents a false or fraudulent claim is guilty of a gross misdemeanor, and is subject to criminal penalties of imprisonment of up to one year, and a fine of up to \$2,000.00.

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Page 3 of 3  
GRIEVANCES

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1 \_\_\_\_\_ # \_\_\_\_\_  
2 Lovelock Correctional Center  
3 1200 Prison Road  
4 Lovelock, Nevada 89419

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Petitioner In Pro Se

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \* \* \*

Case No. \_\_\_\_\_

Petitioner,,

-vs-

Respondents.

MOTION FOR  
APPOINTMENT OF COUNSEL

COMES NOW Petitioner,, \_\_\_\_\_, in pro se, and moves  
this Court for an order appointing him counsel in and for the instant § 2254  
habeas corpus proceeding.

This motion is made and based upon 18 U.S.C. § 3006A(g), 28 U.S.C.  
§ 1915(e)(1), 28 U.S.C. § 2254(h); all papers, pleadings and documents on file  
herein; and the following points and authorities.

POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

Petitioner is unable to afford counsel. See Application to Proceed In  
Forma Pauperis on file herein.

The substantive issues and procedural matters in this case are too complex  
for Petitioner's comprehension and abilities.

Petitioner, by reason of his incarceration, cannot investigate, take  
depositions, or otherwise discover evidentiary materials on his own accord.

LCC LL FORM 36.046

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1       Petitioner's sentence structure is \_\_\_\_\_.

2       There \_\_\_\_ are \_\_\_\_ are not additional facts attached hereto on additional  
3 page(s) to be incorporated herein.

4       Counsel could not only assist Petitioner with a much better presentation  
5 of the substantive and procedural issues before this Court, e.g., merits of the  
6 claims, AEDPA's § 2254(d) test, exhaustion, etc., but counsel would likewise  
7 make much easier this Court's task of discerning the issues and adjudicating  
8 them as upon a competent counsel's ability to present same to the Court.

9       The ends of justice would best be served in this case via the appointment  
10 of counsel, as Petitioner's sentence structure, in conjunction with the  
11 complexities of the legal issues herein, plead for such an appointment.

12                               II. ARGUMENT FOR APPOINTMENT

13       Appointment of counsel in § 2254 cases is authorized within 18 U.S.C.  
14 § 3006A(g) and 28 U.S.C. §§ 1915(e)(1); 2254(h). This Court may appoint  
15 counsel where the "interests of justice" so require. Jeffers v. Lewis, 68 F.3d  
16 295, 297-98 (9th Cir. 1995). This interest is best served when indigent  
17 petitioners who are unable to "adequately present their cases" are appointed  
18 counsel to do so for them. Id.

19       Although appointment is usually within this Court's sound discretion, a  
20 handy formula for this Court's consideration is a balancing of the complexities  
21 of the issues with a consideration of the severity of the petitioner's penalty.  
22 Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir.), cert. denied, 481 U.S. 1023  
23 (1987). Ultimately, however, absent a due process implication, this Court has  
24 discretion to appoint counsel when it feels that it promotes justice in doing  
25 so. Id. See Brown v. United States, 623 F.2d 54, 61 (9th Cir. 1980)(court  
26 must appoint counsel where the complexities of the case are such that denial of

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27 counsel would amount to denial of due process); Hawkins v. Bennett, 423 F.2d  
28 948 (8th Cir. 1970)(counsel must be appointed where petitioner is a person of

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1 | such limited education as to be incapable of presenting his claims fairly).

Petitioner submits that the facts above, in conjunction with these legal principles, compel appointment of counsel. Indeed, the complexities of the issues in relation to Petitioner's sentence, implicate the need of counsel to promote not only justice, but fairness, as well. *Jeffers*, 68 F.3d at 297-98.

### III. CONCLUSION

7 For the reasons set forth above, this Court should appoint counsel to  
8 represent Petitioner in and for all further proceedings in this § 2254 habeas  
9 corpus action.

10 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Respectfully submitted,

#  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Petitioner In Pro Se

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EXHIBIT 5.2

EXHIBIT 5.2



State of Nevada  
Department of Corrections

INMATE GRIEVANCE REPORT

3A/16

ISSUE ID# 20063078531

ISSUE DATE: 02/12/2019

| INMATE NAME            | NDOC ID | TRANSACTION TYPE | ASSIGNED TO |
|------------------------|---------|------------------|-------------|
| LANGFORD, JUSTIN ODELL | 1159546 | RTRN_L2          | PDELPORTO   |

| LEVEL | TRANSACTION DATE | DAYS LEFT | FINDING | USER ID   | STATUS   |
|-------|------------------|-----------|---------|-----------|----------|
| 2     | 09/12/2019       |           | Denied  | PDELPORTO | INACTIVE |

INMATE COMPLAINT

OFFICIAL RESPONSE

Inmate Langford your 2nd level grievance packet was received and the issues reviewed. you reported that there was a security breach and then an officer verbally harassed you. You also claimed that you wanted reviewed for transfer and to have your issues documented. Via this grievance system, your report is in fact documented. In relation to movement, you were seen during May of 2019 and it determined to maintain your presence in your current housing. Grievance denied for additional action.

GRIEVANCE RESPONDER

Report Name: NVRIGR

Reference Name: NOTIS-RPT-OR-0217.4

Run Date: SEP-12-19 03:37 PM

Page 1 of 6

LOG NUMBER: 2006-30-78531

NEVADA DEPARTMENT OF CORRECTIONS  
SECOND LEVEL GRIEVANCE

NAME: Justin Odell Langford I.D. NUMBER: 1159546

INSTITUTION: LCC UNIT: 3A-1B

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 2006-30-78531, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Justin Odell Langford DATE: 4-11-19

WHY DISAGREE: Apparently Miss Baker failed to notice the breach of security by G3 <sup>CO</sup> Smith by putting a PS inmate with GP inmates. The verbal abuse was a follow up to the breach of security which is what I'm referring to <sup>CO</sup> O'Neal knowing about along with Sgt. Gentry & Sgt. Phano.

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 4/15/19

SECOND LEVEL RESPONSE: \_\_\_\_\_

\_\_\_\_ GRIEVANCE UPHOLD ☒ GRIEVANCE DENIED \_\_\_\_\_ ISSUE NOT GRIEVABLE PER AR 740

SIGNATURE: [Signature] TITLE: MS DATE: 9-12-19

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 9/18/19

INMATE SIGNATURE: [Signature] DATE: 9/18/19

THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's initial receipt

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JUN 26 2019

Inspector General Office

APR 15 2019

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GRIEVANCES 337  
DOC 3094 (12/01)



State of Nevada  
Department of Corrections

INMATE GRIEVANCE REPORT

3A-1

ISSUE ID# 20063078531

ISSUE DATE: 02/12/2019

| INMATE NAME            | NDOC ID | TRANSACTION TYPE | ASSIGNED TO |
|------------------------|---------|------------------|-------------|
| LANGFORD, JUSTIN ODELL | 1159546 | RTRN_L1          | RBAKER      |

| LEVEL | TRANSACTION DATE | DAYS LEFT | FINDING | USER ID  | STATUS |
|-------|------------------|-----------|---------|----------|--------|
| 1     | 03/22/2019       | 4         | Denied  | KHOSTMAN | A      |

INMATE COMPLAINT

OFFICIAL RESPONSE

I am in receipt of your grievance where you allege staff misconduct. You stated CO Smith called you names and you reported this to Shift Command. You were answered adequately and appropriately at the Informal Level. Officer Smith has no recollection of you speaking with him about this matter. CCS Potter has worked with you to schedule you for a Full Classification hearing so that you may go GP when beds are available. You have been submitted for a Full Classification hearing in April to go from PS to GP. Your request for transfer is denied, due to your current custody level.

Based on the above facts your grievance is denied.

  
GRIEVANCE RESPONDER

Report Name: NVRIGR  
Reference Name: NOTIS-RPT-OR-0217.4  
Run Date: MAR-22-19 03:18 PM

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Page 1 of 1

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GRIEVANCES

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**NEVADA DEPARTMENT OF CORRECTIONS  
FIRST LEVEL GRIEVANCE**

NAME: Justin Odell Langford I.D. NUMBER: 1159546  
INSTITUTION: LCC UNIT: 3A-1B

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063078531, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

**SWORN DECLARATION UNDER PENALTY OF PERJURY**

INMATE SIGNATURE: [Signature] DATE: 3/15/19

WHY DISAGREE: This whole thing is known about by Sgt. Gertry; Sgt. Pharo, S/O O'Dea. Why lying about his misconduct by him when he knows his superiors know about it. And threats of write-ups for abuse of grievance system Based off of lies by staff will not tolerate.

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 3/18/19

FIRST LEVEL RESPONSE: \_\_\_\_\_

\_\_\_\_\_  
GRIEVANCE UPHELD ☒ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AF 740

WARDEN'S SIGNATURE: [Signature] TITLE: Warden DATE: 4/4/19

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 3/25/19

\_\_\_\_\_  
INMATE AGREES ☒ INMATE DISAGREES ☐

INMATE SIGNATURE: [Signature] DATE: 4-11-19

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's initial receipt

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APR 15 2019

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GRIEVANCES

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MAR 18 2019

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GRIEVANCES



State of Nevada  
Department of Corrections

3A-1

INMATE GRIEVANCE REPORT

ISSUE ID# 20063078531

ISSUE DATE: 02/12/2019

| INMATE NAME            | NDOC ID | TRANSACTION TYPE | ASSIGNED TO |
|------------------------|---------|------------------|-------------|
| LANGFORD, JUSTIN ODELL | 1159546 | RTRN_INF         | CPOTTER     |

| LEVEL | TRANSACTION DATE | DAYS LEFT | FINDING | USER ID  | STATUS |
|-------|------------------|-----------|---------|----------|--------|
| IF    | 03/06/2019       | 4         | Denied  | KHOSTMAN | A      |

INMATE COMPLAINT

OFFICIAL RESPONSE

Your informal grievance has been reviewed. You are alleging staff misconduct, verbal abuse and breach of security by Officer Smith (G3). As a resolution you are requesting a transfer from LCC to NNCC so that you can work. After talking to Officer Smith, your story appears to be fabricated in an attempt to manipulate a transfer to another institution. Officer Smith has no recollection of any contact with you on February 12, 2019 during the PS door call. We recommend that you work with your unit caseworker to be submitted for Full Classification in an effort to go from PS to GP. Once you are a GP inmate there are many more job opportunities for you on the phase one yard. Furthermore, Per AR 740, inmates are encouraged to use the grievance procedure to resolve all addressable claims, however they are prohibited from abusing the system by knowingly, willfully or maliciously filing frivolous or vexatious grievances, which are considered to be an abuse of the grievance procedure. Continued abuse of the grievance procedure may result in a Notice of Charges. Grievance Denied.

CCS1 *Doth*  
GRIEVANCE RESPONDER

Report Name: NVRIGR  
Reference Name: NOTIS-RPT-OR-0217.4  
Run Date: MAR-06-19 01:55 PM

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complaint STAFF Misconduct: Verbal abuse

Log Number

2000-30-78531

NEVADA DEPARTMENT OF CORRECTIONS  
INFORMAL GRIEVANCE

NAME: Justin Odell Langford I.D. NUMBER: 1159546

INSTITUTION: LCC UNIT: 3A-1B

GRIEVANT'S STATEMENT: Today 2/12/19 Between 12:30 pm. and 1:30 pm my unit staff told me law library and medical had called for me, that I need to get up there. I told staff I had canteen, they said do what you got to do but get up there, which is what I did. I

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Justin Odell Langford DATE: 2/12/19 TIME: 7:15 pm

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 2/12/19 TIME: 8:30 am

GRIEVANCE RESPONSE: see attached

CASEWORKER SIGNATURE: ccs c. Potter DATE: 02/21/2019

   GRIEVANCE UPHELD X GRIEVANCE DENIED    ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: [Signature] DATE: 3/7/19

   INMATE AGREES X INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 3/15/19

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's initial receipt

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FEB 12 2019

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APR 15 2019

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GRIEVANCES

NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Justin Odell Langford I.D. NUMBER: 1159546  
INSTITUTION: LCC UNIT #: 3A-1B  
GRIEVANCE #: \_\_\_\_\_ GRIEVANCE LEVEL: IF

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF \_\_\_\_\_

went up to law library but GP was there and at the gate so G3 C/O Smith put me in medical unbenounced to me GP was in there, first chance I had, I got out of there and went to the sgt's office and informed them of the situation, later on at dinner pill call I went to dinner first due to the fact I'm on pain meds which are not meant to be taken on empty stomach. after eating I went to pill call where G3 c/o Smith started talking trash and calling me a dumb ass and other things. I know he'll deny it but I want this on record, Breach of Security and verbal abuse By G3 C/O Smith is in violation of AR 339.

Relief Requested  
send me to nccc so I can work

Original:  
Pink:

Attached to Grievance  
Inmate's Copy  
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GRIEVANCES

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MAR 18 2019

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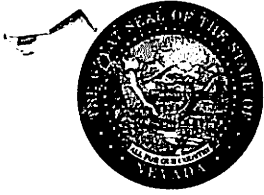
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GRIEVANCES 342  
DOC - 3097 (01/02)

EXHIBIT 5.3

EXHIBIT 5.4



State of Nevada  
Department of Corrections

3A/14B

INMATE GRIEVANCE REPORT

ISSUE ID# 20063083244

ISSUE DATE: 05/16/2019

| INMATE NAME            |                  | NDOC ID   | TRANSACTION TYPE | ASSIGNED TO |          |
|------------------------|------------------|-----------|------------------|-------------|----------|
| LANGFORD, JUSTIN ODELL |                  | 1159546   | RTRN_L2          | JBORROWMAN  |          |
| LEVEL                  | TRANSACTION DATE | DAYS LEFT | FINDING          | USER ID     | STATUS   |
| 2                      | 10/31/2019       |           | Denied           | PBABB       | INACTIVE |

INMATE COMPLAINT

OFFICIAL RESPONSE

Inmate states he was called into the caseworker's office on May 14, 2019 to discuss a grievance regarding an Unauthorized Mail Notification that was issued on April 17, 2019. Inmate states he apparently was grinding his teeth and was told to stop on three occasions. Inmate states he was then threatened by Caseworker LeFleur when he stated he would "slam me on the ground" if he did not stop grinding his teeth. Inmate states this was in violation of his rights. He is requesting to have Caseworker LeFleur fired and to have criminal charges filed.

You have been answered appropriately at the previous levels. Your rights were never violated. You were asked to stop your behavior and you continued. You have not factually demonstrated a loss or harm as required by AR740. Furthermore, you have failed to provide the Unauthorized Mail Notification and you have failed to state how the issue was resolved as was stated in the 1st level response. You have failed to substantiate your claim.

Your grievance is denied.

AB 10/31/19

GRIEVANCE RESPONDER

Report Name: NVRIGR  
Reference Name: NOTIS-RPT-OR-0217.4  
Run Date: OCT-31-19 03:10 PM

Page 1 of 6

LOG NUMBER: \_\_\_\_\_

NEVADA DEPARTMENT OF CORRECTIONS  
SECOND LEVEL GRIEVANCE

NAME: Justin Odell Langford I.D. NUMBER: 1159546

INSTITUTION: LCC UNIT: 3A 16B

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 2006 30 83244, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 8/15/19

WHY DISAGREE: I've spoken to C/O Kerns about this and he has told me "he did not write a statement for this matter" so there is a falsely written statement on record. Yes I did stop, but it was due to the fact that I quit talking period and I was still leaning forward at that

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 8/16/19

SECOND LEVEL RESPONSE: \_\_\_\_\_

SEE ATTACHED

\_\_\_\_ GRIEVANCE UPHeld X GRIEVANCE DENIED \_\_\_\_\_ ISSUE NOT GRIEVABLE PER AR 740

SIGNATURE: [Signature] DATE: 10/31/19 TITLE: DEPUTY DIRECTOR

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 11/25/19

INMATE SIGNATURE: [Signature] DATE: 11/26/19

THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's initial receipt

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GRIEVANCES

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NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME Justin Odell Langford I.D. NUMBER: 1159546  
INSTITUTION: LCC UNIT #: 3A-16B  
GRIEVANCE #: 2006 30 83244 GRIEVANCE LEVEL: 2<sup>nd</sup>  
GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

Time. His "LaFleur" was tempting to put a chilling effect on my 1<sup>st</sup> amendment right. The Behavior stopped due to me not responding anymore, as stated before its how I talk when frustrated I have no controll over it. Also when LaFleur came back the next day I refused until Kerns called a warden or Lt down to the unit because of threats, But Kern ended up standing in unit Bubble window and watching. Like I said before Look at video covering caseworkers office, laFleur chilled my 1<sup>st</sup> amendment right

Same Relief

Original:  
Pink:

Attached to Grievance  
Inmate's Copy

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DOC - 30814625



State of Nevada  
Department of Corrections

3A-14

INMATE GRIEVANCE REPORT

ISSUE ID# 20063083244

ISSUE DATE: 05/16/2019

| INMATE NAME            | NDOC ID | TRANSACTION TYPE | ASSIGNED TO |
|------------------------|---------|------------------|-------------|
| LANGFORD, JUSTIN ODELL | 1159546 | RTRN_L1          | RBAKER      |

| LEVEL | TRANSACTION DATE | DAYS LEFT | FINDING | USER ID  | STATUS |
|-------|------------------|-----------|---------|----------|--------|
| 1     | 08/06/2019       | 4         | Denied  | KHOSTMAN | A      |

INMATE COMPLAINT

OFFICIAL RESPONSE

In review of this grievance you claimed to have been threatened by CCS 2 LaFleur and in doing so he violated your rights by committing an act of cruel and unusual punishment, equal protection of the law, freedom of speech and violated AR 339 as well. You claim CCS 2 LaFleur "threatened to slam me on the ground" after being told three times to stop grinding your teeth. Your remedy for this is to have criminal charges filed against CCS 2 LaFleur. I have reviewed the written statements by all three staff members who were present during this interaction in the unit 3A Case Workers Office on 5/14/19 regarding your Unauthorized Mail Notification. It was reported that CCS 2 LaFleur was discussing a resolution with you regarding your Unauthorized Mail Notification. During this interaction you were responding in a manor which was perceived as an act of hostility because you were posturing forward in your chair while grinding your teeth together. Although you were asked several times to stop this behavior it continued, only when CCS 2 LaFleur give you the option to either stop the behavior or be placed onto the ground did you stop. You then apologized for your behavior claiming that's just how you talk when you are frustrated. You were seen the next day by CCS 2 LaFleur and upon further discussion were able to resolve the unauthorized mail issue. I can not find where any of your rights as you have claimed were violated nor how CCS 2 LaFleur was in violation of AR 339. You have not factually demonstrated a loss or harm as required by AR 740.

Grievance denied.

  
GRIEVANCE RESPONDER

Report Name: NVRIGR  
Reference Name: NOTIS-RPT-OR-0217.4  
Run Date: AUG-06-19 03:59 PM

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Page 1 of 1  
AUG 16 2019

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GRIEVANCES  
347

**NEVADA DEPARTMENT OF CORRECTIONS  
FIRST LEVEL GRIEVANCE**

NAME: Langford Justin Odell I.D. NUMBER: 1159546  
INSTITUTION: CCC UNIT: 3A-1A

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 2006-30-83244, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

**SWORN DECLARATION UNDER PENALTY OF PERJURY**

INMATE SIGNATURE: Justin Odell DATE: 7/20/19

WHY DISAGREE: if you look at the video in the activity room that covers the 3A caseworkers office you'll see that I wasn't leaning forward and my hands were in my lap or that I had been leaning forward and I was doing so the whole time and my hands were in my lap

GRIEVANCE COORDINATOR SIGNATURE: Deel DATE: 7/22/19

FIRST LEVEL RESPONSE: \_\_\_\_\_

\_\_\_\_\_ GRIEVANCE UPHELD \_\_\_\_\_ GRIEVANCE DENIED \_\_\_\_\_ ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: [Signature] TITLE: Warden DATE: 8-9-19

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 8/7/19

\_\_\_\_\_ INMATE AGREES. X INMATE DISAGREES

INMATE SIGNATURE: Justin Odell Langford DATE: 8/13/19

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's initial receipt

**RECEIVED RECEIVED**

AUG 16 2019 JUL 18 2019  
LOVELOCK CORRECTIONAL CENTER GRIEVANCES LOVELOCK CORRECTIONAL CENTER GRIEVANCES



NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Justin Langford I.D. NUMBER: 1159546  
INSTITUTION: LCC UNIT #: 3A-1B  
GRIEVANCE #: \_\_\_\_\_ GRIEVANCE LEVEL: 1<sup>st</sup>

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

and either way ~~if~~ there was a % present and he never said a thing and if there was a threat safety to freestaff the CB is required to step in freestaff / caseworker can't put hands on an Inmate. harm is an attempt to chill my first amendment right to freedom of speech. If in fact I was grinding my teeth I apparently had no control over it

Some Relief Requested

Original: \_\_\_\_\_  
Pink: \_\_\_\_\_ Attached to Grievance  
Inmate's Copy

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CENTER  
GRIEVANCES  
RECEIVED  
JUL 18 2019  
LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES  
DOC - 3097 (01/02) 349



State of Nevada  
Department of Corrections

3A-1

INMATE GRIEVANCE REPORT

ISSUE ID# 20063083244

ISSUE DATE: 05/16/2019

| INMATE NAME            | NDOC ID | TRANSACTION TYPE | ASSIGNED TO |
|------------------------|---------|------------------|-------------|
| LANGFORD, JUSTIN ODELL | 1159546 | RTRN_INF         | DBAZE       |

| LEVEL | TRANSACTION DATE | DAYS LEFT | FINDING | USER ID  | STATUS |
|-------|------------------|-----------|---------|----------|--------|
| IF    | 07/11/2019       | 5         | Denied  | KHOSTMAN | A      |

INMATE COMPLAINT

OFFICIAL RESPONSE

In review of this grievance you claimed to have been threatened by CCS 2 LaFleur and in doing so he violated your rights by committing an act of cruel and unusual punishment, equal protection of the law, freedom of speech and violated AR 339 as well. You claim CCS 2 LaFleur "threatened to slam me on the ground" after being told three times to stop grinding your teeth. Your remedy for this is to have criminal charges filed against CCS 2 LaFleur. I have reviewed the written statements by all three staff members who were present during this interaction in the unit 3A Case Workers Office on 5/14/19 regarding your Unauthorized Mail Notification. It was reported that CCS 2 LaFleur was discussing a resolution with you regarding your Unauthorized Mail Notification. During this interaction you were responding in a manor which was perceived as an act of hostility because you were posturing forward in your chair while grinding your teeth together. Although you were asked several times to stop this behavior it continued, only when CCS 2 LaFleur give you the option to either stop the behavior or be placed onto the ground did you stop. You then apologized for your behavior claiming that's just how you talk when you are frustrated. You were seen the next day by CCS 2 LaFleur and upon further discussion were able to resolve the unauthorized mail issue. I can not find where any of your rights as you have claimed were violated nor how CCS 2 LaFleur was in violation of AR 339. You have not factually demonstrated a loss or harm as required by AR 740.

Grievance denied.

GRIEVANCE RESPONDER

Report Name: NVRIGR  
Reference Name: NOTIS-RPT-OR-0217.4  
Run Date: JUL-11-19 11:13 AM

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CENTER  
GRIEVANCES

RECEIVED

Page 1 of 1

JUL 18 2019

LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES 350

# STAFF Misconduct Complaint: Threat of Physical Harm to inmate

Log Number 2000-30-83244

## NEVADA DEPARTMENT OF CORRECTIONS INFORMAL GRIEVANCE

NAME: Justin Odell Langford I.D. NUMBER: 1159546

INSTITUTION: LCC UNIT: 3A-1A

GRIEVANT'S STATEMENT: Today 5/14/19 between 8 Am & 9 Am I was called into Caseworker Potters office by Potter & Case Worker LeFleur to handle a grievance challenging my unauthorized Mail Notification issued on 4/17/19. Mr. LeFleur was trying to settle the issue, but during this timeframe while I was talking

### SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 5/14/19 TIME: 2:55 AM

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 5/16/19 TIME: 8:30 am

GRIEVANCE RESPONSE: See attached

CASEWORKER SIGNATURE: [Signature] DATE: 6/18/19

☐ GRIEVANCE UPHELD ☒ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: [Signature] DATE: 7/11/19

☐ INMATE AGREES ☒ INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 7/17/19

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's initial receipt

**RECEIVED RECEIVED RECEIVED**

**AUG 16 2019 JUL 18 2019 MAY 16 2019**

LOVELOCK CORRECTIONAL CENTER GRIEVANCES  
LOVELOCK CORRECTIONAL CENTER GRIEVANCES  
LOVELOCK CORRECTIONAL CENTER GRIEVANCES 351  
DOC 3091 (12 / 01)

NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Justin Odell Langford I.D. NUMBER: 1159546

INSTITUTION: LCC UNIT #: 3A

GRIEVANCE #: 1 GRIEVANCE LEVEL: IF

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

I was apparently grinding my teeth and was told to stop doing it on three occasions, the third time I did it Mr Lefleur threatened to slam me on the ground. Not only is this a violation of cruel and unusual punishment (VIII), Equal protection of the law (XIV) but also a form of violating my Freedom Speech (I) by telling me how I can talk. this also falls under AR 339.07(12)(A); AR 339.01(5); AR 339.07(18)(C) AR 339.07(18)(F) - Hold ALL VIDEO & AUDIO of Unit 3A Caseworkers office for evidence. clo terms was also present Relief

firing of Caseworker Lefleur  
Criminal Charges filed

Original:  
Pink:

Attached to Grievance  
Inmate's Copy

RECEIVED  
JUL 18 2019  
LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES

RECEIVED  
MAY 16 2019  
LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES

DOC - 3097 (01/02)<sup>352</sup>

1 CASE No. 27cv-OTH-2020-0057

2 DEPT. No. 1

3 AFFIRMATION PURSUANT TO NRS 239B.030

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

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

8 IN AND FOR THE COUNTY OF PERSHING

9 Justin Odell Langford,

10 Plaintiff,

PLAINTIFFS OBJECTION TO JOINDER

11 vs,

OF ROBERT SMITH, THE STATE OF NEVADA,

12 C/O Smith, Et al,

EX REL. NDOC, AND THE NEVADA

13 Defendants.

DEPARTMENT OF CORRECTIONS

14 (FILE STAMP COPY REQUIRED Pursuant to Gluth v. Kansas)

15 COMES Now, Justin Odell Langford, in Pro per, to file his objections

16 to the Defendants Joinder, and moves this Honorable Court to

17 enter an Order denying said Joinder.

18 This document is made and based upon all papers, pleadings  
19 and documents on file with this Honorable Court.

20 The STATE OF NEVADA, Ex rel. NDOC and Nevada Department of  
21 Corrections was part of the Joinder Filed on Oct. 1<sup>st</sup>, 2020 in  
22 which was granted by this Court Oct. 2<sup>nd</sup>, 2020. Also Robert Smith  
23 is already a defendant as he is listed as a defendant  
24 and he Failed to follow NDOC policy to be represented by  
25 the A.G. and has to date failed to answer the application  
26 in which he was served by interdepartment mail in which  
27 he threaten to write me up with attempting to compromise  
28 staff in which grievance has been filed for his threats so  
the Plaintiff is entitled to default against him.

1 CERTIFICATE OF SERVICE


2  
3 I, certify, that I have attached a true and correct copy of  
4 the foregoing document, with special instructions to the Clerk of the  
5 Court to E-File and E-Service to all my opponents pursuant to  
6 N.E.F.C.R. 5(K), 9 Et. Sec. (A-E) Etc. to the following:

7  
8 Laura M. Ginn, Bar No. 8085

9  
10  
11 VERIFICATION

12  
13 I, declare and verify, that I have read the foregoing document and  
14 that to the best of my knowledge and belief that it is true and correct  
15 under the pains and penalties of perjury pursuant to 28 U.S.C. §1746 and  
16 18 U.S.C. §1621.

17  
18 DATE: 3/25/21

19   
20 Justin Langford - 1159546  
21 LCC, 1200 Prison Rd.  
22 Lovelock, Nev. 89419  
23  
24  
25  
26  
27  
28

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.

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

Defendants.

**(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]**

Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta, Carter Potter, Renee Baker, State of Nevada ex. Rel., the Nevada Department of Corrections, and Robert Smith (NDOC), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Laura M. Ginn, Deputy Attorney General, hereby Oppose Langford's Motion to Compel Discovery by the Defendants and Request for Sanctions. NDOC requests a hearing/status conference on outstanding discovery. NDOC also hereby files a Counter-Motion to Dismiss for Failure to File the Joint Case Conference Report and/or for Stating that Nevada State Law is Unconstitutional.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Langford is an inmate in the lawful custody of the NDOC housed in Lovelock Correctional Center (LCC). Langford filed his Motion to Compel Discovery by the

1 Defendants and Request for Sanctions (Motion) on March 22, 2021. Langford's Motion is  
2 procedurally deficient. Langford, not NDOC, is responsible for the Nevada Rule of Civil  
3 Procedure (NRCP) 16.1 conference, which he did not schedule or hold. Langford is seeking  
4 sanctions prior to holding the NRCP 16.1 conference. Langford cannot cure his failure as the  
5 deadline expired back on March 29, 2021.

6 Although Langford did not schedule and hold the NRCP 16.1 conference, in good faith  
7 NDOC responded to Langford's discovery requests. The Discovery deadline was December 9,  
8 2020. Langford filed a Request for Extension for all Discovery Deadlines on December 3,  
9 2020. NDOC filed a Non-Opposition on December 9, 2020. NDOC's Non-Opposition set the  
10 proposed schedule for remaining deadlines as: Complete Discovery Deadline as March 9,  
11 2021, and File Dispositive Motions on April 8, 2021. The Court has not ruled on the  
12 proposed dates. Langford did not meet and confer before filing his Motion or file a  
13 certification that he made a good faith effort to resolve the issue, under First Judicial Court  
14 Rule 3.7(d).

15 Due to the complexities of the matters, NDOC requests oral arguments for this  
16 matter.

## 17 **II. LEGAL STANDARD AND ARGUMENT**

### 18 **A. Issues to be Decided**

19 NDOC is seeking this Court to dismiss this lawsuit because Langford divested this  
20 Court of Jurisdiction as Langford claims all Nevada State Law is Unconstitutional. NDOC  
21 additionally seeks dismissal because Langford failed to file a required Joint Pretrial  
22 Conference Report within the 240-day deadline. Langford cannot cure his failure as the  
23 deadline expired back on March 29, 2021.

24 NDOC requests this Court to deny Langford's Motion as procedurally deficient as  
25 Langford did not hold the NRCP 16.1 Conference. NDOC produced discovery in good faith.  
26 NDOC requests the Court to deny sanctions as an extraordinary remedy and is not  
27 warranted when NDOC complied with discovery requests. Finally, NDOC requests this  
28 Court to deny Langford's motion.



1           **B.      NRCP 16.1 – Langford is Responsible for the Conference**

2           Because Langford did not hold the NRCP 16.1 Conference, Langford’s Motion is  
3 procedurally deficient. Under NRCP 16.1, the plaintiff is responsible for designating a time  
4 and place for the conference. Langford never scheduled a NRCP 16.1 conference or filed the  
5 16.1 report. Langford had to hold the NRCP 16.1 conference within thirty days after the  
6 service of the answer. NDOC’s Answer was filed on July 31, 2020. Thus, Langford had until  
7 Monday, August 31, 2020 to hold the NRCP 16.1 conference.<sup>1</sup>

8           Under NRCP 37(a)(3)(A) Langford must hold the NRCP 16.1 conference before  
9 moving to compel disclosure or moving for sanctions. Langford did not meet and confer  
10 before filing his Motion or file a certification that he made a good faith effort to resolve the  
11 issue, under First Judicial Court Rule 3.7(d).

12           Thus, Langford’s motion should be denied as procedurally deficient.

13           **C.      NDOC Produced Discovery**

14           Langford alleges discovery violations and deficiencies. Motion at 18-21. However,  
15 NDOC responded to all Langford’s discovery requests in good faith. Langford discovery  
16 requests are ambiguous, overbroad and unduly burdensome, and the Court should not  
17 compel NDOC to provide further responses.

18           **1.      Overbroad and Unduly Burdensome**

19           Langford’s request that he seeks to compel further discovery on are overbroad and  
20 unduly burdensome. Federal decisions involving the Federal Rules of Civil Procedure  
21 provide persuasive authority in Nevada Courts. *Nelson v. Heer*, 121 Nev. 832, 834, 122 P.3d  
22 1252, 1253 (2005); *Foster v. Dingwall*, 126 Nev. 49, 228 P.3d 453, 456 (2010). Langford’s  
23 requests are overbroad and unduly burdensome in scope in that he seeks “all documents.” A  
24 request for any and every document is facially burdensome. *See In re MGM Mirage Sec.*  
25 *Litig.*, No. 2:09-cv-1558-GMN, 2014 WL 6675732, at \*5 (D. Nev. Nov. 25, 2014). Requests  
26

---

27           <sup>1</sup> Thirty days after filing the Answer is Sunday, August 30, 2020. Because the deadline ends  
28 on a Sunday, under NRCP 6(a)(1)(C), the period continues to run until the end of the next day  
that is not a Saturday, Sunday, or legal holiday. The deadline is Monday, August 31, 2020.

1 that seek all documents without constraint are overly broad and unduly burdensome. *See*  
2 *Fisher v. Felker*, 2011 WL 39124, \*2 (E.D. Cal. Jan. 5, 2011), *citing Freeland v.*  
3 *Sacramento City Police Dep't*, 2009 WL 545994, (E.D. Cal. Mar. 3, 2009)(finding that  
4 requests for “any and all” documents, civil rights suits and civil claims is overbroad and  
5 unduly burdensome). This is because they do not meet the reasonably particularity  
6 requirement under Rule 34. *See Parsons v. Jefferson-Pilot Corp.*, 141 F.R.D. 408, 412  
7 (M.D.N.C. 1992) (“requests . . . must be described with 'reasonable particularity.'”). Broad  
8 and undirected requests for all documents which relate in any way to a topic are regularly  
9 stricken as too ambiguous. *See, e.g., Robbins v. Camden City Bd. of Educ.*, 105 F.R.D. 49, 60  
10 (D.N.J. 1985); *Gaison v. Scott*, 59 F.R.D. 347, 353 (D. Haw.1973); *see also Holland v.*  
11 *Muscatine General Hospital*, 971 F. Supp. 385, 392 (S.D. Iowa 1997) (stating that “all  
12 papers” relied on in answering an entire set of interrogatories does not describe the  
13 documents with the required “reasonable particularity”).

## 14 **2. Overbroad, Vague, and Ambiguous**

15 Langford’s requests are also overbroad and unduly burdensome because the term  
16 “relating to” is overbroad, because, at some level, everything relates to everything else. *Cal.*  
17 *Div. of Labor Stds. Enft v. Dillingham Constr., N.A.*, 519 U.S. 316, 335, 117 S. Ct. 832, 843  
18 (1997)(Scalia, J., concurring). Discovery, like all matters of procedure, has ultimate and  
19 necessary boundaries, *see Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351  
20 (1978); *Hickman v. Taylor*, 329 U.S. 495, 507 (1947), and parties are not permitted to serve  
21 overly broad requests for information or documents on the theory that something relevant  
22 might turn up. When a party seeks information regarding every document that relates to  
23 the request, this contravenes the requirement for particularity in Rule 26. The test for  
24 reasonable particularity is whether the request places the party upon “reasonable notice of  
25 what is called for and what is not.” *Parsons v. Jefferson-Pilot Corp.*, 141 F.R.D. 408, 412  
26 (M.D.N.C. 1992) (“requests . . . must be described with 'reasonable particularity.'”).  
27 Therefore, the party requesting the production of documents must provide “sufficient  
28 information to enable [the party to whom the request is directed] to identify responsive

documents." *Kidwiler v. Progressive Paloverde Insurance Co.*, 192 F.R.D. 193, 202 (N.D. W. Va. 2000). Courts have interpreted the "particularity" requirement to mandate that a responding party be given sufficient information to enable it to identify responsive documents. See *Mallinckrodt Chem. Works v. Goldman, Sachs & Co.*, 58 F.R.D. 348 (S.D.N.Y. 1973).

Courts regularly refuse to enforce a request that uses the kind of formulation that seeks documents related to a topic. See *Westhemeco Ltd. v. New Hampshire Ins. Co.*, 82 F.R.D. 702, 709 (S.D.N.Y. 1979) (motion to compel denied with regard to interrogatory that requested identification of "each document in the claim file and the underwriting file maintained by defendant with respect to the subject policy and claim which is the subject of this action") (emphasis added), modified on other grounds sub nom. *Commercial Union Ins. Co. v. Albert Pipe & Supply*, 484 F.Supp. 1153 (S.D.N.Y. 1980); *Camco, Inc. v. Baker Oil Tools, Inc.*, 45 F.R.D. 384, 387 (S.D.Tex. 1968) (request for "[a]ll files relating to the making and first reducing to practice of the alleged inventions, the decisions to file patent applications on the alleged inventions, and the prosecution of applications relating to any of the patents described in paragraph (1)" was not made with reasonable particularity) (emphasis added); *Pickett v. L.R. Ryan, Inc.*, 237 F.Supp. 198, 200 (E.D.S.C. 1965) (request for "the investigative file of the Travelers Insurance Company pertaining to the explosion alleged in the Libel herein" was not made with reasonable particularity) (emphasis added); *Dynatron Corp. v. United States Rubber Co.*, 27 F.R.D. 480, 481 (D.Conn. 1961) (request for all documents "relating to" specific polyester resins was not made with reasonable particularity); *Kurt M. Jachmann Co. v. Marine Office of Am.*, 17 F.R.D. 42, 43-44 (S.D.N.Y. 1955) (request for all documents "relating to" certain enumerated matters was not made with reasonable particularity); *Hare v. Southern Pac. Co.*, 9 F.R.D. 307, 307-08 (N.D.N.Y. 1949) (denying request for production of all reports, investigations, and statements "relating to" the accident upon which action was based). The requirement in Rule 34 makes it clear that the party seeking documents, generally has the burden of determining which kinds of documents might pertain to a stated subject, and requesting

1 those documents with reasonable particularity. Additionally, NRCP 34(b)(1)(A) requires the  
2 request to describe with reasonable particularity each item or category of item to be  
3 inspected. A request for every document that “relates to” a particular subject requires the  
4 responding party to ascertain for itself which documents might “relate”--in any conceivable  
5 way, no matter how tenuous the nexus--to the stated subject. As Justice Jackson stated this  
6 would allow the requesting party “to perform its functions without wits or on wits borrowed  
7 from the adversary.” *Hickman v. Taylor*, 329 U.S. 495, 516, 67 S.Ct. 385, 396, 91 L.Ed.2d  
8 451 (1947)(Jackson, J., concurring, joined by Frankfurter, J.). As also stated in *Hickman*,  
9 this sort of request violates the work product doctrine.

### 10 **3. Langford’s Requests are not Proportional to the Needs of the Case**

11 The discovery sought by Plaintiff is not proportional to the needs of the case. With  
12 the revision of the Nevada Rules of Civil Procedure in 2019, the already existing Federal  
13 “proportionality” standard for discovery was incorporated into the Nevada Rules of Civil  
14 Procedure. Therefore, the Court needs to evaluate: “the needs of the case, considering the  
15 importance of the issues at stake in the action, the amount in controversy, the parties’  
16 relative access to relevant information, the parties’ resources, the importance of the  
17 discovery in resolving the issues, and whether the burden or expense of the proposed  
18 discovery outweighs its likely benefit.” NRCP 26(b)(1). This narrows the scope of  
19 discovery from the previous rules that allowed discovery of information that was “relevant  
20 to the subject matter involved in the pending action.” (See Advisory Committee’s notes to  
21 2019 amendment to Rule 26).

### 22 **4. Request for Production One – Item One**

23 Langford requests “all documents that relate to” three grievances including “any  
24 internal communications via email or handwritten, any notices documented in NOTIS or  
25 any other departmental files” maintained by NDOC.

26 First, Langford served Request for Production on “Defendants” in violation of the  
27 Nevada Rules of Civil Procedure (NRCP) 34(a) that require a party serve pleadings on

28 ///

another party. However, for the sake of judicial economy, Defendants responded in good faith and did not waive any rights or objections in responding.

Second, Defendants produced “Grievances 2006-30-83244, 2006-30-87580, and 2006-30-78531, in their entirety, from Plaintiff’s Grievance file and NOTIS, identified as **Langford 057: Def. Resp. to RFPD [1] -001-042**. No other documents could be located.”

Third, Langford does not state what is missing. See Motion at 18: 19-20.

Thus, Langford’s request violates NRCP 34(a) by serving the Request upon “Defendants.” Langford’s request for “all documents” without constraint is overly broad and unduly burdensome. See *Fisher* at \*2. Additionally, Langford requests an undirected request for all documents and should be stricken as too ambiguous. See *Robbins* at 60. Requesting all documents without a description of reasonable particularity is tantamount to a fishing expedition in the hopes that something will turn up. See NRCP 34(b)(1)(A) and *Westhemeco Ltd.* at 709.

Defendants responded to Langford’s request. Therefore, Langford’s request should be denied.

#### **5. Request for Production One – Item Two and Request for Production Two - Item 4**

Langford requested “any and all video/audio recordings” that are viewed or are heard as it relates to each of the grievances listed above, and a list of anyone who viewed the evidence.

First, Langford served both Request for Productions, One and Two, on “Defendants” in violation of the Nevada Rules of Civil Procedure (NRCP) 34(a) that require a party serve pleadings on another party. However, for the sake of judicial economy, Defendants responded in good faith and did not waive any rights or objections in responding.

Second, Langford’s Request has subparts, which is improper, and Defendants objected as Compound and Conjunctive. See *New Amsterdam Project Management Humanitarian Foundation v. Laughrin*, 2009 WL 102816 (N.D. Cal 2009); *White v. Cinemark USA, Inc.*, 2005 WL 3881658 (E.D. Cal. 2005).

1 Third, Defendants also objected to this request under NRCP 26(b)(1), exceeding the  
2 scope of permissible discovery as Defendants are not required to create a “list.” Defendants  
3 also objected to this request as “unduly vague.”

4 Fourth, Defendants responded that they cannot produce surveillance video as the  
5 system, due to its storage capacity, automatically overwrites periodically unless an  
6 altercation or serious incident warrants the retention of the video, or alternatively if  
7 regulations require maintenance of the video.

8 Further Defendants cannot respond as to the “audio” as the Defendants do not know  
9 what “audio” Langford is requesting as there is no audio associated with any of these  
10 grievances, nor is there a list of anyone who “viewed the evidence.”

11 Fifth, Langford’s request for “any and all video/audio recordings” without constraint  
12 is overly broad and unduly burdensome as there are no temporal boundaries and he does  
13 not describe what audio recordings may be germane. *See Fisher* at \*2. Langford’s request for  
14 an undirected request for all video/audio recordings and the request should be stricken as  
15 too ambiguous. *See Robbins* at 60. Requesting any and all video/audio recordings without a  
16 description of reasonable particularity is tantamount to a fishing expedition in the hopes  
17 that something will turn up. *See NRCP 34(b)(1)(A)* and *Westhemeco Ltd.* at 709. Defendants  
18 responded to Langford’s request. Additionally, Langford’s grievance 2006-30-83244 was  
19 denied at every level. The First Level Response stated that Langford “**apologized for his**  
20 **behavior**” (grinding his teeth) claiming that is how he talks when he is frustrated. *See*  
21 *Exhibit 1* at 4. (emphasis added). Therefore, Langford’s request should be denied.

22 **6. Request for Production Two – Items One, Two, Three, and Four**

23 Langford’s Exhibit 2.2 Defendants’ Response to Plaintiff’s Request for Production of  
24 Documents [Set Two] is not accurate. Pages three through eight of Langford’s Exhibit 2.2  
25 are not part of Set Two. The end of page two reads, “. . . in their entirety, from” and page

26 ///

27 ///

28 ///

1 three begins, “. . .proportional to the needs. . .” NDOC attached the complete Set Two as  
2 Exhibit 2.<sup>2</sup>

3 Langford’s request was improper as it was served on “Defendants” and not served on  
4 any one particular Defendant.

5 For Item One, Langford requested Defendants present all documents that relate to  
6 the following grievance numbers “2006-30-78531”; “2006-30-83244”; “2006-30-87580.”  
7 Notwithstanding this objection and without waiving it, Defendants produced Grievances  
8 200-30-83244, 2006-30-87580, and 2006-30-78531, in their entirety, from Plaintiff’s  
9 grievance file and NOTIS, identified as **LANGFORD 057: Def. Resp. to RFPD [1] – 001-**  
10 **042**. No other documents could be located.

11 This request is overbroad and unduly burdensome as it seeks all documents without  
12 constraint. *See Fisher* at \*2. Additionally, Langford requests an undirected request for all  
13 documents and the request should be stricken as too ambiguous. *See Robbins* at 60.  
14 Requesting any and all video/audio recordings without a description of reasonable  
15 particularity is tantamount to a fishing expedition in the hopes that something will turn up.  
16 *See* NRCP 34(b)(1)(A) and *Westhemeco Ltd.* at 709.

17 For Item Two, Langford requested all the following items (i.e. documents, e-mails,  
18 handwritten statements, etc.) as they relate to grievance number “2006-30-78531”: (1) all  
19 reports made pursuant to AR 740 as to the Report of staff misconduct, (2) any and all  
20 statements made by C/O Smith as it pertains to the above grievance, (3) any internal  
21 document that can help identify staff members, (4) list of names who accessed [sic] said  
22 grievance, (5) proof that the breach of security by C/O Smith was documented, (6) any  
23 statements made by witnesses listed in the above grievance, (7) identity of unit staff for Unit  
24 3A C/O’s for Feb. 12th, 2019, (8) proof of identity of G3 Control Tower Feb. 12th, 2019, (9)  
25 list of Unit 3A staff for Jan. 2020 to current, (10) procedures/protocols in effect for handling  
26 ///

---

27  
28 <sup>2</sup> Langford’s Exhibit 3.2 is also incorrect. The correct Defendants’ Response to Plaintiff’s  
Request for Production is attached as Exhibit 3.

1 perceived threats to staff, (11) list of dates for Plaintiff's 6 month reviews and classification  
2 hearings.

3 This request is overbroad and unduly burdensome as it seeks all documents without  
4 constraint. *See Fisher* at \*2. Langford seeks "all the following items (documents, e-mails,  
5 handwritten statements, etc.)" for eleven separate sub-items. The eleven sub-items add to  
6 the overbroad and unduly burdensome request: all reports, any and all statements, any  
7 internal document, create a list of names, proof, any witness statements, identify unit  
8 staff, proof of identity, create list of Unit 3A staff, identify procedures and protocol, and  
9 create a list of dates.

10 Additionally, Langford requests an undirected request for all items and eleven  
11 separate sub-items and the request should be stricken as too ambiguous. *See Robbins* at 60.  
12 Requesting any and all the following items and eleven sub-items without a description of  
13 reasonable particularity is tantamount to a fishing expedition in the hopes that something  
14 will turn up. *See* NRCP 34(b)(1)(A) and *Westhemeco Ltd.* at 709. Defendants objected to this  
15 request as improper as it was served on "Defendants" and not served on any one particular  
16 Defendant, which is improper. Various Defendants have different documents under their  
17 control and custody and this request fails to identify which Defendant should respond.  
18 Defendants further objected as this request exceeded the scope of permissible discovery as  
19 Defendants are not required to create a "list" in response to a request for the production of  
20 documents. Defendants objected to this request as it is unduly vague and lacks sufficient  
21 information to respond. Defendants objected because the purposes of requests for production  
22 are to obtain documentation not information, and thus Defendants respond only with  
23 documents that may be responsive to this request. Finally, Defendants object because  
24 policies and procedures governing staff responses to threats are confidential and providing  
25 them may result in a threat to the safety and security on the institution. This request is  
26 unduly vague. Defendants do not know who Plaintiff is requesting to identify, or what  
27 document would show this information, therefore, no documents could be located.

28 ///



1           Notwithstanding the above objections and without waiving them, Defendants  
2 provided a response stating: identified as (1) Defendants previously provided a copy of  
3 Grievance 2006-30-78531, along with all documents associated with the grievance.  
4 Defendants do not know what “staff misconduct” is associated with this grievance, therefore,  
5 no documents could be located. (2) No statements made by C/O Smith could be located. (3)  
6 This request [any internal document that can help identify staff members] is unduly vague.  
7 Defendants do not know who Plaintiff is requesting to identify, or what document would  
8 show this information, therefore, no documents could be located. (4) Defendants are not  
9 required to create a “list” in response to a request, however, Defendants previously provided  
10 a copy of Grievance 2006-30-78531, which identifies staff associated with this grievance. (5)  
11 This request is unduly vague. Defendants do not know what “breach of security by C/O  
12 Smith that should be documented, therefore, no documents could be located. (6) No witness  
13 statements could be located associated with Grievance 2006-30-78531; therefore, no  
14 documents can be produced. More importantly witness statements are generally not part of  
15 a grievance review thus it is requesting a document that does not exist. (7) This request is  
16 requesting information and should have been propounded in the form of an Interrogatory.  
17 (8) This request is unduly vague. Defendants do not know what “proof” Plaintiff is  
18 requesting. (9) This request is unduly vague as it does not specify what dates. The report  
19 cannot be run without specific dates; therefore, Defendants cannot respond. (10) Defendants  
20 produce OP 707, “Disciplinary Process,” effective August 13, 2020, identified as LANGFORD  
21 057: Def. Resp. to RFPD [1] – 043-051. (11) There is no list that can be run that would show  
22 this information, and Defendants are not required to create a “list” in response to a request.  
23 Further, this request is unduly vague.

24           Langford does not state what is improper. Langford just wants more.

25           For Item Three, Langford requested, all the following items as they relate to  
26 grievance number “2006-30- 83244”: (1) any and all written statements made by witnesses,  
27 (2) any and all video evidence requested in said grievance to be saved, (3) any and all audio

28 ///

1 evidence requested in said grievance if any, (4) list of names who accessed the above  
2 video/audio evidence, (5) any internal communications related to the above grievance.

3 As above, this request is overbroad and unduly burdensome as it seeks without  
4 constraint. *See Fisher* at \*2. Additionally, Langford requests an undirected request for any  
5 and all written statements, any and all video evidence, any and all audio evidence, any  
6 internal communications and the request should be stricken as too ambiguous. *See Robbins*  
7 at 60. Requesting the above without a description of reasonable particularity is tantamount  
8 to a fishing expedition in the hopes that something will turn up. *See* NRCP 34(b)(1)(A) and  
9 *Westhemeco Ltd.* at 709.

10 The Defendants objected, this request is improper as it was served on “Defendants”  
11 and not served on any one particular Defendant, which is improper. Defendants objected  
12 that this request exceeds the scope of permissible discovery as Defendants are not required  
13 to create a “list” in response to a request for the production of documents. Defendants  
14 objected that this request is requesting confidential information, because pursuant to AR  
15 457.06, all investigations, are confidential and cannot be disseminated. Defendants objected  
16 that this request is unduly vague and lacks sufficient information to respond. Defendants  
17 objected that the purpose of requests for production is to obtain documentation and not  
18 information and thus request (4) is an interrogatory and not a request for production.  
19 Notwithstanding these objections and without waiving them, Defendant responded:

20 (1) all witness statements are confidential pursuant to AR 457.06, and  
21 cannot be produced. (2) This request is unduly vague. Defendants do not  
22 know what “video” Plaintiff is requesting; however, no video could be  
23 located associated with Grievance 2006-30-83244, therefore, cannot be  
24 produced. (3) This request is unduly vague. Defendants do not know what  
25 “audio evidence” Plaintiff is requesting, however, there is no “audio”  
26 associated with Grievance 2006-30-83244, therefore, cannot be produced.  
27 (4) Defendants are not obligated to create a “list” in response to a request,  
28 however, there is no video or audio associated with Grievance 2006-30-  
83244, therefore, there is no list of names to produce. (5) This request is  
unduly vague. Defendants do not know who may or may not have any  
“internal communications” associated with Grievance 2006-30-83244,  
however, Defendants previously provided a copy of Grievance 2006-30-  
83244.

Langford does not show how any of the responses are improper.

1 For Item Four, Langford requested all the following items as they relate to grievance  
2 number “2006-30- 83244”: (1) any and all internal communication, (2) full copy of grievance  
3 on file, (3) who has access to the Law library e-file log for each inmate [sic].

4 This request is overbroad and unduly burdensome as it seeks any and all internal  
5 communications without constraint. *See Fisher* at \*2. Additionally, Langford requests an  
6 undirected request for any and all internal communications and the request should be  
7 stricken as too ambiguous. *See Robbins* at 60. Requesting any and all internal  
8 communications without a description of reasonable particularity is tantamount to a fishing  
9 expedition in the hopes that something will turn up. *See* NRCP 34(b)(1)(A) and *Westhemeco*  
10 *Ltd.* at 709.

11 The Defendants objected to this request for the following reasons. This request was  
12 improper as it was served on “Defendants” and not served on any one particular Defendant,  
13 which is improper. This request exceeds the scope of permissible discovery as Defendants  
14 are not required to create a “list” in response to a request for the production of documents.  
15 This request is unduly vague and lacks sufficient information to respond. Request three is  
16 not an appropriate request for production of documents as it calls for information and not  
17 documentation. Notwithstanding these objections and without waiving them, Defendants  
18 state:

19 As previously stated in response to Request No. 3 (5), This request is unduly  
20 vague. Defendants do not know who may or may not have any “internal  
21 communications” associated with Grievance 2006-30-83244, however,  
22 Defendants previously provided a copy of Grievance 2006-30-83244. (2)  
23 Defendants previously provided Plaintiff with a copy of Grievance 2006-30-  
83244. (3) This request is requesting information and should have been  
propounded in the form of an Interrogatory, however, LCC does not keep a  
“Law Library e-file log for each inmate.”

24 Langford does not show what is missing or how any of these responses are not proper.

#### 25 **7. Request for Production of Documents Set Four – Item One**

26 Langford again requested all documents that related to the following grievance #'s: A)  
27 2006-30-78531 B) 2006-30-83244 C) 2006-30-87580. This is the same request as Request for  
28 Production Two – Item One, as above. NDOC’s reply and objections are stated above.

1           **8. Request for Production of Documents Set Four – Item Two**

2           Langford provided sufficient additional information to identify Correctional Officer  
3 Smith on March 5, 2021. Thus, Defendants did not “produce” the name Robert Smith as  
4 Langford alleges. The response to Set Four is dated March 8, 2021. Defendants filed the  
5 Joinder of Robert Smith on March 17, 2021.

6           Langford alleges a “list of stuff that shows Defendants lied.” Motion at 20: 7. Langford  
7 alleges that Defendants produced Robert Smith’s name and are thereby “blocking”  
8 Langford’s litigation. Motion at 20: 7-16. However, Langford only identified Correctional  
9 Officer Smith on March 5, 2020. See Notice of Identity and Judicial Notice, filed on March 5,  
10 2021.. Thus, Langford produced Correctional Officer Smith’s identity and no “blocking”  
11 occurred.

12           **9. Request for Production Set Four – Item Three**

13           Langford requests all the folling [sic] items: (as they relate to grievance number 2006-  
14 30- 87580) A) Any and all internal communication made in relation to said grievance (i.e. e-  
15 mails, typed/written statements) B) Full copy of said grievance as it is in NDOC records C)  
16 Who has access to the law library e-file log for each inmate.

17           This request is overbroad and unduly burdensome as it seeks any and all internal  
18 communication without constraint. *See Fisher* at \*2. Additionally, Langford requests an  
19 undirected request for any and all internal communication and the request should be  
20 stricken as too ambiguous. *See Robbins* at 60. Requesting any and all internal  
21 communication without a description of reasonable particularity is tantamount to a fishing  
22 expedition in the hopes that something will turn up. *See* NRCP 34(b)(1)(A) and *Westhemeco*  
23 *Ltd.* at 709.

24           Defendants objected to this request for the following reasons:

25           Objection. This request is improper as it was served on “Defendants” and  
26 not served on any particular Defendant, which is improper. Objection. This  
27 discovery request has, in substance, been previously propounded. See  
28 Request No. 1, set 1. Continuous discovery into the same matter constitutes  
oppression, and Defendants further object on that ground. Notwithstanding  
these objections and without waiving them, (A) Defendants do not know  
what Plaintiff is requesting. The only documents that can be produced is

1 Plaintiffs grievance, which was produced in Set 1, No. 1. All documents  
2 associated with this grievance have been produced; (B) Plaintiff's grievance  
3 was produced in Set 1, No. 1; (C) LCC does not keep a "Law Library e-file  
Log for each inmate," and there is no document that lists people who have  
access to e-file, therefore, no document can be produced.

4 Langford failed to show how this response is incorrect or improper.

5 **10. Request for Production Set Four – Item Eight**

6 Complete copy of all Defendants Employee records to include staff misconduct  
7 complaint.

8 The Defendants objected to this request for the following reasons. This request is  
9 improper as it was served on "Defendants" and not served on any particular Defendant,  
10 which is improper. This request calls for confidential and privileged information related to  
11 the employment files of the Defendants. To the extent Plaintiff requests information related  
12 to employment/personnel records, this information is protected by privileges and  
13 confidentiality provided for under the law including but not limited to NDOC  
14 Administrative Regulation 308, Nevada Revised Statute Chapter 284, Nevada  
15 Administrative Code Chapter 284, and the official information privilege under federal law.  
16 This discovery request has, in substance, been previously propounded. See Request No. 6,  
17 set 3. Continuous discovery into the same matter constitutes oppression, and Defendants  
18 further object on that ground. Notwithstanding these objections and without waiving them,  
19 Defendants state: Pursuant to Administrative Regulation 308, Nevada Revised Statute  
20 Chapter 284, Nevada Administrative Code Chapter 284, the documents Plaintiff is  
21 requesting will not be produced. Additionally, Langford's request is not relevant because he  
22 requests employee records that have nothing to do with this case.

23 **D. Sanctions are not Permissible**

24 Langford does not cite to any part of NRCP 37 that would allow sanctions merely  
25 because he wants more discovery. Nor has Langford undertaken any of the safe harbor  
26 provisions that must preface sanction motion practice.

27 ///

28 ///

1           **E.       Motion to Dismiss**

2           **1.       Langford Claims Nevada State Law is Unconstitutional**

3           Langford alleges that Nevada State Law and the United States Code are  
4 Unconstitutional. Langford's argument is that "State laws are unconstitutional, and as for  
5 Federal Law ... [the] United States Code . . . has the same issue [unconstitutional] . . ."  
6 Motion at 2-21:1-2. Langford's paradoxical position is that Nevada law is invalid despite  
7 Langford's attempts to seek relief from a Court that is governed by Nevada Law.

8           Langford's arguments can be summarized as:

9                   **Nevada Law does not exist.**

10                  **This Court's Jurisdiction is established by Nevada Law.<sup>3</sup>**

11                  **Therefore, this Court's Jurisdiction does not exist over Langford's**  
12                  **claims.**

13           Thus, Langford eliminated this Court's Jurisdiction of this case. Therefore, this Court  
14 should dismiss this lawsuit pursuant to NRCp 12(b)(1)(lack of subject matter jurisdiction)  
15 because Langford states that no jurisdiction exists for his claims.

16           Additionally, the Court should subject Langford to forfeiture of his statutory time  
17 credits under NRS 209.451(1)(d).<sup>4</sup> Under NRS 209.451(1)(d), in a civil action is found by the  
18 Court to have presented a written motion which contains a claim, defense or other argument  
19 which is not warranted by existing law. . . the offender forfeits all deductions of time  
20 earned by the offender before the commission of that offense or act, or forfeits such part of  
21 those deductions as the Director considers just. Langford presented this Court his written  
22

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23           <sup>3</sup> Nevada Revised Statute (NRS) 1.010(3) establishes this Court as a Court of Justice in  
24 Nevada. NRS 1.020(3) establishes this Court as a Court of Record. NRS 4.370 gives this Court  
Jurisdiction over cases above \$15,000, as it limits the Justice Court to cases below that amount.

25           <sup>4</sup> NRS 209.451(1)(d) Forfeiture and restoration of credits. If an offender: In a civil action,  
in state or federal court, is found by the court to have presented a pleading, written motion or  
other document in writing to the court which:

26                   (2) Contains a claim, defense or other argument which is not warranted by existing  
27 law or by a reasonable argument for a change in existing law or a change in the  
interpretation of existing law . . . the offender forfeits all deductions of time earned  
28 by the offender before the commission of that offense or act, or forfeits such part of  
those deductions as the Director considers just.

1 Motion, containing a lengthy arguments why Nevada State Law does not exist. Because  
2 Nevada State Law provides Langford with his statutory time credits, this Court should  
3 forfeit Langford's statutory time credits.

4 Thus, this Court should dismiss this case and order his statutory time forfeited.

5 **2. Langford Failed to File the Joint Case Conference Report NRCP 16.1**

6 This Court should dismiss this case under NRCP 16.1(e)(2) for failing to file a Case  
7 Conference Report. NRCP 16.1(e)(2) states, "[i]f the plaintiff does not file a case conference  
8 report within 240 days after service of an answer by a defendant, the court, on motion or on  
9 its own, may dismiss the case as to that defendant ...."<sup>5</sup> (emphasis added). Langford failed to  
10 file a Joint Case Conference Report to date. NDOC filed its Answer on July 31, 2020. The  
11 240-day deadline expired on Monday, March 29, 2021.

12 Thus, the Court should dismiss this case.

13 **III. CONCLUSION**

14 This Court should dismiss this lawsuit because Langford divested this Court of  
15 Jurisdiction as Langford claims all Nevada State Law is Unconstitutional. This Court  
16 should dismiss this lawsuit because Langford failed to file a required Joint Pretrial  
17 Conference Report within the 240-day deadline. Langford cannot cure his failure as the  
18 deadline expired back on March 29, 2021.

19 This Court should deny Langford's Motion as procedurally deficient. NDOC produced  
20 discovery in good faith. NRCP 11 is an extraordinary remedy and is not warranted when  
21 NDOC complied with discovery requests. Langford's request and motion should be denied.

22 **IV. EXHIBITS**

23 1. Grievance 2006-30-83244

24 2. Defendant's Response to Plaintiff's Request for Production of Documents (Set  
25 Two)

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26  
27 <sup>5</sup> NRCP 16.1(e)(2) Failure or Refusal to Participate in Pretrial Discovery; Sanctions states,  
28 "If the plaintiff does not file a case conference report within 240 days after service of an answer by  
a defendant, the court, on motion or on its own, may dismiss the case as to that defendant,  
without prejudice."

1 3. Defendant's Response to Plaintiff's Request for Production of Documents (Set  
2 Three)

3 DATED this 5th day of April, 2021.

4 AARON D. FORD  
5 Attorney General

6 By:



7 LAURA M. GINN, Bar No. 8085  
8 Deputy Attorney General  
9 100 N. Carson Street  
10 Carson City, NV 89701-4717  
11 (775) 684-1120  
12 [lginn@ag.nv.gov](mailto:lginn@ag.nv.gov)

13 *Attorneys for Defendants*



1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of  
3 Nevada, and that on the 5th of April 2021, I caused to be deposited for mailing a true and  
4 correct copy of the foregoing, **(1) OPPOSITION TO MOTION TO COMPEL**  
5 **DISCOVERY BY THE DEFENDANTS AND REQUEST FOR SANCTIONS AND (2)**  
6 **COUNTER-MOTION TO DISMISS FOR (A) FAILURE TO FILE THE JOINT CASE**  
7 **CONFERENCE REPORT AND/OR (B) STATING NEVADA STATE LAW IS**  
8 **UNCONSTITUTIONAL**, to the following:

9 Justin Odell Langford, #1159546  
10 Lovelock Correctional Center  
11 1200 Prison Road  
12 Lovelock, NV 89419

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\_\_\_\_\_  
An employee of the \_\_\_\_\_  
Office of the Attorney General

# EXHIBIT 1

Grievance 2006-30-83244

# EXHIBIT 1



State of Nevada  
Department of Corrections

INMATE GRIEVANCE REPORT

3A/14B

ISSUE ID# 20063083244

ISSUE DATE: 05/16/2019

| INMATE NAME            | NDOC ID | TRANSACTION TYPE | ASSIGNED TO |
|------------------------|---------|------------------|-------------|
| LANGFORD, JUSTIN ODELL | 1159546 | RTRN_L2          | JBORROWMAN  |

| LEVEL | TRANSACTION DATE | DAYS LEFT | FINDING | USER ID | STATUS   |
|-------|------------------|-----------|---------|---------|----------|
| 2     | 10/31/2019       |           | Denied  | PBABB   | INACTIVE |

**INMATE COMPLAINT**

**OFFICIAL RESPONSE**

Inmate states he was called into the caseworker's office on May 14, 2019 to discuss a grievance regarding an Unauthorized Mail Notification that was issued on April 17, 2019. Inmate states he apparently was grinding his teeth and was told to stop on three occasions. Inmate states he was then threatened by Caseworker LeFleur when he stated he would "slam me on the ground" if he did not stop grinding his teeth. Inmate states this was in violation of his rights. He is requesting to have Caseworker LeFleur fired and to have criminal charges filed.

You have been answered appropriately at the previous levels. Your rights were never violated. You were asked to stop your behavior and you continued. You have not factually demonstrated a loss or harm as required by AR740. Furthermore, you have failed to provide the Unauthorized Mail Notification and you have failed to state how the issue was resolved as was stated in the 1st level response. You have failed to substantiate your claim.

Your grievance is denied.

AB 10/31/19

GRIEVANCE RESPONDER

Report Name: NVRIGR  
Reference Name: NOTIS-RPT-OR-0217.4  
Run Date: OCT-31-19 03:10 PM

Page 1 of 6

LANGFORD : Def. Resp. to RFPD [1] - 027

LANGFORD 057: Def. Opp. Exh. 1 - 001  
375

NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME Justin Odell Langford I.D. NUMBER: 1159546  
INSTITUTION: LCC UNIT #: 3A-16B  
GRIEVANCE #: 2006 30 83244 GRIEVANCE LEVEL: 2<sup>nd</sup>  
GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

Time. His "LaFleur" was tempting to put a chilling effect on my 1<sup>st</sup> amendment right. The Behavior stopped due to me not responding anymore, as stated before its how I talk when frustrated I have no controll over it. Also when LaFleur came back the next day I refused until Kerns called a warden or Lt down to the unit because of threats, But Kern ended up standing in unit Bubble window and watching. Like I said before Look at video covering caseworkers office. LaFleur chilled my 1<sup>st</sup> amendment right.

Some Relief

Original:  
Pink:

Attached to Grievance  
Inmate's Copy

RECEIVED

AUG 16 2019

LOVELOCK CORRECTIONAL  
CENTER  
DOC - COMPLAINTS

Log Number \_\_\_\_\_

NEVADA DEPARTMENT OF CORRECTIONS  
FIRST LEVEL GRIEVANCE

NAME Langford Justin Odell I.D. NUMBER 1159546  
INSTITUTION ICC UNIT 3A-1A

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 2006-30-83244, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE Justin Odell Langford DATE 7/20/19

WHY DISAGREE: if you look at the video in the activity room that covers the 3A caseworkers office you'll see that I wasn't leaning forward and my hands were in my lap or that I had been leaning forward and I was doing so the whole time and my hands were in my lap

GRIEVANCE COORDINATOR SIGNATURE [Signature] DATE 7/22/19

FIRST LEVEL RESPONSE: \_\_\_\_\_

\_\_\_\_\_ GRIEVANCE UPHeld \_\_\_\_\_ GRIEVANCE DENIED \_\_\_\_\_ ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE [Signature] TITLE Warden DATE 8-9-19

GRIEVANCE COORDINATOR SIGNATURE [Signature] DATE 8/7/19

\_\_\_\_\_ INMATE AGREES X INMATE DISAGREES

INMATE SIGNATURE Justin Odell Langford DATE 8/13/19

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's initial receipt

RECEIVED

JUL 18 2019  
LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES  
DOC 3033 (12/01)

LANGFORD : Def. Resp. to RFPD [1] - 029

LANGFORD 057: Def. Opp. Exh. 1 - 003



State of Nevada  
Department of Corrections

3A-14

INMATE GRIEVANCE REPORT

ISSUE ID# 20063083244

ISSUE DATE: 05/16/2019

| INMATE NAME            |                  | NDOC ID   | TRANSACTION TYPE | ASSIGNED TO |        |
|------------------------|------------------|-----------|------------------|-------------|--------|
| LANGFORD, JUSTIN ODELL |                  | 1159546   | RTRN_L1          | RBAKER      |        |
| LEVEL                  | TRANSACTION DATE | DAYS LEFT | FINDING          | USER ID     | STATUS |
| 1                      | 08/06/2019       | 4         | Denied           | KHOSTMAN    | A      |

INMATE COMPLAINT

OFFICIAL RESPONSE

In review of this grievance you claimed to have been threatened by CCS 2 LaFleur and in doing so he violated your rights by committing an act of cruel and unusual punishment, equal protection of the law, freedom of speech and violated AR 339 as well. You claim CCS 2 LaFleur "threatened to slam me on the ground" after being told three times to stop grinding your teeth. Your remedy for this is to have criminal charges filed against CCS 2 LaFleur. I have reviewed the written statements by all three staff members who were present during this interaction in the unit 3A Case Workers Office on 5/14/19 regarding your Unauthorized Mail Notification. It was reported that CCS 2 LaFleur was discussing a resolution with you regarding your Unauthorized Mail Notification. During this interaction you were responding in a manner which was perceived as an act of hostility because you were posturing forward in your chair while grinding your teeth together. Although you were asked several times to stop this behavior it continued, only when CCS 2 LaFleur give you the option to either stop the behavior or be placed onto the ground did you stop. You then apologized for your behavior claiming that's just how you talk when you are frustrated. You were seen the next day by CCS 2 LaFleur and upon further discussion were able to resolve the unauthorized mail issue. I can not find where any of your rights as you have claimed were violated nor how CCS 2 LaFleur was in violation of AR 339. You have not factually demonstrated a loss or harm as required by AR 740.

Grievance denied.

  
GRIEVANCE RESPONDER

Report Name: NVRIGR  
Reference Name: NOTIS-RPT-OR-0217.4  
Run Date: AUG-06-19 03:59 PM

Page 1 of 1

LANGFORD : Def. Resp. to RFPD [1] - 030

LANGFORD 057: Def. Opp. Exh. 1 - 004  
378

NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Justin Langford ID. NUMBER: 1159546  
INSTITUTION: LCC UNIT #: 3A-1B  
GRIEVANCE #: \_\_\_\_\_ GRIEVANCE LEVEL: 1<sup>st</sup>

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

and either way if there was a % present and he never said a thing and if there was a threat safety to freestaff the CB is required to stop in freestaff / caseworker can't put hands on an Inmate. harm is an attempt to chill my first amendment right to freedom of speech. It in fact I was grinding my teeth I apparently had no control over it

Some Relief Requested

Original: \_\_\_\_\_  
Pink: \_\_\_\_\_  
Attached to Grievance  
Inmate's Copy

RECEIVED

JUL 18 2019

LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES  
DOC - 3097 (01/02)

LANGFORD : Def. Resp. to RFPD [1] - 031

LANGFORD 057: Def. Opp. Exh. 1 - 005  
379



# STAFF Misconduct Complaint: Threat of Physical Harm to inmate

Log Number

2003-30-03044

## NEVADA DEPARTMENT OF CORRECTIONS INFORMAL GRIEVANCE

NAME: Justin Odell Langford I.D. NUMBER: 1159546

INSTITUTION: LCC UNIT: 3A-1A

GRIEVANT'S STATEMENT: Today 5/17/19 between 8am & 9am I was called into Caseworker Potter's office by Potter & Case Worker LeFleur to handle a grievance challenging my unauthorized Mail Notification issued on 4/17/19. Mr. LeFleur was trying to settle the issue, but during this timeframe while I was talking

### SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 5/14/19 TIME: 8:55 AM

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 5/14/19 TIME: 8:30 AM

GRIEVANCE RESPONSE: See attached

CASEWORKER SIGNATURE: [Signature] DATE: 6/18/19

☐ GRIEVANCE UPHELD ☒ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: [Signature] DATE: 7/11/19

☐ INMATE AGREES ☒ INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 7/17/19

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance  
Canary: To Grievance Coordinator  
Pink: Inmate's receipt when formal grievance filed  
Gold: Inmate's initial receipt

RECEIVED

MAY 16 2019

LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES

DOC 3091 (12 / 01)

LANGFORD : Def. Resp. to RFPD [1] - 032

LANGFORD 057: Def. Opp. Exh. 1 - 006  
380





State of Nevada  
Department of Corrections

3A-1

INMATE GRIEVANCE REPORT

ISSUE ID# 20063083244

ISSUE DATE: 05/16/2019

| INMATE NAME            |                  | NDOC ID   | TRANSACTION TYPE | ASSIGNED TO |        |
|------------------------|------------------|-----------|------------------|-------------|--------|
| LANGFORD, JUSTIN ODELL |                  | 1159546   | RTRN_INF         | DBAZE       |        |
| LEVEL                  | TRANSACTION DATE | DAYS LEFT | FINDING          | USER ID     | STATUS |
| IF                     | 07/11/2019       | 5         | Denied           | KHOSTMAN    | A      |

INMATE COMPLAINT

OFFICIAL RESPONSE

In review of this grievance you claimed to have been threatened by CCS 2 LaFleur and in doing so he violated your rights by committing an act of cruel and unusual punishment, equal protection of the law, freedom of speech and violated AR 339 as well. You claim CCS 2 LaFleur "threatened to slam me on the ground" after being told three times to stop grinding your teeth. Your remedy for this is to have criminal charges filed against CCS 2 LaFleur. I have reviewed the written statements by all three staff members who were present during this interaction in the unit 3A Case Workers Office on 5/14/19 regarding your Unauthorized Mail Notification. It was reported that CCS 2 LaFleur was discussing a resolution with you regarding your Unauthorized Mail Notification. During this interaction you were responding in a manner which was perceived as an act of hostility because you were posturing forward in your chair while grinding your teeth together. Although you were asked several times to stop this behavior it continued, only when CCS 2 LaFleur gave you the option to either stop the behavior or be placed onto the ground did you stop. You then apologized for your behavior claiming that's just how you talk when you are frustrated. You were seen the next day by CCS 2 LaFleur and upon further discussion were able to resolve the unauthorized mail issue. I can not find where any of your rights as you have claimed were violated nor how CCS 2 LaFleur was in violation of AR 339. You have not factually demonstrated a loss or harm as required by AR 740.

Grievance denied.

GRIEVANCE RESPONDER

Report Name: NVRIGR  
Reference Name: NOTIS-RPT-OR-0217.4  
Run Date: JUL-11-19 11:13 AM

Page 1 of 1

LANGFORD : Def. Resp. to RFPD [1] - 033

LANGFORD 057: Def. Opp. Exh. 1 - 007  
381

NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Justin Odehl Langford I.D. NUMBER: 1159546  
INSTITUTION: LCC UNIT #: 3A  
GRIEVANCE #: 1 GRIEVANCE LEVEL: IF  
GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

I was apparently grinding my teeth and was told to stop doing it on three occasions, the third time I did it Mr. Lefleur threatened to slam me on the ground. Not only is this a violation of cruel and unusual punishment (VIII), Equal protection of the law (XIV) but also a form of violating my Freedom Speech (I) by telling me how I can talk. this also falls under AR 339.07(12)(A); AR 339.01(5); AR 339.07(18)(C) AR 339.07(18)(F) - Hold ALL VIDEO & AUDIO of Unit 3A Caseworkers office for evidence. cloths was also present Relief  
firing of Caseworker Lefleur  
Criminal Charges filed

Original: Attached to Grievance  
Pink: Inmate's Copy

RECEIVED

MAY 16 2019

LOVELOCK CORRECTIONAL  
CENTER  
GRIEVANCES

DOC - 3097 (01/02)

LANGFORD : Def. Resp. to RFPD [1] - 034

LANGFORD 057: Def. Opp. Exh. 1 - 008  
382

# EXHIBIT 2

Defendant's Response to  
Plaintiff's Request for  
Production of Documents  
(Set Two)

# EXHIBIT 2

1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

8 **IN AND FOR THE COUNTY OF PERSHING**

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

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

Defendants.

**DEFENDANTS' RESPONSE TO  
PLAINTIFF'S REQUEST FOR  
PRODUCTION OF DOCUMENTS  
[SET TWO]**

15 Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta,  
16 Carter Potter, by and through counsel, Aaron D. Ford, Attorney General of the State of  
17 Nevada, and Andrea M. Dominguez, Deputy Attorney General, hereby responds to  
18 Plaintiff's Request for Production of Documents, set two, as follows:

19 **I. RESERVATION OF RIGHTS**

20 1. Defendant is bound to comply with statutes, regulations, and protocols  
21 governing the dissemination of confidential and privileged information. In preparing  
22 these responses, Defendant might not yet have discovered all bases to assert objections  
23 based on confidentiality and privilege. Accordingly, Defendant reserves the right to  
24 assert objections based on confidentiality and privilege if and when their applicability to  
25 the discovery request is realized.

26 2. Defendant has not completed his/her investigation of the facts, his/her  
27 discovery, or his/her preparation for trial in this case. All responses to Plaintiff's First  
28 Request for Production of Documents are based solely upon such information and

1 documentation presently available to and known by Defendant. With respect to any  
2 responses that assert a lack of knowledge or information as a reason for failing to  
3 substantively respond, a reasonable inquiry has been made and the information known to  
4 responding Defendant is based on the information known to him or readily obtainable.  
5 These responses are hereby given with the understanding that Defendant reserves the right  
6 to revise or amend them as facts or documents become subsequently known. It is  
7 anticipated that further discovery, investigation, research, and analysis will supply  
8 additional facts and documents, in addition to known facts and documents, as well as may  
9 establish entirely new factual conclusions and legal contentions, all of which may lead to  
10 additions to, changes in, or variations from, the responses below set forth.

11 3. The fact that Defendant has objected or responded to any production request  
12 shall not be deemed an admission that Defendant accepts or admits the existence of any  
13 facts set-forth or assumed by the production request.

14 4. Defendant reserves the right to object to the admissibility of the information  
15 called for in these production requests either prior to or during trial.

16 5. Defendant's responses to part or all of any production request is not intended  
17 to and shall not be construed to be a waiver by this Defendant of any part of any objection  
18 to any production request.

19 **II. RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**  
20 **REQUEST NO. 1:**

21 The Plaintiff respectfully ask that the Defendants present all documents that  
22 relate to the following grievance #'s "2006-30-78531"; "2006-30-83244"; "2006-30-87580"

23 **RESPONSE TO REQUEST NO. 1:**

24 Objection. This request is improper as it was served on "Defendants" and not  
25 served on any one particular Defendant.

26 Notwithstanding this objection and without waiving it, Defendants produced  
27 Grievances 200-30-83244, 2006-30-87580, and 2006-30-78531, in their entirety, from

28 ///

1 Plaintiff's grievance file and NOTIS, identified as LANGFORD 057: Def. Resp. to RFPD  
2 [1] – 001-042. No other documents could be located.

3 **REQUEST NO. 2:**

4 Please send all the following items (i.e. documents, e-mails, handwritten  
5 statements, etc.) as they relate to grievance number “2006-30-78531”: (1) all reports made  
6 pursuant to AR 740 as to the Report of staff misconduct, (2) any and all statements made  
7 by C/O Smith as it pertains to the above grievance, (3) any internal document that can  
8 help identify staff members, (4) list of names who accessed [sic] said grievance, (5) proof  
9 that the breach of security by C/O Smith was documented, (6) any statements made by  
10 witnesses listed in the above grievance, (7) identity of unit staff for Unit 3A C/O's for Feb.  
11 12<sup>th</sup>, 2019, (8) proof of identity of G3 Control Tower Feb. 12<sup>th</sup>, 2019, (9) list of Unit 3A  
12 staff for Jan. 2020 to current, (10) procedures/protocols in effect for handling perceived  
13 threats to staff, (11) list of dates for Plaintiff's 6 month reviews and classification  
14 hearings

15 **RESPONSE TO REQUEST NO. 2:**

16 Objection. This request is improper as it was served on “Defendants” and not  
17 served on any one particular Defendant, which is improper. Various Defendants have  
18 different documents under their control and custody and this request fails to identify  
19 which Defendant should respond. Objection. This request exceeds the scope of  
20 permissible discovery as Defendants are not required to create a “list” in response to a  
21 request for the production of documents. Objection. This request is unduly vague and  
22 lacks sufficient information to respond. Objection. The purposes of requests for  
23 production are to obtain documentation not information thus Defendants respond only  
24 with documents that may be responsive to this request. Objection. Policies and  
25 procedures governing staff responses to threats are confidential and providing them may  
26 result in a threat to the safety and security on the institution.

27 Notwithstanding these objections and without waiving them, Defendants state:  
28 identified as (1) Defendants previously provided a copy of Grievance 2006-30-78531, along

1 with all documents associated with the grievance. Defendants do not know what “staff  
2 misconduct” is associated with this grievance, therefore, no documents could be located.  
3 (2) No statements made by C/O Smith could be located. (3) This request is unduly vague.  
4 Defendants do not know who Plaintiff is requesting to identify, or what document would  
5 show this information, therefore, no documents could be located. (4) Defendants are not  
6 required to create a “list” in response to a request, however, Defendants previously  
7 provided a copy of Grievance 2006-30-78531, which identifies staff associated with this  
8 grievance. (5) This request is unduly vague. Defendants do not know what “breach of  
9 security by C/O Smith that should be documented, therefore, no documents could be  
10 located. (6) No witness statements could be located associated with Grievance 2006-30-  
11 78531; therefore, no documents can be produced. (7) This request is requesting  
12 information and should have been propounded in the form of an Interrogatory.(8) This  
13 request is unduly vague. Defendants do not know what “proof” Plaintiff is requesting. (9)  
14 This request is unduly vague as it does not specify what dates. The report cannot be run  
15 without specific dates; therefore, Defendants cannot respond. (10) Defendants produce  
16 OP 707, “Disciplinary Process,” effective August 13, 2020, identified as **LANGFORD 057:**  
17 **Def. Resp. to RFPD [1] – 043-051.** (11) There is no list that can be run that would show  
18 this information, and Defendants are not required to create a “list” in response to a  
19 request. Further, this request is unduly vague.

20 **REQUEST NO. 3:**

21 Please send all the following items as they relate to grievance number “2006-30-  
22 83244”: (1) any and all written statements made by witnesses, (2) any and all video  
23 evidence requested in said grievance to be saved, (3) any and all audio evidence requested  
24 in said grievance if any, (4) list of names who accessed the above video/audio evidence, (5)  
25 any internal communications related to the above grievance.

26 **RESPONSE TO REQUEST NO. 3:**

27 Objection. This request is improper as it was served on “Defendants” and not  
28 served on any one particular Defendant, which is improper. Objection. This request

1 exceeds the scope of permissible discovery as Defendants are not required to create a “list”  
2 in response to a request for the production of documents. Objection. This request is  
3 requesting confidential information. Pursuant to AR 457.06, all investigations, are  
4 confidential and cannot be disseminated. Objection. This request is unduly vague and  
5 lacks sufficient information to respond. Objection. The purpose of requests for production  
6 is to obtain documentation and not information thus request (4) is an interrogatory and  
7 not a request for production.

8 Notwithstanding these objections and without waiving them, Defendant states: (1)  
9 all witness statements are confidential pursuant to AR 457.06, and cannot be produced.  
10 (2) This request is unduly vague. Defendants do not know what “video” Plaintiff is  
11 requesting; however, no video could be located associated with Grievance 2006-30-83244,  
12 therefore, cannot be produced. (3) This request is unduly vague. Defendants do not know  
13 what “audio evidence” Plaintiff is requesting, however, there is no “audio” associated with  
14 Grievance 2006-30-83244, therefore, cannot be produced. (4) Defendants are not obligated  
15 to create a “list” in response to a request, however, there is no video or audio associated  
16 with Grievance 2006-30-83244, therefore, there is no list of names to produce. (5) This  
17 request is unduly vague. Defendants do not know who may or may not have any “internal  
18 communications” associated with Grievance 2006-30-83244, however, Defendants  
19 previously provided a copy of Grievance 2006-30-83244.

20 **REQUEST NO. 4:**

21 Please send all the following items as they relate to grievance number “2006-30-  
22 83244”: (1) any and all internal communication, (2) full copy of grievance on file, (3) who  
23 has access to the Law library e-file log for each imate [sic],

24 **RESPONSE TO REQUEST NO. 4:**

25 Objection. This request is improper as it was served on “Defendants” and not  
26 served on any one particular Defendant, which is improper. Objection. This request  
27 exceeds the scope of permissible discovery as Defendants are not required to create a “list”  
28 in response to a request for the production of documents. Objection. This request is



1 unduly vague and lacks sufficient information to respond. Request three is not an  
2 appropriate request for production of documents as it calls for information and not  
3 documentation.

4       Notwithstanding these objections and without waiving them, Defendants state: (1)  
5 As previously stated in response to Request No. 3 (5), This request is unduly vague.  
6 Defendants do not know who may or may not have any “internal communications”  
7 associated with Grievance 2006-30-83244, however, Defendants previously provided a  
8 copy of Grievance 2006-30-83244. (2) Defendants previously provided Plaintiff with a  
9 copy of Grievance 2006-30-83244. (3) This request is requesting information and should  
10 have been propounded in the form of an Interrogatory, however, LCC does not keep a  
11 “Law Library e-file log for each inmate.”

12 **REQUEST NO. 5:**

13       Please send full copy of all three grievances as I’ve just realized that I no longer  
14 have copies of them, as my cell has been searched numerous times since I’ve filed this  
15 lawsuit.

16 **RESPONSE TO REQUEST NO. 5:**

17       Objection. This request is improper as it was served on “Defendants” and not  
18 served on any one particular Defendant, which is improper. Objection. This request  
19 exceeds the scope of permissible discovery as Defendants are not required to create a “list”  
20 in response to a request for the production of documents.

21       Notwithstanding this objection and without waiving it, Defendants produced  
22 Grievances 200-30-83244, 2006-30-87580, and 2006-30-78531, in their entirety, from

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 Plaintiff's grievance file and NOTIS, identified as LANGFORD 057: Def. Resp. to RFPD  
2 [1] – 001-042.

3 DATED this 21st day of January, 2021.

4 AARON D. FORD  
5 Attorney General

6 By: /s/ Andrea M. Dominguez  
7 ANDREA M. DOMINGUEZ, Bar No. 15209  
8 Deputy Attorney General  
9 100 N. Carson Street  
10 Carson City, NV 89701-4717  
11 (775) 684-1163  
12 adominguez@ag.nv.gov

13 *Attorneys for Defendant*  
14  
15  
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of  
3 Nevada, and that on the 21st of January 2021, I caused to be deposited for mailing a true  
4 and correct copy of the foregoing, **DEFENDANTS' RESPONSE TO PLAINTIFF'S**  
5 **REQUEST FOR PRODUCTION OF DOCUMENTS [SET TWO]**, to the following:

6 Justin Odell Langford, #1159546  
7 Lovelock Correctional Center  
8 1200 Prison Road  
9 Lovelock, NV 89419

10  
11 

12 An employee of the  
13 Office of the Attorney General  
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# EXHIBIT 3

Defendant's Response to  
Plaintiff's Request for  
Production of Documents  
(Set Three)

# EXHIBIT 3

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.

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

Defendants.

**DEFENDANTS' RESPONSE TO  
PLAINTIFF'S REQUEST FOR  
PRODUCTION OF DOCUMENTS  
[SET THREE]**

Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta, Carter Potter, Renee Baker, State of Nevada ex. Rel., and the Nevada Department of Corrections, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Laura M. Ginn, Deputy Attorney General, hereby responds to Plaintiff's Request for Production of Documents, set three, as follows:

**I. RESERVATION OF RIGHTS**

1. Defendant is bound to comply with statutes, regulations, and protocols governing the dissemination of confidential and privileged information. In preparing these responses, Defendant might not yet have discovered all bases to assert objections based on confidentiality and privilege. Accordingly, Defendant reserves the right to assert objections based on confidentiality and privilege if and when their applicability to the discovery request is realized.

2. Defendant has not completed his/her investigation of the facts, his/her discovery, or his/her preparation for trial in this case. All responses to Plaintiff's First

1 Request for Production of Documents are based solely upon such information and  
2 documentation presently available to and known by Defendant. With respect to any  
3 responses that assert a lack of knowledge or information as a reason for failing to  
4 substantively respond, a reasonable inquiry has been made and the information known to  
5 responding Defendant is based on the information known to him or readily obtainable.  
6 These responses are hereby given with the understanding that Defendant reserves the right  
7 to revise or amend them as facts or documents become subsequently known. It is  
8 anticipated that further discovery, investigation, research, and analysis will supply  
9 additional facts and documents, in addition to known facts and documents, as well as may  
10 establish entirely new factual conclusions and legal contentions, all of which may lead to  
11 additions to, changes in, or variations from, the responses below set forth.

12 3. The fact that Defendant has objected or responded to any production request  
13 shall not be deemed an admission that Defendant accepts or admits the existence of any  
14 facts set-forth or assumed by the production request.

15 4. Defendant reserves the right to object to the admissibility of the information  
16 called for in these production requests either prior to or during trial.

17 5. Defendant's responses to part or all of any production request is not intended  
18 to and shall not be construed to be a waiver by this Defendant of any part of any objection  
19 to any production request.

## 20 **II. RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**

### 21 **REQUEST NO. 1:**

22 Plaintiff's complete prison records (i.e. I-File, disciplinary, and any other record  
23 maintained about Plaintiff).

### 24 **RESPONSE TO REQUEST NO. 1:**

25 Objection. This request is improper as it was served on "Defendants" and not  
26 served on any particular Defendant. Objection. This request, as written, is ambiguous as  
27 "complete prison records" is subject to multiple interpretations, and Defendants are  
28 unclear as to what documents Plaintiff is requesting. Objection. This request is not

1 proportional to the needs of the case as Plaintiff is requesting his “complete prison  
2 records” and “any other record maintained about Plaintiff.” Plaintiff’s allegations stem  
3 from events that took place in 2019, therefore, Plaintiff’s “complete prison records” are not  
4 proportional to the needs of the case. Objection. Pursuant to Administrative Regulation  
5 (“AR”) 568.01, Plaintiff has access to his I-File and therefore could request to review and  
6 obtain copies of the documents through a proper written request.

7 Notwithstanding these objections and without waiving them, Defendants produce  
8 Plaintiff’s disciplinary records from his Institutional File (“I-File”), his Disciplinary  
9 History Report from NOTIS, and his Offender Information Summary from NOTIS,  
10 identified as **LANGFORD 057: Def. Resp. to RFPD [3] – 052-089.**

11 **REQUEST NO. 2:**

12 All written statements/typed statements prepared for grievance #’s 20063078531;  
13 20063083244

14 **RESPONSE TO REQUEST NO. 2:**

15 Objection. This request is improper as it was served on “Defendants” and not  
16 served on any particular Defendant, which is improper. Objection. This discovery  
17 request has, in substance, been previously propounded. See Request No. 1, set 1.  
18 Continuous discovery into the same matter constitutes oppression, and Defendants  
19 further object on that ground.

20 Notwithstanding these objections and without waiving them, Defendants state: As  
21 previously stated, Defendants provided a copy of Grievance Nos. 2006-30-78531 and 2006-  
22 30-83244, along with all documents associated with the grievance, identified as  
23 **LANGFORD 057: Def. Resp. to RFPD [1] – 001-042.**

24 **REQUEST NO. 3:**

25 LCC movement logs for G3 control tower for Feb. 12<sup>th</sup>, 2019.

26 **RESPONSE TO REQUEST NO. 3:**

27 Objection. This request is improper as it was served on “Defendants” and not  
28 served on any particular Defendant, which is improper.

1 Notwithstanding these objections and without waiving them, Defendants state: No  
2 such log exists; therefore, no documents can be produced.

3 **REQUEST NO. 4:**

4 All video evidence for grievance #20063083244 as it was requested to be held in the  
5 grievance!

6 **RESPONSE TO REQUEST NO. 4:**

7 Objection. This request is improper as it was served on “Defendants” and not  
8 served on any particular Defendant, which is improper.

9 Notwithstanding this objection and without waiving it, Defendants state: No video  
10 exists; therefore, no video can be produced. The institution retains video as it deems it is  
11 necessary, not because an inmate requests it.

12 **REQUEST NO. 5:**

13 Any and all rules, regulations, and policies of the Nevada Department of  
14 Corrections that are relevant to any and all aspects of this case!

15 **RESPONSE TO REQUEST NO. 5:**

16 Objection. This request is improper as it was served on “Defendants” and not  
17 served on any particular Defendant, which is improper. Objection. This request, as  
18 written, is ambiguous as “all rules, regulations and policies” “that are relevant” is subject  
19 to multiple interpretations.

20 Notwithstanding these objections and without waiving them, Defendants produced  
21 AR 457, “Investigations,” effective October 15, 2013, AR 503, “Conduct of Objection  
22 Classification,” effective May 19, 2015, AR 506, “Reclassification Schedule,” effective May  
23 19, 2015, AR 507, “Administrative Segregation,” effective May 20, 2010, and AR 509,  
24 “Protective Segregation,” effective October 15, 2013, which may be relevant, identified as

25 **LANGFORD 057: Def. Resp. to RFPD [3] – 090-122.**

26 **REQUEST NO. 6:**

27 The personel [sic] records of all the Defendants in this matter (i.e. disciplinary;  
28 misconduct complaints)!



1 **RESPONSE TO REQUEST NO. 6:**

2       Objection. This request is improper as it was served on “Defendants” and not  
3 served on any particular Defendant, which is improper. Objection. This request calls for  
4 confidential and privileged information related to the employment files of the Defendants.  
5 To the extent Plaintiff requests information related to employment/personnel records, this  
6 information is protected by privileges and confidentiality provided for under the law  
7 including but not limited to NDOC Administrative Regulation 308, Nevada Revised  
8 Statute Chapter 284, Nevada Administrative Code Chapter 284, and the official  
9 information privilege under federal law.

10       Notwithstanding these objections and without waiving them, Defendants state:  
11 Pursuant to Administrative Regulation 308, Nevada Revised Statute Chapter 284,  
12 Nevada Administrative Code Chapter 284, the documents Plaintiff is requesting will not  
13 be produced.

14 **REQUEST NO. 7:**

15       Full names of the following C/O's:

16       A.) Sgt. Gentry

17       B.) Sgt. Phono

18       C.) SC/O O'Dea

19       D.) Kerns

20 **RESPONSE TO REQUEST NO. 7:**

21       Objection. This request is improper as it was served on “Defendants” and not  
22 served on any particular Defendant, which is improper. Objection. This request is  
23 improper as it is requesting the information and requires a response instead of the  
24 production of documents and should have been propounded in the form of an  
25 Interrogatory.

26       Notwithstanding these objections and without waiving them, Defendants will  
27 respond to this request as Interrogatory and responses as follows:

28       A) Starlin Gentry

1 B) After a search, no “Sgt. Phono” could be located

2 C) Jason O’Dea

3 D) Travis Kerns

4 **REQUEST NO. 8:**

5 What prison Sgt. Phono was moved/transferred to!

6 **RESPONSE TO REQUEST NO. 8:**

7 Objection. This request is improper as it was served on “Defendants” and not  
8 served on any particular Defendant, which is improper. Objection. This request is  
9 improper as it is requesting the information and requires a response instead of the  
10 production of documents and should have been propounded in the form of an  
11 Interrogatory.

12 Notwithstanding these objections and without waiving them, Defendants will  
13 respond to this request as Interrogatory. As stated, no “Sgt. Phono” could be located.

14 **REQUEST NO. 9:**

15 The newest and most relevant copy of AR 339 as Defendant C. Potter and LCC  
16 staff are claiming it is unavailable!

17 **RESPONSE TO REQUEST NO. 9:**

18 Objection. This request is improper as it was served on “Defendants” and not  
19 served on any particular Defendant, which is improper.

20 Notwithstanding this objection and without waiving it, Defendants produce AR  
21 339, “Employee Code of Ethics and Conduct, Corrective or Disciplinary Action, and  
22 Prohibitions and Penalties,” effective August 30, 2017, which is the last version, however  
23 AR 339 became obsolete as of June 21, 2019, identified as **LANGFORD 057: Def. Resp.**  
24 **to RFPD [3] – 123-147.**

25 **REQUEST NO. 10:**

26 Anything that shows how often or the percentage of grievance’s granted out of  
27 whats [sic] filed by inmates!

28 ///

1 **RESPONSE TO REQUEST NO. 10:**

2       Objection. This request is improper as it was served on “Defendants” and not  
3 served on any particular Defendant, which is improper. Objection. This request, as  
4 written, is ambiguous as “anything that show” is subject to multiple interpretations.

5       Notwithstanding these objections and without waiving them, Defendants states:  
6 There is no such report that would provide the requested information; therefore, no report  
7 can be produced.

8       DATED this 18th day of February, 2021.

9                                   AARON D. FORD  
10                                  Attorney General

11       By:

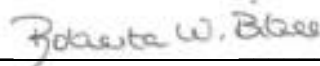
  
\_\_\_\_\_  
LAURA M. GINN, Bar No. 8085  
Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717  
(775) 684-1120  
[lginn@ag.nv.gov](mailto:lginn@ag.nv.gov)

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15                                  Attorneys for Defendant  
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of  
3 Nevada, and that on the 18th of February 2021, I caused to be deposited for mailing a  
4 true and correct copy of the foregoing, **DEFENDANTS' RESPONSE TO PLAINTIFF'S**  
5 **REQUEST FOR PRODUCTION OF DOCUMENTS [SET THREE]**, to the following:

6 Justin Odell Langford, #1159546  
7 Lovelock Correctional Center  
8 1200 Prison Road  
9 Lovelock, NV 89419

10   
11 \_\_\_\_\_  
12 An employee of the  
13 Office of the Attorney General  
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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.

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

Defendants.

**MOTION TO ENLARGE DISPOSITIVE  
MOTION DEADLINE  
[FIRST REQUEST TO ENLARGE  
DISPOSITIVE MOTION DEADLINE]**

Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta, Carter Potter, Renee Baker, State of Nevada ex. Rel., the Nevada Department of Corrections (NDOC), and Robert Smith, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Laura M. Ginn, Deputy Attorney General, hereby move this Court for an Order extending time to file dispositive motions in this matter. This Motion is made and based upon the attached Points and Authorities, the papers on file herein, and such other and further information as this Court may deem proper.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. RELEVANT FACTS AND PROCEDURAL HISTORY**

Langford is an inmate in the lawful custody of the NDOC housed in Lovelock Correctional Center (LCC). Langford filed a Civil Rights Complaint pursuant to 42 U.S.C. §1983 on March 17, 2020. Langford filed a First Amended Complaint then the Court granted Langford's request to withdraw the First Amended Complaint. Langford's Complaint was refiled on June 26, 2020. NDOC Answered on July 31, 2020. NDOC filed a

1 Joinder of Renee Baker on October 1, 2020 and a Joinder of Robert Smith on March 17,  
2 2021.

3 Langford filed a Motion to Compel Discovery by the Defendants and Request for  
4 Sanctions (Motion) on March 22, 2021. NDOC filed an Opposition to the Motion to Compel  
5 Discovery and for Sanctions and Counter-Motion to Dismiss for Failure to File the Joint  
6 Case Conference Report and/or for Stating that Nevada State Law is Unconstitutional on  
7 April 5, 2021 (Opposition and Counter-Motion). Due to the complexities of the matters,  
8 NDOC requested oral arguments for this matter.

## 9 **II. LEGAL STANDARD AND ARGUMENT**

10 Nevada Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as  
11 follows:

### 12 **(b) Extending Time.**

13 **(1) In General.** When an act may or must be done within a specified  
14 time:

15 (A) the parties may obtain an extension of time by stipulation if  
16 approved by the court, provided that the stipulation is submitted to the court  
17 before the original time or its extension expires; or

18 (B) the court may, for good cause, extend the time:

19 (i) with or without motion or notice if the court acts, or if a request  
20 is made, before the original time or its extension expires;

21 The First Judicial District Court Local Rule (DCR) 3.17 governs extensions of  
22 time and provides as follows:

23 (a) *Time for filing.* Motions or stipulations to extend a deadline must  
24 be filed as soon as possible and before the expiration of the subject  
25 deadline.

26 (b) *Title to indicate number of request.* Every motion or stipulation for  
27 an extension of time will, immediately below the title of such motion or  
28 stipulation, include a statement indicating whether it is the first,  
second, etc., requested extension, i.e., "First Request for Extension."

(c) *Content.* An affidavit or declaration in support of a motion or  
stipulation to extend a deadline will: (1) Identify the requester; (2)  
Identify the statute, rule, or order that established the deadline and the  
date of the deadline; (3) State the factual basis for the request; (4) State  
what work has been completed to meet the deadline and why the  
deadline cannot be met; (5) Inform the court of all previous requests for  
extensions, and for each request: (A) Identify the party making the  
request; (B) State the factual basis supporting the request; and (C)

State whether the request was granted; (6) Propose a new deadline and a schedule to meet the new deadline; and (7) Certify that the moving party has made a good faith effort to communicate with all parties regarding the requested extension and the results of those efforts.

(d) *No effect on other dates.* An order extending a deadline does not affect any established trial date, hearing date, or other deadline except as specifically provided in the order extending the deadline.

Dispositive Motions are due on March 8, 2021, per a December 9, 2020 Non-Opposition to Plaintiff's request for an extension on all discovery deadlines. Per DCR 3.17(c)(5) the following previous requests for extension have been made:

| DATE              | PARTY    | MOTION   |
|-------------------|----------|--|
| November 13, 2020 | NDOC     | Motion of Extension of Time to Respond to Outstanding Discovery                |
| December 9, 2020  | Langford | Request for Extension of All Discovery   |
| December 9, 2020  | NDOC     | Non-Opposition to Plaintiff's Request for Extension of All Discovery Deadlines |
| December 16, 2020 | NDOC     | Motion for Extension of Time to Respond to Outstanding Discovery               |
| December 23, 2020 | NDOC     | Motion for Extension of Time to Respond to Outstanding Discovery               |
| February 18, 2021 | Langford | Second Request for Extension of Discovery Deadlines                            |
| February 24, 2021 | NDOC     | Motion for Extension of Time to Respond to Outstanding Discovery               |
| March 2, 2021     | NDOC     | Motion for Extension of Time to Respond to Outstanding Discovery               |
| March 3, 2021     | NDOC     | Opposition to Plaintiff's Second Request to Extend Discovery Deadline          |

This is the first request to enlarge time to file dispositive motions. The Undersigned is attempting to set a call with Langford. Due to the pandemic, the process to set the call is ongoing. The Undersigned will supplement this Motion to Enlarge Time with a declaration advising the results of that communication.

NDOC requests an Order extending time to file dispositive motions in this matter thirty (30) days after the Court rules on the Motion and NDOC's Opposition and Counter-Motion. With the Counter-Motion to Dismiss, the filing of further dispositive motions may not be required.

1 NDOC's request is timely and will not hinder or prejudice Langford's case, but will  
2 allow a thorough opportunity to brief and file a dispositive motion in a timely manner if the  
3 case is not dismissed. The previous filings the Motion and Opposition and Counter Motion,  
4 in this case may impact the necessity for further dispositive motions. The Court's ruling on  
5 the Motion may determine the status of discovery. It would be untimely to do a Motion for  
6 Summary Judgment if the Court determines discovery may continue. The Court's ruling on  
7 the Opposition and Counter-Motion may dismiss the case entirely. Additionally, the  
8 Opposition includes a dispositive motion due to procedural deficiencies.

9 Thus, the requested extension of time will allow the Court to rule on the current  
10 filings before receiving further dispositive motions. Therefore, NDOC asserts that the  
11 requisite good cause is present to warrant the requested extension of time.

### 12 **III. CONCLUSION**

13 NDOC request this Court extend the deadline to file a dispositive motion in this  
14 matter. NDOC asserts that the requisite good cause is present to warrant the requested  
15 extension of time as a potentially dispositive motion is currently pending. The request is  
16 timely. Therefore, NDOC request the Court extend the deadline to thirty (30) days after the  
17 Court rules on the Motion and Opposition and Counter-Motion.

18 DATED this 7th day of April, 2021.

19 AARON D. FORD  
20 Attorney General

21 By:



22 LAURA M. GINN, Bar No. 8085  
23 Deputy Attorney General  
24 100 N. Carson Street  
25 Carson City, NV 89701-4717  
26 (775) 684-1120  
27 [lginn@ag.nv.gov](mailto:lginn@ag.nv.gov)

28 *Attorneys for Defendants*

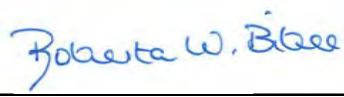


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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 7th of April 2021, I caused to be deposited for mailing a true and correct copy of the foregoing, **MOTION TO ENLARGE DISPOSITIVE MOTION DEADLINE [FIRST REQUEST TO ENLARGE DISPOSITIVE MOTION DEADLINE**, to the following:

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



---

An employee of the  
Office of the Attorney General

1. CASE No. 27CV-OTH-2020-0057

2 DEPT No. 1

3 AFFIRMATION pursuant to NRS 239B.030

The undersigned affirms that this

4 Document does not contain the personal  
Information of any person

5

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

7 IN AND FOR THE COUNTY OF PERSHING

8 Justin Odell Langford,

9 Plaintiff,

10 vs.

REQUEST FOR SUBMISSION

11 C/O Smith, Et al.,

12 Defendants,

13

14 I request that the "Motion To Compel Discovery By THE Defendants  
15 And Request for Sanctions" filed on "March 22<sup>nd</sup>, 2021" be  
16 submitted to the Court for Decision as it is briefed and any argument  
17 by Defendants are moot as their time to respond is up.

18 This document does not contain the social Security Number  
19 of any person.

20

21 DATE: April 4<sup>th</sup>, 2021

22

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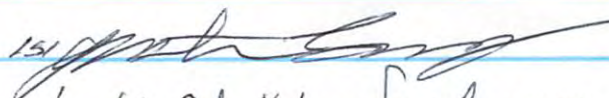
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15/   
Justin Odell Langford, 1159546  
LCC, 1200 Prison Rd  
Lovelock, Nev 89419

1 CASE No. 27CV-OTH-2020-0057

2 DEPT No. I

3 AFFIRMATION Pursuant to NRS 239B.030

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

7 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF

8 NEVADA IN AND FOR THE COUNTY OF PERSHING

9 Justin Odell Langford,

10 Plaintiff,

11 vs.

12 C/O Smith, Et al.,

13 Defendants.

14 PLAINTIFFS' REPLY TO DEFENDANT  
15 OPPOSITION TO MOTION TO  
16 COMPEL DISCOVERY AND REQUEST  
17 FOR SANCTIONS AND RESPONSE  
18 TO COUNTER-MOTION TO  
19 DISMISS FOR (A) FAILURE TO FILE  
20 THE JOINT CASE CONFERENCE  
21 REPORT AND/OR STATING NEVADA  
22 STATE LAW IS UNCONSTITUTIONAL

23 COMES NOW Justin Odell Langford, In proper, To file the  
24 above entitled document, and moves the ~~above~~ Court for an  
25 Order Granting his Motion and For an Order Declaring  
26 the Laws challenged in motion as unconstitutional.

27 The above-entitled document is made and based upon  
28 all papers, pleadings, files, and documents on file with  
this Honorable Court and further based upon the  
attached Memorandum of Points and Authorities.

# 1 I) MEMORANDUM OF POINTS AND AUTHORITIES

## 3 A) LEGAL STANDARD AND ARGUMENT

### 5 I) ISSUES TO BE DECIDED

7 The Plaintiff filed his "Motion To Compel Discovery By The  
8 Defendants And Request For Sanctions" on March 22, 2021 in  
9 this Honorable Court. With Plaintiff challenging the  
10 Constitutionality of only the Statutes at pg. 19 Lines 22-24  
11 of said motion, which are the Nev. Laws that the Defendants  
12 have asserted privilege and confidentiality under for  
13 Items of discovery. Then the Production of documents  
14 pursuant to Fed. R. Civ. P. 34 along with the defendants motion  
15 to dismiss.

### 17 II) NRCP 16.1 - Case Conference

19 while under NRCP 16.1 it says Plaintiff is responsible for  
20 the case conference, there is no way for the Plaintiff to  
21 schedule the case conference as he is in the custody of  
22 the Defendants and has no way of arranging the case  
23 conference to be held anywhere. Plaintiff has no  
24 authority set a phone conference or a contact meeting  
25 with counsel in this case so it would be on them to  
26 schedule this meeting as I also have no way to reserve  
27 any space in the facility he is currently housed at.

1. So it would be on the Defendants to schedule the case  
2 conference in this case,

### 3 4 III) NDOC PRODUCED PARTIAL DISCOVERY

5  
6 while the Defendants have provided some discovery to the  
7 Plaintiff in this matter, they have asserted privileged,  
8 confidential or that items don't exist. The Plaintiff has  
9 filed all his Discovery request with this Honorable Court. There  
10 is no way to settle the issues of Confidentiality, privilege and  
11 or lies of documents don't exist when ~~the~~ the Plaintiff can  
12 show otherwise or the fact the Defendants have  
13 maintained falsified records. See Exhibit 5 of Motion To  
14 Compel wherein this Court will see that documents claimed  
15 not to exist do in fact exist, Law Library efile Log for  
16 each inmate in Exhibit 5.1 which is ~~griva~~ grievance #  
17 2006-30-87580 or the report of Breach of Security claimed  
18 to be documented in the Response to 2nd level grievance  
19 # 20063078531 under Exhibit 5.2. And as for Audio/Video  
20 evidence requested and claimed not to exist, Both were  
21 requested to be viewed and saved in grievances as proof  
22 of claims in grievance so if they chose not to view/save these  
23 items, they destroyed them as the items supported my  
24 claims in grievances or the defendants didn't even investigate  
25 my claims. They also presented a False claim in a  
26 grievance response in Exhibit 5.2. So I ask the Defendants  
27 to produce full copies of what they produce to me to  
28

1 produce it to the court.

2

3 IV) Overbroad and Unduly Burdensome

4

5 The request for "all documents that relate to" all  
6 three grievances "any internal communications via e-mail or  
7 handwritten, any notices documented in NOTIS or any other  
8 departmental files" maintained by NDOC. The Defendants'  
9 claim they provided everything for all grievances in their  
10 responses but in the 3<sup>rd</sup> & 4<sup>th</sup> response they claim privilege and  
11 confidential to documents relating to the grievance, so if  
12 they provided everything in response 1 & 2 how can they  
13 claim a right to privilege or confidential to documents.  
14 All the items that relate to the grievance i.e. written  
15 statements/internal communication have to do with the  
16 credibility of the Defendants at trial or within the  
17 grievance responses. Also Plaintiff narrowed his request  
18 down by listing what he wanted in the "i.e."

19 As to the issues with the video evidence which was  
20 discussed supra, there is the issue of AR740 which covers  
21 the grievance process. AR740 says the inmates are to attach  
22 all evidence to the grievance, so when an inmate references  
23 in a grievance video surveillance that covers an area and  
24 they don't view it or save it they are destroying the  
25 evidence that can validate a claim. With them not  
26 having the video as requested in a grievance the  
27 prejudice an inmates claim to and Due process rights.

28



1. B) RESPONSE TO MOTION TO DISMISS

2  
3 Defendants' claims at pg 16 Lines 6-21 can be  
4 classified as committal, for the following reasons: (1) The  
5 Plaintiff only challenged certain NRS "pg 14 of motion to  
6 compel" not all; (2) The fact that Line 13 of pg 16 states  
7 "Thus, Langford eliminated this Court's Jurisdiction of this  
8 case."; (3) Then they ask the Court to penalize the Plaintiff  
9 for challenging the validity of statutes (Retaliatory Statute,  
10 which is unconstitutional); (4) Claiming Plaintiff's ~~chall~~ claim  
11 of ~~const~~ unconstitutional statutes deprives this Court of  
12 Jurisdiction is false, even if Plaintiff was challenging  
13 all statutes is false claim.

14 (1) Plaintiff only challenged NRS's 209.131; 209.241;  
15 209.243; 623.075; 284.405; 629.061; 41.0339 ~~att~~ along with  
16 NAC's 239.722; 284.718; 284.726; 284.730; 284.734

17 (2) Defendants concede that all NRS's are unconstitut-  
18 ional at pg 16 Line 13 - pg 17 Line 4 by arguing Nev Law provides  
19 for Plaintiff's statutory time credit and that this Court  
20 lacked Jurisdiction cause of Nev. Law being invalid. So  
21 if the Court was to go with this argument it would still  
22 have Jurisdiction as S.B. No. 2 (1957) provides that if the NRS's  
23 are declare Unconstitutional it would revert back to  
24 previous laws. So if this Court grants the motion to Dismiss  
25 Based on Nev. Law being unconstitutional it can't order  
26 Plaintiff's statutory credits forfeited as it would have  
27 no authority to, as also this would also be a retaliatory  
28

# 1 Action.

2 A statute that allows punishment for raising a claim  
3 that a party ~~to be valid~~ believes to be valid is a retaliatory  
4 statute as it seeks to punish a party for accessing the  
5 court and violate U.S. Const. 1<sup>st</sup> Amende. thus is an  
6 unconstitutional statute in of it self.

7 So if this Court rules that all NRS's are Unconstitutional  
8 as the Defendant's have conceded this it still has  
9 Jurisdiction under the Old laws which must be  
10 produced or Further quoted. And started as to what the  
11 old laws are and now in effect as they are now  
12 controlling.

## 14 v) Conclusion

16 Where as Defendant's have conceded Nev. Laws Are  
17 Unconstitutional an have ask this Court to Dismiss this  
18 case based on that, Plaintiff asks that this Court issue  
19 an Order ~~But~~ Declaring all NRS's invalid and that this  
20 Court still has Jurisdiction of this matter under the  
21 Laws as written in 1956 an that it Deny the Defendants  
22 motion to Dismiss for Plaintiff not following NRCP 16.1 as  
23 Plaintiff has no way to set up this Conference



## VERIFICATION

I, Declare & Verify, that I have read the above-entitled document and to the best of my knowledge and belief that it is true and correct under the pains and penalties of perjury, pursuant to 28 U.S.C. § 1746.

DATE: 4/12/21



## CERTIFICATE OF SERVICE

I, certify, that I have attached a true and correct copy of the foregoing document, with special instructions to the clerk of the court for E-file & E-service to all of my opponents pursuant to N.E.C.R. 5(K), 9 Et seq. (A-E) Etz., to the following:

Laura M. Ginn, Deputy Atty. Gen.  
lginn@ag.nv.gov

Aaron Ford, Attorney General

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 FILING DECLARATION**

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

Defendants.

Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta, Carter Potter, Renee Baker, State of Nevada ex. Rel., and the Nevada Department of Corrections (NDOC), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Laura M. Ginn, Deputy Attorney General, hereby notify this Court that the Declaration mentioned in NDOC's Motion to Enlarge Dispositive Motion Deadline [First Request to Enlarge Dispositive Motion Deadline], filed on April 8, 2021, is attached hereto.

DATED this 20th day of April, 2021.

AARON D. FORD  
Attorney General

By: 

LAURA M. GINN, Bar No. 8085  
Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717  
(775) 684-1120  
[lginn@ag.nv.gov](mailto:lginn@ag.nv.gov)  
*Attorneys for Defendants*

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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 20th of April, 2021, I caused to be deposited for mailing a true and correct copy of the foregoing, **NOTICE OF FILING DECLARATION**, to the following:

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



An employee of the  
Office of the Attorney General

# Declaration of Laura M. Ginn

1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

8 **IN AND FOR THE COUNTY OF PERSHING**

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

**DECLARATION OF LAURA M. GINN**

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

Defendants.

16 I, Laura M. Ginn, declare the following:

- 17 1. I am over the age of 18 and am otherwise competent to testify;
- 18 2. I am an attorney admitted to practice before all Courts in the State of Nevada;
- 19 3. I am employed as a Deputy Attorney General with the Office of the Attorney  
20 General for the State of Nevada, and am assigned as counsel for the Defendants  
21 appearing in the above-captioned case;
- 22 4. The statements contained in this declaration are based on my own personal  
23 knowledge;
- 24 5. This declaration supplements Defendants' (collectively, "NDOC") Motion to  
25 Enlarge Dispositive Motion Deadline, filed on April 8, 2021;
- 26 6. I spoke with Plaintiff Langford by telephone on April 15, 2021 at 10:00 a.m. to  
27 discuss the extension;
- 28 7. Langford agreed to extend the deadline time to file dispositive motions in this  
matter thirty (30) days after the Court rules on Langford's Motion to Compel

1 Discovery by the Defendants and Request for Sanctions and NDOC's Opposition  
2 to the Motion to Compel Discovery and for Sanctions and Counter-Motion to  
3 Dismiss for Failure to File the Joint Case Conference Report and/or for Stating  
4 that Nevada State Law is Unconstitutional;

5 8. NDOC requested an Order extending time to file dispositive motions in this  
6 matter;

7 9. The First Judicial District Court Local Rule 3.17 governs extension of time;

8 10. Langford filed a Motion to Compel Discovery by the Defendants and Request for  
9 Sanctions (Motion) on March 22, 2021. NDOC filed an Opposition to the Motion  
10 to Compel Discovery and for Sanctions and Counter-Motion to Dismiss for  
11 Failure to File the Joint Case Conference Report and/or for Stating that Nevada  
12 State Law is Unconstitutional on April 5, 2021 (Opposition and Counter-  
13 Motion). Due to the complexities of the matters, NDOC requested oral  
14 arguments for this matter;

15 11. The requested extension of time will allow the Court to rule on the current  
16 filings before receiving further dispositive motions

17 12. This is the first request to enlarge time to file dispositive motions. The following  
18 previous requests for extension have been made:

19 ///

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| DATE              | PARTY    | MOTION   |
|-------------------|----------|--|
| November 13, 2020 | NDOC     | Motion of Extension of Time to Respond to Outstanding Discovery                |
| December 9, 2020  | Langford | Request for Extension of All Discovery   |
| December 9, 2020  | NDOC     | Non-Opposition to Plaintiff's Request for Extension of All Discovery Deadlines |
| December 16, 2020 | NDOC     | Motion for Extension of Time to Respond to Outstanding Discovery               |
| December 23, 2020 | NDOC     | Motion for Extension of Time to Respond to Outstanding Discovery               |
| February 18, 2021 | Langford | Second Request for Extension of Discovery Deadlines                            |
| February 24, 2021 | NDOC     | Motion for Extension of Time to Respond to Outstanding Discovery               |
| March 2, 2021     | NDOC     | Motion for Extension of Time to Respond to Outstanding Discovery               |
| March 3, 2021     | NDOC     | Opposition to Plaintiff's Second Request to Extend Discovery Deadline          |

13.NDOC requests an Order extending time to file dispositive motions in this matter thirty (30) days after the Court rules on the Motion to Compel Discovery by the Defendants and Request for Sanctions and NDOC's Opposition to the Motion to Compel Discovery and for Sanctions and Counter-Motion to Dismiss for Failure to File the Joint Case Conference Report and/or for Stating that Nevada State Law is Unconstitutional. With the Counter-Motion to Dismiss for Failure to File the Joint Case Conference Report and/or for Stating that Nevada State Law is Unconstitutional, the filing of further dispositive motions may not be required;

14.NDOC's request is timely and will not hinder or prejudice Langford's case, but will allow a thorough opportunity to brief and file a dispositive motion in a timely manner if the case is not dismissed. The previously filed Motion to Compel Discovery by the Defendants and Request for Sanctions and NDOC's Opposition to the Motion to Compel Discovery and for Sanctions and Counter-Motion to Dismiss for Failure to File the Joint Case Conference Report and/or

1 for Stating that Nevada State Law is Unconstitutional, in this case may impact  
2 the necessity for further dispositive motions. The Court's ruling on the Motion  
3 may determine the status of discovery. It would be untimely to do a Motion for  
4 Summary Judgment if the Court determines discovery may continue. The  
5 Court's ruling on the Opposition and Counter-Motion may dismiss the case  
6 entirely. Additionally, the Opposition includes a dispositive motion due to  
7 procedural deficiencies; and

8 15. This extension is not sought to unduly delay these proceedings, or for any other  
9 improper purpose.

10 Pursuant to NRS 53.045 Declarant certifies, under penalty of perjury, that the  
11 foregoing is true and correct.

12 DATED this 20th day of April, 2021.

13 AARON D. FORD  
14 Attorney General

15 By:



16 LAURA M. GINN, Bar No. 8085  
17 Deputy Attorney General  
18 100 N. Carson Street  
19 Carson City, NV 89701-4717  
20 (775) 684-1120  
21 [lginn@ag.nv.gov](mailto:lginn@ag.nv.gov)

22 *Attorneys for Defendants*  
23  
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25  
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28



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.

**REPLY IN SUPPORT OF COUNTER-MOTION TO DISMISS**

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

Defendants.

Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta, Carter Potter, Renee Baker, State of Nevada ex. Rel., the Nevada Department of Corrections, and Robert Smith (collectively "NDOC"), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Laura M. Ginn, Deputy Attorney General, hereby submit their Reply in Support of their Counter-Motion to Dismiss, filed on April 5, 2021.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

This lawsuit should be dismissed without prejudice because Langford failed to file a required Joint Pretrial Conference Report within the 240-day deadline. Langford cannot cure his failure as the deadline expired on March 29, 2021 and he failed to request any enlargements of time. This Court should also order the forfeiture of Langford's statutory time credits because he objectively filed this case in this Court that he contends lacked jurisdiction to hear his claims because he claims Nevada State Law is Unconstitutional.

1 **II. LEGAL STANDARD AND ARGUMENT**

2 **A. This Case Should be Dismissed Because Langford Failed to File the**  
3 **Joint Case Conference Report NRCP 16.1**

4 This Court should dismiss this case under NRCP 16.1(e)(2) for failing to file a Case  
5 Conference Report. NRCP 16.1(e)(2) states, “[i]f the plaintiff does not file a case conference  
6 report within 240 days after service of an answer by a defendant, the court, on motion or on  
7 its own, may dismiss the case as to that defendant ....”<sup>1</sup> (emphasis added). Langford failed to  
8 file a Joint Case Conference Report and failed to request an enlargement of time to file the  
9 Joint Case Conference Report to date. NDOC filed its Answer on July 31, 2020. The 240-day  
10 deadline expired on Monday, March 29, 2021.

11 Langford admits he has the legal responsibility to file the case conference report.  
12 “. . . [U]nder NRCP 16.1 it says the Plaintiff is responsible for the conference.” See  
13 Opposition at 2:19-20. Langford alleges that he has “no way” to arrange the conference,  
14 which is incorrect. Langford failed to contact NDOC via any communication method to  
15 discuss the conference or ask for assistance. Because Langford did not fulfill his legal  
16 responsibility, the Court should dismiss this case.

17 **B. Because Langford Believes This Court Does Not Have Jurisdiction, He**  
18 **Brought This Claim in Bad Faith**

19 Langford brings this claim in bad faith because he alleges that Nevada State Law  
20 and the United States Code are Unconstitutional. “State laws are unconstitutional, and as  
21 for Federal Law ... [the] United States Code . . . has the same issue [unconstitutional] . . .”  
22 Motion at 21:1-2. Langford’s paradoxical position is that Nevada law is invalid, which  
23 divests this Court of jurisdiction, and at the same time attempts to seek relief from a Court  
24 that is governed by Nevada Law.

25 ///

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26 <sup>1</sup> NRCP 16.1(e)(2) Failure or Refusal to Participate in Pretrial Discovery; Sanctions  
27 states, “If the plaintiff does not file a case conference report within 240 days after service  
28 of an answer by a defendant, the court, on motion or on its own, may dismiss the case as  
to that defendant, without prejudice.”

1 In his opposition, Langford incorrectly states that NDOC's Motion at pages 16:13 –  
2 17:4 concerns the validity of Nevada Law. However, NDOC's Motion at pages 16:13 – 17:4  
3 actually requests this Court to subject Langford to forfeiture of his statutory time credits  
4 under NRS 209.451.

5 Under NRS 209.451(1)(d),<sup>2</sup> if an offender in a civil action is found by the Court to  
6 have presented a written motion which contains a claim, defense or other argument which is  
7 not warranted by existing law. . . the offender forfeits all deductions of time earned by the  
8 offender before the commission of that offense or act, or forfeits such part of those  
9 deductions as the Director considers just.

10 Here, Langford's claims about the validity of Nevada State Law (or as he contends,  
11 lack of validity) are not warranted by existing law, or by a reasonable argument for a  
12 change in existing law. Additionally, by filing this case and then contending the laws he  
13 filed under are not valid, Langford's case is in his own argument frivolous. Langford, as a  
14 *pro se* litigant, represented to the Court in bad faith that his legal contentions are  
15 warranted by existing law by signing his pleading, under Nevada Rule of Civil Procedure  
16 11(b). Langford presented this Court his written Motion in this civil case, containing  
17 lengthy arguments why Nevada State Law, or a portion thereof, does not exist. See  
18 Motion at 2 – 17 and 21. Because Nevada State Law provides Langford with his statutory  
19 time credits and provides for the forfeiture of those time credits for filing his written  
20 arguments that Nevada State Law is unconstitutional and not warranted by law, this  
21 Court should order the forfeiture of Langford's statutory time credits.

22 ///

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23 <sup>2</sup> NRS 209.451(1)(d) Forfeiture and restoration of credits. If an offender: In a  
24 civil action, in state or federal court, is found by the court to have presented a  
25 pleading, written motion or other document in writing to the court which:  
26 (2) Contains a claim, defense or other argument which is not warranted by  
27 existing law or by a reasonable argument for a change in existing law or a  
28 change in the interpretation of existing law . . . the offender forfeits all  
deductions of time earned by the offender before the commission of that offense  
or act, or forfeits such part of those deductions as the Director considers just.

1 For the above reasons, this Court should dismiss this case and order Langford's  
2 statutory time forfeited.

3 **C. CONCLUSION**

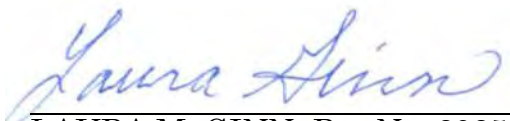
4 This Court should dismiss this lawsuit because Langford failed to file a required Joint  
5 Pretrial Conference Report within the 240-day deadline. Langford cannot cure his failure as  
6 the deadline expired on March 29, 2021.

7 This Court should order the forfeiture of Langford's statutory time credits because he  
8 filed this case in bad faith and argues Nevada Law is invalid to hear his claims. This means  
9 that, in his own argument, his claims were frivolous when filed.

10 DATED this 27th day of April, 2021.

11 AARON D. FORD  
12 Attorney General

13 By:

  
14 LAURA M. GINN, Bar No. 8085  
15 Deputy Attorney General  
16 100 N. Carson Street  
17 Carson City, NV 89701-4717  
18 (775) 684-1120  
19 [lginn@ag.nv.gov](mailto:lginn@ag.nv.gov)

20 *Attorneys for Defendants*  
21  
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of  
3 Nevada, and that on the 27th of April 2021, I caused to be deposited for mailing a true  
4 and correct copy of the foregoing, **REPLY IN SUPPORT OF COUNTER-MOTION TO**  
5 **DISMISS**, to the following:

6 Justin Odell Langford, #1159546  
7 Lovelock Correctional Center  
8 1200 Prison Road  
9 Lovelock, NV 89419

10 

11 \_\_\_\_\_  
12 An employee of the  
13 Office of the Attorney General  
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1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

8 **IN AND FOR THE COUNTY OF PERSHING**

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

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

16 Defendants.

**REQUEST FOR SUBMISSION**

17 Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta,  
18 Carter Potter, Renee Baker, State of Nevada ex. Rel., the Nevada Department of  
19 Corrections, and Robert Smith (NDOC), by and through counsel, Aaron D. Ford, Attorney  
20 General of the State of Nevada, and Laura M. Ginn, Deputy Attorney General, hereby  
21 request Submission of NDOC's Counter-Motion to Dismiss. NDOC filed their Counter-  
22 Motion on April 5, 2021. Langford filed his Opposition on April 14, 2021. NDOC filed their  
23 Motion in Support of Counter-Motion to Dismiss on April 27, 2018.

24 ///

25 ///

26 ///

27 ///


28 ///

1           Thus, NDOC respectfully submits for judicial decision their Counter-Motion to  
2 Dismiss.

3           DATED this 27th day of April, 2021.

4                           AARON D. FORD  
5                           Attorney General

6                           By:

7                             
8                           LAURA M. GINN, Bar No. 8085  
9                           Deputy Attorney General  
10                          100 N. Carson Street  
11                          Carson City, NV 89701-4717  
12                          (775) 684-1120  
13                          [lginn@ag.nv.gov](mailto:lginn@ag.nv.gov)

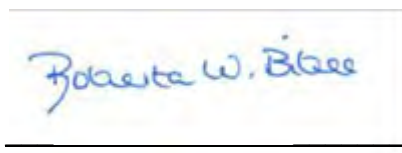
14                          Attorneys for Defendants

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## CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 27th of April 2021, I caused to be deposited for mailing a true and correct copy of the foregoing, **REQUEST FOR SUBMISSION**, to the following:

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

A rectangular box containing a handwritten signature in blue ink that reads "Roberta W. Blee".

---

An employee of the  
Office of the Attorney General



1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

8 **IN AND FOR THE COUNTY OF PERSHING**

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

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

16 Defendants.

17 **ORDER**

18 Having reviewed Defendants' John Borrowman, Tara Carpenter, Mark La Fleur, P. Del  
19 Porta, Carter Potter, Renee Baker, State of Nevada ex. Rel., the Nevada Department of  
20 Corrections, and Robert Smith Counter-Motion to Dismiss, this Court finds good cause and  
21 GRANTS the Motion to Dismiss. This Court finds that Langford presented a written Motion to  
22 the Court that contains claims and other arguments that are not warranted by existing law.  
23 Therefore, this Court ORDERS the forfeiture of Langford's statutory time credits pursuant to  
24 NRS 209.451.

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

**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.

A handwritten signature in black ink, appearing to read 'Shirley', is written over a light blue rectangular background.

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.

PLEASE TAKE NOTICE that an Order Granting Defendants' Counter-Motion to Dismiss was  
entered on April 30, 2021, in the above matter, a copy of which is attached hereto as Exhibit 1.

DATED this 3rd day of May, 2021.

AARON D. FORD  
Attorney General

By:



LAURA M. GINN, Bar No. 8085  
Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717  
(775) 684-1120  
[lginn@ag.nv.gov](mailto:lginn@ag.nv.gov)

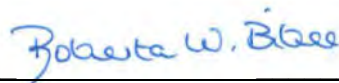
*Attorneys for Defendants*

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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 3rd of May 2021, I caused to be deposited for mailing a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER**, to the following:

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



\_\_\_\_\_  
An employee of the  
Office of the Attorney General

# EXHIBIT 1

## Order Granting Defendants' Counter-Motion to Dismiss

# EXHIBIT 1

1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

8 **IN AND FOR THE COUNTY OF PERSHING**

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

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

16 Defendants.

17 **ORDER**

18 Having reviewed Defendants' John Borrowman, Tara Carpenter, Mark La Fleur, P. Del  
19 Porta, Carter Potter, Renee Baker, State of Nevada ex. Rel., the Nevada Department of  
20 Corrections, and Robert Smith Counter-Motion to Dismiss, this Court finds good cause and  
21 GRANTS the Motion to Dismiss. This Court finds that Langford presented a written Motion to  
22 the Court that contains claims and other arguments that are not warranted by existing law.  
23 Therefore, this Court ORDERS the forfeiture of Langford's statutory time credits pursuant to  
24 NRS 209.451.

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



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.

A handwritten signature in black ink, appearing to read "Shirley", is written over a faint, circular, embossed seal.

Judge Shirley

CASE No. 27CV-OTH-2020-0057

DEPT. No. I

AFFIRMATION Pursuant to NRS239B.030  
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,

NOTICE OF APPEAL

-VS-

C/O SMITH, Et al.,

Defendants.

This is to notify the Court I'm appealing the Courts Order entered on April, 20<sup>20</sup> to grant the Defendants' counter-motion to Dismiss, due to the grounds of it being an Illegal argument and ~~perjous~~ perjurious statement made by Counsel. The argument made and granted declares all NRS's as Unconstitutional and this Court can't enter that order. Then order statutory credits forfeited based on a Unconstitutional Statute.

Submitted By  
Justin Langford-1159546  
LCC, 1200 Prison Rd  
Lovelock, Nev. 89419



Case No. 27CV-OTH-2020-0057

*Pursuant to NRS 239B.030, the undersigned affirms that this Document does not contain 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; Caseworker

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

1 Pro Per  
2 1200 Prison Road  
3 Lovelock Correctional Center  
4 Lovelock, NV. 89419

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

9 C/O Smith; Renee Baker; Caseworker LeFluer; C. Potter;  
10 P. DelPorto; J. Borrowman; D. Baze; Tara Carpenter, et al.

11 Office of the Attorney General  
12 100 North Carson Street  
13 Carson City, NV. 89701-4717

- 14 5. Indicate whether any attorney identified above in response to question 3 or  
15 4 is not licensed to practice law in Nevada and, if so whether the district  
16 court granted that attorney permission to appear under SCR 42 (attach a  
17 copy of any district court order granting such permission):

18 N/A

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

21 No, Pro Per

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

24 No

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

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

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.

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

3 Petitioner filed a Civil Rights Complaint Pursuant to 42 U.S.C. §1983 on  
4 03/17/20. A 'First Amended' Civil Rights Complaint Pursuant to 42 U.S.C.  
§1983 was filed on 04/13/20. A Notice of Appeal was filed on 11/02/20. An  
5 Order 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  
6 05/26/21, which resulted in this instant appeal.

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

9 This case has previously been appealed to the Supreme Court on 11/02/20, case  
caption: Justin Odell Langford, Appellant, vs. C/O Smith; Renee Baker;  
10 Caseworker LeFleur; C. Potter; P. Delorto; J. Borrowman; D. Baze; and T.  
Carpenter, Supreme Court docket number 82071.

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

12 13. If this is a civil case, indicate whether this appeal involves the possibility of  
13 settlement: No, an Order Granting the Motion to Dismiss was filed.

14 Dated this 28<sup>th</sup> day of May 2021.

15  
16 /s/ Carol Elerick  
Carol Elerick  
17 Senior Court Clerk  
P.O. Box H  
18 Lovelock, NV. 89419  
(775) 273-2410  
19  
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22  
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1 Case No. 27CV-OTH-2020-0057

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

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

8 JUSTIN ODELL LANGFORDD,  
9 Plaintiff,

10 vs.

11 C/O SMITH; RENEE BAKER;  
12 CASEWORKER LEFLEUR; C. POTTER; P.  
13 DELPORTO; J. BORROWMAN; D. BAZE;  
14 TARA CARPENTER, ET AL.,  
15 Defendants.

**ORDER DIRECTING  
TRANSMISSION OF RECORD**

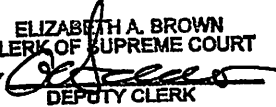
IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN ODELL LANGFORD,  
Appellant,  
vs.  
C/O SMITH; RENEE BAKER;  
CASEWORKER LEFLEUR; C. POTTER;  
P. DELORTO; J. BORROWMAN; D.  
BAZE; AND TARA CARPENTER,  
Respondents.

No. 83016

**FILED**

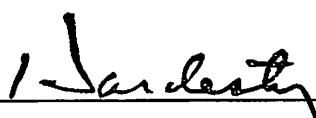
JUN 21 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DIRECTING TRANSMISSION OF RECORD*

Having reviewed the documents on file in this pro se appeal, this court concludes that review of the complete record is warranted. NRAP 10(a)(1). Accordingly, within 30 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the trial court record in District Court Case No. 27CV-OTH-2020-0057. See NRAP 11(a)(2) (providing that the complete "record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court," as well as "any previously prepared transcripts of the proceedings in the district court"). The record shall not include any exhibits filed in the district court. NRAP 11(a)(1).

It is so ORDERED.

, C.J.

cc: Justin Odell Langford  
Attorney General/Carson City  
Clerk of the Court/Court Administrator

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

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

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

8  
9 JUSTIN ODELL LANGFORD,  
10 Appellant,

11 vs.

12 C/O SMITH; RENEE BAKER;  
13 CASEWORKER LEFLEUR; C. POTTER; P.  
14 DELORTO; J. BORROWMAN; D. BAZE;  
AND TARA CARPENTER,  
15 Respondents.

**ORDER AFFIRMING IN PART,  
REVERSING IN PART AND  
REMANDING**

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUSTIN ODELL LANGFORD,  
Appellant,  
vs.  
C/O SMITH; RENEE BAKER;  
CASEWORKER LEFLEUR; C. POTTER;  
P. DELORTO; J. BORROWMAN; D.  
BAZE; AND TARA CARPENTER,  
Respondents.

No. 83016-COA

**FILED**

**FEB 04 2022**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY Young  
DEPUTY CLERK

*ORDER AFFIRMING IN PART, REVERSING IN PART AND  
REMANDING*

Justin Odell Langford appeals from a district court order dismissing his civil rights complaint. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

In the proceedings below, Langford filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against the respondents, the respondents answered the complaint, and the parties proceeded with discovery. As relevant here, after respondents objected to some of Langford's discovery requests on the basis that the documents were privileged or did not exist, Langford filed a 22-page motion to compel discovery and a request for sanctions, primarily arguing that the respondents' "claims of privilege and confidentiality [were] asserted under unconstitutional statutes," because the Nevada Revised Statutes did not contain the enacting clause required by article 4, section 23 of the Nevada Constitution, and are therefore

invalid.<sup>1</sup> See Nev. Const. art. 4, § 23 (providing that the enacting clause of every law shall state “[t]he people of the State of Nevada represented in Senate and Assembly, do enact as follows”).

Respondents opposed, and filed a countermotion to dismiss, asserting, among other things, that the case should be dismissed because Langford failed to file a joint case conference report by March 29, 2021, the date the 240-day deadline under NRCP 16.1(e)(2) expired. Additionally, because Langford’s arguments in the motion to compel were not warranted by existing law, respondents asked the court to order the forfeiture of Langford’s statutory time credits under NRS 209.451. After full briefing on the motions, the district court entered an order granting the motion to dismiss and ordering the forfeiture of Langford’s statutory good time credits pursuant to NRS 209.451, finding that Langford’s motion to compel contained arguments that were not warranted under existing Nevada law. Langford now appeals.

Having considered Langford’s informal brief and the record on appeal below, we affirm the portion of the district court’s order dismissing Langford’s complaint, as Langford failed to challenge the dismissal under

---

<sup>1</sup>We note that this argument is without merit as Langford conflates the laws of Nevada with the codified statutes. The Nevada Revised Statutes merely “constitute the official codified version of Statutes of Nevada and may be cited as prima facie evidence of the law.” NRS 220.170(3). The Nevada Revised Statutes consist of enacted laws which have been classified, codified, and annotated by the Legislative Counsel. See NRS 220.120. The actual laws of Nevada are contained in the Statutes of Nevada, and the full text of such laws, including any enacting language, may be found therein.




NRCPP 16.1(e)(2) on appeal. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues not raised on appeal are deemed waived); 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).

However, we reverse the portion of the district court's order directing the forfeiture of Langford's statutory time credits and remand that portion of the order for further proceedings. Under NRS 209.451(1)(d)(2), an offender's statutory good time credits may be forfeited if the offender is found by a court to have presented a written motion to the court which "[c]ontains a claim, defense or other argument which is not warranted by existing law or by a reasonable argument for a change in existing law or a change in the interpretation of existing law." And here, the district court appropriately found that the arguments contained in Langford's motion to compel were not warranted by existing law. But "[a] forfeiture may be made *only by the Director* [of the Department of Corrections] after proof of the commission of an act prohibited pursuant to this section and notice to the offender in the manner prescribed in the regulations of the Department." NRS 209.451(3). Because the district court ordered Langford's statutory good time credits forfeited without referral to the Director of the Department of Corrections for the appropriate prison disciplinary proceeding, we conclude that the district court abused its discretion. See *Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev. 243, 249, 235 P.3d 592, 596 (2010) (reviewing the district court's decision to impose sanctions for an abuse of discretion). On remand, the district court shall revise its order to

refer Langford to the Director of the Department of Corrections, who shall determine what forfeiture of credits, if any, is warranted.

It is so ORDERED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Jim C. Shirley, District Judge  
Justin Odell Langford  
Attorney General/Carson City  
Clerk of the Court/Court Administrator Pershing County

---

<sup>2</sup>Although this court generally will not grant a pro se appellant relief without first providing respondents an opportunity to file a response, the filing of a response would not aid this court's resolution of this case, and thus, has not been ordered. See NRAP 46A(c); *see also* NRAP 34(f)(3). Moreover, insofar as Langford raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.

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

Appellant,

vs.

C/O SMITH; RENEE BAKER;  
CASEWORKER LEFLEUR; C. POTTER; P.  
DELORTO; J. BORROWMAN; D. BAZE;  
AND TARA CARPENTER,  
Respondents.

**ORDER DENYING REHEARING**

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUSTIN ODELL LANGFORD,

Appellant,

vs.

C/O SMITH; RENEE BAKER;

CASEWORKER LEFLEUR; C. POTTER;

P. DELORTO; J. BORROWMAN; D.

BAZE; AND TARA CARPENTER,

Respondents.

No. 83016-COA

**FILED**

**MAR 23 2022**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING REHEARING*

Rehearing denied. NRAP 40(c).

It is so ORDERED.

, C.J.  
Gibbons

, J.  
Tao

, J.  
Bulla

cc: Hon. Jim C. Shirley, District Judge  
Justin Odell Langford  
Attorney General/Carson City  
McCormick, Barstow, Sheppard, Wayte & Carruth, LLP/Las Vegas  
Clerk of the Court/Court Administrator

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

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

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

8  
9 JUSTIN ODELL LANGFORD,  
10 Appellant,

11 vs.

12 C/O SMITH; RENEE BAKER;  
13 CASEWORKER LEFLEUR; C. POTTER; P.  
14 DELORTO; J. BORROWMAN; D. BAZE;  
15 AND TARA CARPENTER,  
Respondents.

**ORDER DENYING PETITION FOR  
REVIEW**

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN ODELL LANGFORD,  
Appellant,  
vs.  
C/O SMITH; RENEE BAKER;  
CASEWORKER LEFLEUR; C. POTTER;  
P. DELORTO; J. BORROWMAN; D.  
BAZE; AND TARA CARPENTER,  
Respondents.

No. 83016

**FILED**

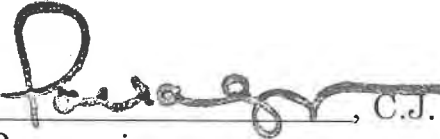
**APR 26 2022**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

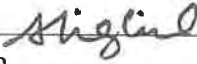
*ORDER DENYING PETITION FOR REVIEW*

Review denied. NRAP 40B.

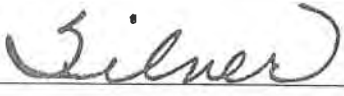
It is so ORDERED.

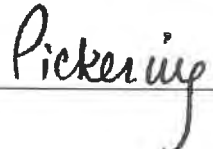
, C.J.  
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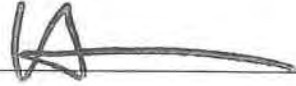
, J.  
Hardesty

, J.  
Stiglich

, J.  
Cadish

, J.  
Silver

, J.  
Pickering

, J.  
Herndon

cc: Hon. Jim C. Shirley, District Judge  
Justin Odell Langford  
Attorney General/Carson City  
McCormick, Barstow, Sheppard, Wayte & Carruth, LLP/Las Vegas  
Clerk of the Court/Court Administrator

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,  
Appellant,

vs.

C/O SMITH; RENEE BAKER;  
CASEWORKER LEFLEUR; C. POTTER; P.  
DELTORO; J. BORROWMAN; D. BAZE;  
AND TARA CARPENTER,  
Respondents.

**REMITTITUR**

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

JUSTIN ODELL LANGFORD,  
Appellant,  
vs.  
C/O SMITH; RENEE BAKER; CASEWORKER  
LEFLEUR; C. POTTER; P. DELORTO; J.  
BORROWMAN; D. BAZE; AND TARA  
CARPENTER,  
Respondents.

**Supreme Court No. 83016**  
District Court Case No. 27CV-OTH-2020-  
0057

**REMITTITUR**

TO: Kate Martin, Clerk of the Court/Court Administrator

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: April 26, 2022

Elizabeth A. Brown, Clerk of Court

By: Sandy Young  
Deputy Clerk

cc (without enclosures):

Hon. Jim C. Shirley, District Judge  
McCormick, Barstow, Sheppard, Wayte & Carruth, LLP/Las Vegas \ Frank A.  
Toddre, II  
Justin Odell Langford  
Kate Martin, Clerk of the Court/Court Administrator

**RECEIPT FOR REMITTITUR**

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on April 27, 2022.

Adrianne Rouse  
District Court Clerk



1 CASE NO. 27CV-OTH-2020-0057

2  
3 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

4 IN AND FOR THE COUNTY OF PERSHING

5  
6 JUSTIN ODELL LANGFORD,

7 APPELLANT,

8 VS

9 C/O SMITH: RENEE BAKER: CASEWORKER

10 LEFLEU: C. POTTER; P. DELORTO; J.

11 BORROWMAN; D. BAZE; AND TARA

12 CARPENTER,

RESPONDENTS,

**AFFIDAVIT OF MAILING**

13 I, Danielle Rackley, being first duly sworn depose and say: That I am, and was when  
14 the herein described mailing took place, a citizen of the United States, over 21 years of age,  
15 and not a party to, nor interested in, the within action; that I am a Administrative Assistant of  
16 the 11<sup>th</sup> Judicial District Court and that I caused to be served, a copy of Order Denying  
17 Petition For Review that was served electronically, in compliance with the Eleventh Judicial  
18 District Court's electronic filing system

19  
20 DATED this 29 day of April.

21 KATE MARTIN  
22 CLERK OF THE COURT

23 By: Danielle Rackley

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

2 Dept No.

3 AFFIRMATION pursuant to NRS 239B.030  
4 the undersigned affirms that this  
5 document does not contain the  
6 personal information of any person

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

9 Justin Odell Langford,  
10 Plaintiff,


11 vs. Motion For Relief From  
12 CLO Smith, et al., Final Judgement Pursuant  
13 Defendants, To NRCP 60

14 COMES Now, Justin Odell Langford, In Pro per, To file  
15 his Motion For Relief From Final Judgement  
16 Pursuant To NRCP 60, and moves this Honorable  
17 Court to enter an order granting his motion.

18 This motion is made and based upon NRCP 60, and is  
19 further made and based upon all papers, pleadings and  
20 documents ~~at~~ on file with this court and the attached  
21 memorandum points and authorities.

22 Date: May 10<sup>th</sup> 2022

23 Respectfully Submitted,

24   
25 Justin O. Langford - #1159546  
26 LCC, 1200 Prison Road  
27 Lovelock, Nev 89419

## 1 A) MEMORANDUM OF POINTS AND AUTHORITIES

### 2 3 I. 4 ARGUMENTS

5  
6 NRCP 60(b)(3) states:

7 b.) Grounds for relief from a final judgment, order, or  
8 proceeding. On motion and just terms, the court may  
9 relieve a party or its legal representative from a  
10 final judgment, order, or proceeding for the following  
11 reasons:

12 (3) Fraud (whether previously called intrinsic or  
13 extrinsic), misrepresentation, or misconduct by an  
14 opposing party;

15  
16 On April 30<sup>TH</sup> 2021 this Court entered an order  
17 granting Defendants motion to dismiss, wherein they  
18 claim Plaintiff failed to comply with NRCP 16.1 which  
19 requires the Plaintiff to file a case conference report  
20 which Plaintiff did fail to do. What the Defendants  
21 failed to do is tell this Honorable Court that NRCP 16.1(e)  
22 (1) "requires defendants to hold the case conference  
23 within 180 days of filing their answer", which plaintiff did  
24 tell the Court he was unable to arrange due to being in  
25 custody, to recently find out it is their duty to arrange  
26 it anyways.

1 "Jurisdiction to remedy fraud upon the court is  
2 inherent, and the court can proceed even in the  
3 absence of further action by a party". *Murphy v. Murphy*,  
4 103 Nev. 185, 734 P.2d 738 (1987); See also *Savaga v. Salzmann*,  
5 88 Nev. 193, 495 P.2d 367 (1972) "The six-month limitation on  
6 allegations of fraud is inapplicable to fraud upon the  
7 court".

8 To further perpetuate the fraud upon the court by the  
9 Defendants, the 240 day count had not lapsed for the  
10 following: 1) Robert Smith; 2) The State of Nevada, ex rel.  
11 NDOC; 3) Nevada Department of Corrections didn't  
12 officially file their response until March 17<sup>TH</sup> 2021 by  
13 way of Joinder, See *Ex. 1*.

14 Also Defendant C/O Smith (i.e. Robert Smith) was legally  
15 served by drop service at LCC, Defendant Smith has  
16 acknowledged to me that he had been served and  
17 knew of the case but said ~~to~~ it was not his problem  
18 that A.G. didn't know who he was and that they can  
19 figure it out, see *Ex. 2* for proof of drop service.

20 Also Defendant Nevada Department of Corrections  
21 was served on 6/29/2020, see *Ex. 3* for proof of  
22 service. Defendant State of Nevada ex rel. NDOC was  
23 served on 6/26/20, see *Ex. 4*.

24 So All three (3) were legally served and failed to  
25 timely respond, wherein Plaintiff tried to obtain a  
26 default judgment but was denied due to the fraud

27



1 perpetuated by the Defendants, which was furtherly  
2 perpetuated by them saying the 240 day deadline  
3 had lapsed for all defendants when it really hadn't.  
4 Also they furthered their fraud upon the Court by  
5 failing to tell the Court they hadn't had the case  
6 conference within 180 days as required by NRCR  
7 16.1(e)(1), which means it was their fault Plaintiff  
8 hadn't complied with the 240 day deadline required  
9 by NRCR 16.1(e)(2).

## 10 II

### 11 CONCLUSION

12 WHEREFORE Plaintiff prays that this Honorable  
13 Court grants him relief on the Order granting ~~to~~ the  
14 defendants motion to dismiss based on the  
15 defendants fraud upon the court, and reopen  
16 this case for further proceedings.

## 17 III

### 18 VERIFICATION

19 I, declare and verify, that the above-entitled document  
20 is true and correct to the best of my knowledge and  
21 belief under the pains and penalties of perjury. 28 USC § 1746

22 Date: May 10<sup>th</sup>, 2022

23 15/ [Signature]  
24 Plaintiff/paralegal


#### IV

### CERTIFICATE OF SERVICE

I, Justin Odell Langford, certify, that I have attached the above-entitled document, with special instructions to the clerk of the court to E-file and E-serve all of my opponents pursuant to N.E.F.C.R. 5(K), 9 et seq. (A-E) etc., to the following:

Laura M. Ginn, Bar No. 8085

Date: May 10<sup>th</sup>, 2022

ISI   
Plaintiff/paralegal

**EXHIBIT**

1

**EXHIBIT**

1

LCC #001

1 CASE NO. 27cv-OTH-2020-0057

2 DEPT. NO. I

3 Affirmation pursuant to NRS 239B.039

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

7 **IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

8 **IN AND FOR THE COUNTY OF PERSHING**

9 JUSTIN ODELL LANGFORD,

10 Plaintiff,

11 vs.

12 C/O SMITH, RENEE BAKER;  
13 CASEWORKER LeFLUER; C POTTER; P.  
14 DeLPORTo; J BORROWMAN; D. BAZE;  
15 TARA CARPENTER, et al.,

16 Defendants.

**JOINDER OF ROBERT SMITH,  
THE STATE OF NEVADA, ex rel.  
NDOC, AND THE NEVADA  
DEPARTMENT OF CORRECTIONS**

17 Defendants, Robert Smith, State of Nevada, ex rel. NDOC, and the Nevada  
18 Department of Corrections (NDOC), by and through counsel, Aaron D. Ford, Attorney  
19 General of the State of Nevada, and Laura M. Ginn, Deputy Attorney General, hereby  
20 join in full to Defendants' Answer to Plaintiff's Complaint. Defendants John Borrowman,  
21 Tara Carpenter, Mark La Fleur, Pam Del Porto, and Carter Potter filed their Answer on  
22 July 31, 2020. Renee Baker filed a Joinder to the Answer on October 1, 2020.

23 Defendants, Robert Smith, State of Nevada, ex rel. NDOC, and NDOC, assert all  
24 admissions and denials in the Answer and assert all available defenses and affirmative  
25 defenses set forth in Defendants' Answer.

26 DATED this 17th day of March, 2021.

27 AARON D. FORD  
28 Attorney General

By: /s/ Laura M. Ginn  
LAURA M. GINN, Bar. No. 8085  
Deputy Attorney General

*Attorneys for Defendants*



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

461

**EXHIBIT** 2

**EXHIBIT** 2

LCC #001

**Nevada Department of Corrections  
Civil Litigation Coordination Form 1**

**"NOTICE TO ATTORNEY GENERAL REGARDING SERVICE OF PROCESS"**

**INSTRUCTIONS:**

Complete the information required by this form and transmit promptly, with a copy of the Summons and Complaint, to the Office of the Attorney General, Litigation Division. The Department's activities related to receiving service of process are governed by the Administrative Regulation 357.

**1. General Information**

CASE NAME AND #: Langford VS NDOC 27CV-OTH-2020-0057  
RECEIVED BY: Connie Campbell AAU  
(Name and Title)  
DATE OF SERVICE: 3/24/2020 WHERE RECEIVED Gatehouse  
DOCUMENTS ENCLOSED: ☒ SUMMONS ☒ COMPLAINT ☐ OTHER

**2. SERVICE ACCEPTED FOR:**

Service of process was accepted for the following named defendants who are currently employed in the public service at the Department of Corrections as defined by NRS 284.015, or are immune contractors currently providing medical services to the Department as defined by NRS 41.0307. Each of these defendants has been provided with a copy of the Summons and Complaint, a form for requesting representation, and instructions on applicable deadlines.

| <u>NAME</u>         | <u>TITLE</u>            | <u>DUTY STATION</u> |
|---------------------|-------------------------|---------------------|
| <u>C. Potter</u>    | <u>Caseworker</u>       | <u>LCC</u>          |
| <u>M. LaFleur</u>   | <u>Caseworker</u>       | <u>LCC</u>          |
| <u>T. Carpenter</u> | <u>Associate Warden</u> | <u>LCC</u>          |
|                     |                         |                     |
|                     |                         |                     |
|                     |                         |                     |
|                     |                         |                     |
|                     |                         |                     |

**3. SERVICE NOT ACCEPTED FOR:**

Service was attempted but not accepted for the following defendants who are no longer employees, have never been employees, or are not identifiable.

| <u>NAME</u>    | <u>FORMER TITLE</u> | <u>FORMER DUTY STATION</u> |
|----------------|---------------------|----------------------------|
| <u>D. Beze</u> | <u>Caseworker</u>   | <u>LCC</u>                 |
|                |                     |                            |
| <u>Smith</u>   | <u>?</u>            | <u>? Sheriff's Deputy</u>  |
|                |                     | <u>Drop Service</u>        |
|                |                     | <u>After I refused</u>     |
|                |                     | <u>Service</u>             |

DOC-1032  
8/07

**EXHIBIT** 3

**EXHIBIT** 3

LCC #001

**IN THE ELEVENTH JUDICIAL DISTRICT COURT LANDER OF THE STATE  
OF NEVADA**

Justin Odell Langford #1159546  
PLAINTIFF

Vs

C/O Smith, et al  
DEFENDANT

) Dated: 7/8/2020  
)  
)

) Civil File Number: 20002803  
)

) CASE No.: 27CVOTH20200057  
)

**DECLARATION OF SERVICE**

STATE OF NEVADA }  
} ss:  
CARSON CITY }

**Jakob Dzyak**, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, personally served the described documents upon:

**Sub-served: NDOC by serving NANCY SANDERS (AAIL), Authorized Individual**

**Location: 5500 East Snyder Avenue Carson City, NV 89701**

**Date: 6/29/2020 Time: 9:55 AM**

The document(s) served were: Summons & Complaint

I declare under penalty of perjury under the law provided of the State of Nevada that the foregoing is true and correct.  
No notary is required per NRS 53.045.

**Ken Furlong, SHERIFF**



By: Jakob Dzyak Badge# 9685  
Sheriff's Authorized Agent

Eleventh Judicial District Court Lander

**EXHIBIT**

4

**EXHIBIT**

4

LCC #001

AARON D. FORD  
Attorney General

KYLE GEORGE  
First Assistant Attorney General

CHRISTINE JONES  
BRADY  
Second Assistant Attorney General



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL  
100 North Carson Street  
Carson City, Nevada 89701

JESSICA L. ADAIR  
Chief of Staff

RACHEL J. ANDERSON  
General Counsel

HEIDI PARRY STERN  
Solicitor General

DATE/TIME RECEIVED: 6/26/20, 2020 RECEIVED BY (OAG): \_\_\_\_\_

NAME OF SERVING PERSON/ENTITY: Jack Dzyrak - Carson City Sheriff's

CASE NAME: Estim Odell Langford #1159546 vs J. Burroughs  
State of Nevada

CASE NUMBER: 27-CV-01H2020-00057 COURT: 11th JD

DOCUMENT(S) RECEIVED: Summons & Complaint

NOTICE

NRS 41.031(2) provides in part that, in any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the state whose actions are the basis for the suit. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon the Attorney General, at the Office of the Attorney General in Carson City and upon the person serving in the office of administrative head of the named agency. Service on the Attorney General or designee does not constitute service on any individual or administrative head.

This Receipt acknowledges that the documents described herein have been received by the Nevada Attorney General or the designee authorized by NRS 41.031(2)(a). This Receipt does not ensure that any party, person or agency has been properly served, nor does it waive any legal requirement for service.

Receipt of a subpoena by the Office of the Attorney General does not constitute valid service of the subpoena upon any individual or upon any state agency, except the Office of the Attorney General. Receipt of summons and complaint or any other process by the Attorney General or designee does not constitute service upon any individual, nor does it constitute service upon the administrative head of an agency pursuant to NRS 41.

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.

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

Defendants.

**OPPOSITION TO MOTION FOR  
RELIEF FROM FINAL JUDGMENT  
PURSUANT TO NRCP 60**

Defendants, John Borrowman, Tara Carpenter, Mark La Fleur, P. Del Porta, Carter Potter, Renee Baker, State of Nevada ex. Rel., the Nevada Department of Corrections (NDOC), and Robert Smith, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Laura M. Ginn, Deputy Attorney General, hereby oppose Plaintiff's Motion for Relief From Final Judgment Pursuant to NRCP 60 (Motion), filed on May 13, 2022. This motion is made and based upon the attached Points and Authorities, the papers and pleadings on file herein, and such other and further argument as this Court may deem appropriate.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. PROCEDURAL HISTORY**

This Court's Order granted Defendants' Counter-Motion to Dismiss and was entered on April 30, 2021. Exhibit A. The Court of Appeals for the State of Nevada affirmed the portion of this Court's Order dismissing Langford's Complaint and further found Langford



1 failed to challenge the dismissal under NRCP 16.1(e)(2) on appeal. Exhibit B, Order at 2-  
2 3.

## 3 **II. LEGAL ANALYSIS**

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

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

12 Further, Langford's Motion misstates NRCP 16.1(e)(1) alleging Defendants are  
13 required to hold the case conference. Motion at 2:22-23. NRCP 16.1(b)(4)(A) clearly states,  
14 "[u]nless the parties agree or the court orders otherwise, the plaintiff is responsible for  
15 designating the time and place of each conference." Langford, not the Defendants, was  
16 legally responsible to hold the case conference. NRCP 16.1(e)(1) states, "[i]f the conference  
17 described in Rule 16.1(b) is not held within 180 days after service of an answer by a  
18 defendant, the court, on motion or on its own, may dismiss the case as to that defendant,  
19 without prejudice . . . ." The Court of Appeals for the State of Nevada affirmed this Court's  
20 dismissal of Langford's complaint. Exhibit B, Order at 2.

## 21 **III. CONCLUSION**

22 This issue was foreclosed by Langford's failure to raise the argument on appeal.  
23 Therefore, this Court should deny Langford's Motion.

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1 **IV. LIST OF EXHIBITS**


2 **A. Eleventh Judicial District Court Order Dated April 30, 2021**

3 **B. Court of Appeals for the State of Nevada Order Dated February 3,**  
4 **2022**

5 DATED this 26th day of May, 2021.

6 AARON D. FORD  
7 Attorney General

8 By:

  
9 LAURA M. GINN, Bar No. 8085  
10 Deputy Attorney General  
11 100 N. Carson Street  
12 Carson City, NV 89701-4717  
13 (775) 684-1120  
14 lginn@ag.nv.gov

15 *Attorneys for Defendants*  
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Justin Odell Langford, #1159546  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

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

2 Dept No. I

3 Affirmation pursuant to NRS 239B.036  
The undersigned affirms that this  
4 document does not contain the  
Personal information of any Person

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

8 Justin Odell Langford,  
9 Plaintiff,

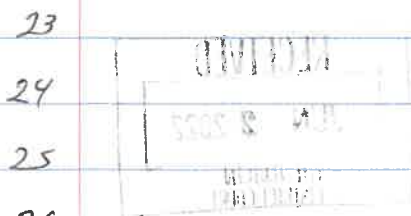
10 Vs. Request For Submission  
11 CIO Smith et al., (Hearing Required)  
12 Defendants

13  
14 I request that the Motion For Relief From Final  
15 Judgement Pursuant To NACPS 60 filed on May 13<sup>TH</sup> 2022  
16 be submitted to the Court for Decision.

17 This document does not contain the social security  
18 Number of any person

19 DATE: May 26<sup>TH</sup>, 2022

15/ Justin Odell Langford  
Justin Odell Langford - 1159546  
LCC, 1200 Prison Road  
Lovelock, Nev 89419



1 CASE NO. 27CV-OTH-2020-0057

2 DEPT. NO. I

3 AFFIRMATION pursuant to NRS 239B.030  
the undersigned affirms that this

4 document does not contain the  
personal information of any person

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6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF

7 NEVADA IN AND FOR THE COUNTY OF PERSHING

8 Justin Odell Langford,

9 Plaintiff,

10 vs.

11 CIO Smith, et al.,


12 Defendants. Pursuant To NRCP 60

13

14 COMES Now Justin Odell Langford, In Pro per, To file his  
15 Reply To Opposition To Motion For Relief From Final  
16 Judgment Pursuant To NRCP 60, and moves this Court  
17 to enter an order granting his motion. This reply is made  
18 and based upon NRCP 60, and is further made and based  
19 upon all papers, pleadings and documents on file with  
20 this court and the attached memorandum points and  
21 authorities

22 Date: June 5<sup>TH</sup> 2022

23 Respectfully Submitted,

24   
25 Justin O. Langford-1159546

26 LCC, 1200 Prison Rd.

27 Lovelock, Nev. 89419

(1)

# 1 A) MEMORANDUM OF POINTS AND AUTHORITIES

## 2 3 I 4 ARGUMENTS 5

6 Let Plaintiff note that the exhibits attached to  
7 the Courts copy was not attached to the copy sent  
8 to the Plaintiff. So Plaintiffs Copy of the Defendants  
9 Pleadings is incomplete.

10 Plaintiff will ~~mis~~ admit he misstated what NRCP  
11 16.1(e)(1) required at pg 2 lines 22-23 of his motion, it  
12 was not an attempt to mislead the court as the  
13 Defendants are doing in their reply at pg 2 Lines 4  
14 to 7. Waiver of issues presumes its a waiveable  
15 matter, and Fraud/Fraud upon the Court is not  
16 waivable.

17 Plaintiff reinserts his arguments regarding Fraud/  
18 Fraud upon the court from his original pleading at  
19 pg. 3 to pg 4 Line 3, in which they acquiesced by their  
20 Silence. See *Baxter v. Palmigiano*, 425 U.S. 308, 318 (1976) "As  
21 the Supreme court puts it: indeed, as Mr. Justice Brandeis declared  
22 speaking for a unanimous court in the *Tod* case, *supra.*, which  
23 involved a deportation: 'Silence is often evidence of the most  
24 persuasive character'. 263 U.S. at 263 U.S. 153-54. And in *Hale*, *supra.*,  
25 the court recognized that: 'Failure to contest an assertion... is  
26 considered evidence of acquiescence... if it would have been  
27 natural under the circumstances to object to the assertion

1 in question "422 U.S. at 422 U.S. 176 [Footnote 3]."),  
2 Art. 1 and Art. 2 of the Nev. Const. avers/asserts that it  
3 is the paramount duty of the Gov. is the allegiance to the U.S.,  
4 "Paramount": Supreme, superior to all other duties. Another words  
5 if its not a "supreme court decision, U.S." or "9<sup>th</sup> Cir." case  
6 ruling this court is not bound by it. On repeated instances  
7 the ~~Nev. Sup. Ct.~~ defendants have quoted Nev. Sup. Ct.  
8 Cases that contradict U.S. Sup. Ct. Cases, so this Court  
9 is going against the Nev. Const. by failing to follow  
10 U.S. Sup. Ct. decisions. See NIC-DSH v. Garner, 125 Nev.  
11 647, 648-49; 218 P3d 853; 2009 Nev. Lexis 55; 125 Nev. Adv. Rep. 50  
12 (Nev. 2009) (Showing that there is no time limit in  
13 challenging a judgment procured by fraud and no  
14 interest in it.); see also Boyce v. Grundy, 3 Pet. 210 ("  
15 Fraud vitiates the most solemn contracts, documents  
16 and even judgments."); 70 Am. Jur. 2d, Sec. 50, VII Civil  
17 liability; Nudd v. Burrows, 91 U.S. 426.

## 18 CONCLUSION

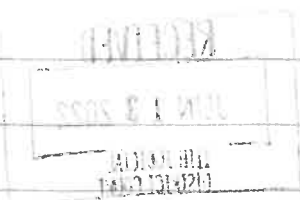
19  
20 WHEREFORE Plaintiff prays that the defendants did  
21 Procure the Judgement by fraud, and enters an order  
22 vacating its previous order dismissing the case and  
23 directs them to schedule a case conference  
24 for this matter as show and demonstrated in case  
25 #27CV-07H-2021-0121 "Langford v. Ferro" counsel for  
26 the defendants don't respond to letters regarding  
27 cases and can't call them as their lines are restricted.

# CERTIFICATE OF SERVICE

I, certify, that I have attached a true and correct copy of the above-entitled document, with special instructions to the clerk of the Court for E-file and E-service to all my opponents pursuant to N.E.F.C.R. 5(k), 9 et seq. (A-E) Etc. to the following:

Laura M. Ginn, Deputy Atty. Gen.

\* Also Defendants motion was 3 days late \*  
due date was March 23<sup>rd</sup>, 2022 not the 26<sup>th</sup>.





CASE NO. 27CV-OTH-2020-0057

*The undersigned hereby affirms that this document  
does not contain the social security number of any person.*

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

JUSTIN ODELL LANGFORD,

Petitioner,

Vs.

C/O SMITH, RENEE BAKER,

CASEWORKER LEFLEUR, C. POTTER, P.

DELORTO, J. BORROWMAN, D. BAZE,

AND TARA CARPENTER.

Respondents.

**SETTING MEMO**

The above-entitled matter is set for: **MOTION HEARING**

Date and Time: July 19, 2022, at 10:00 a.m. (30 minutes allotted)

DATED this 29<sup>th</sup> day of June 2022

KATE MARTIN  
CLERK OF THE COURT

/s/ Kate Martin

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**CERTIFICATE OF SERVICE**

The undersigned, an employee of the Eleventh Judicial District Court, hereby certifies that I served the foregoing **SETTING MEMO** on the parties, as noted below:

Justin Odell Langford  
#1159546  
Lovelock Correctional Center  
1200 Prison Rd.  
Lovelock, Nevada 89419  
Petitioner

Laura Ginn  
Deputy Attorney General  
[lginn@ag.v.gov](mailto:lginn@ag.v.gov)  
Attorney OBO Respondent

DATED this 29<sup>th</sup> day of June 2022.

/s/ Kate Martin  
Court Clerk

CASE NO. 27CV-OTH-2020-0057

*The undersigned hereby affirms that this document  
does not contain the social security number of any person.*

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

JUSTIN ODELL LANGFORD,

Petitioner,

Vs.

C/O SMITH, RENEE BAKER,

CASEWORKER LEFLEUR, C. POTTER,

P. DELORTO, J. BORROWMAN, D.

BAZE, AND TARA CARPENTER.

Respondents.

**ORDER TO TRANSPORT**  
**PRISONER**

To: **TIM GARRETT, WARDEN**

**THE COURT HEREBY FINDS** that the Petitioner is presently in the custody of the Nevada Department of Corrections.

**IT IS HEREBY ORDERED** that the Warden, or his designee, shall transport Petitioner, JUSTIN ODELL LANGFORD (#1159546), to the Eleventh Judicial District Court in Pershing County at 400 Main Street Lovelock, NV 89419 on the **19th day of July 2022**, for a Motion hearing scheduled at **10:00 a.m.**, and arrange for his appearance on all subsequent court dates related to this matter, as relayed by Memorandum from the Office of the Attorney General.

**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.

A handwritten signature in black ink, appearing to read 'Shirley', is written over a light blue rectangular background.

Judge Shirley

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

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, et, al.,  
Defendant.

**AFFIDAVIT OF MAILING**

I, Shylaa George, being first duly sworn depose and say: That I am, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that I am a Deputy Court Clerk of the 11<sup>th</sup> Judicial District Court and that I caused to be served, a copy of the DENIAL MOTION FOR RELIEF that was served electronically, in compliance with the Eleventh Judicial District Court's electronic filing system or enclosed in a sealed envelope with first class prepaid postage, addressed to:

Nevada AG's Office  
Electronic Service

DATED this 8<sup>th</sup> day of August 2022.

KATE MARTIN  
CLERK OF THE COURT  
By: /s/ Shylaa George

CASE NO. 27CV-OTH-2020-0057

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, et, al.,  
Defendant.

**AMENDED AFFIDAVIT OF  
MAILING**

I, Shylaa George, being first duly sworn depose and say: That I am, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that I am a Deputy Court Clerk of the 11<sup>th</sup> Judicial District Court and that I caused to be served, a copy of the DENIAL MOTION FOR RELIEF that was served electronically, in compliance with the Eleventh Judicial District Court's electronic filing system or enclosed in a sealed envelope with first class prepaid postage, addressed to:

Nevada AG's Office  
Electronic Service

Justin Odell Langford #115946  
Traditional mail  
1200 Prison Road  
Lovelock, NV 89419

DATED this 8<sup>th</sup> day of August 2022.

KATE MARTIN  
CLERK OF THE COURT  
By: /s/ Shylaa George

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

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# 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 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

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### 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.

A handwritten signature in black ink, appearing to read 'J. Shirley', is written over a light blue rectangular background.

Judge Shirley

CASE NO. 27CV-OTH-2020-0057

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;

CASEWORKER LEFLEUR; C. POTTER; P.

DELORTO; J. BORROWMAN; D. BAZE; T.

CARPENTER,

Defendants.

**AFFIDAVIT OF MAILING**

I, Carol Elerick, being first duly sworn depose and say: That I am, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that I am a Deputy Court Clerk of the 11<sup>th</sup> Judicial District Court and that I caused to be served a copy of Order to Transport Prisoner that was served electronically, in compliance with the Eleventh Judicial District Court's electronic filing system or enclosed in a sealed envelope with first class prepaid postage, addressed to:

Justin O. Langford #1159546  
1200 Prison Road/LCC  
Lovelock, NV. 89419  
Notified via Traditional Mail  
Pro Se Litigant

1 Nevada Attorney General's Office  
2 Notified via Electronic Service  
3 Attorney for Defendants

4  
5 DATED this 12<sup>th</sup> day of August 2022.

6 KATE MARTIN  
7 CLERK OF THE COURT

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By: /s/ Carol Elerick

Case No. 27CV-OTH-2020-0057

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

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

# **EXHIBIT** 1

Order Denying  
Motion For Relief  
From Judgment  
Pursuant To Rule 60

# **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 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

*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  
original writ proceeding in the Supreme Court and, if so, the caption and  
7 Supreme Court docket number of the prior proceeding:

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

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

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

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

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

Case No. 27CV-OTH-2022-0057

*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.

**ORDER DIRECTING  
TRANSMISSION OF RECORD**

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN ODELL LANGFORD,  
Appellant,  
vs.  
C/O SMITH; RENEE BAKER;  
CASEWORKER LEFLUER; C. POTTER;  
P. DELORTO; J. BORROWMAN; D.  
BAZE; AND TARA CARPENTER,  
Respondents.

No. 85245

FILED

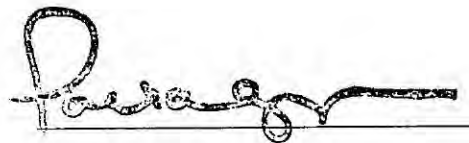
SEP 02 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DIRECTING TRANSMISSION OF RECORD*

Having reviewed the documents on file in this pro se appeal, this court concludes that review of the complete record is warranted. NRAP 10(a)(1). Accordingly, within 30 days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the trial court record in District Court Case No. 27CV-OTH-2020-0057. See NRAP 11(a)(2) (providing that the complete “record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court,” as well as “any previously prepared transcripts of the proceedings in the district court”). The record shall not include any exhibits filed in the district court. NRAP 11(a)(1).

It is so ORDERED.

 C.J.

cc: Justin Odell Langford  
Attorney General/Carson City  
Clerk of the Court/Court Administrator