

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN PHILLIP BONHAM,  
Appellant,  
vs.  
BARBARA K. CEGAVSKE,  
Respondent.

No. 85267

**FILED**

SEP 09 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

**ORDER DIRECTING ATTORNEY GENERAL TO OBTAIN AND  
TRANSMIT A CERTIFIED COPY OF THE NOTICE OF APPEAL LOG OR  
OTHER LOG MAINTAINED BY THE PRISON**

This is a pro se appeal from a district court order dismissing and denying a complaint. Preliminary review of this appeal reveals a potential jurisdictional defect. Specifically, the district court entered the challenged order on June 27, 2022. Notice of entry of the order was served on appellant, by mail, on June 29, 2022. Appellant's notice of appeal was therefore due to be filed in the district court by August 1, 2022. See NRAP 4(a)(1); NRCP 6(d). Appellant's notice of appeal, however, was not filed in the district court until August 22, 2022, well beyond the relevant appeal period. This court lacks jurisdiction to consider an untimely notice of appeal. *Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 330, 741 P.2d 432, 432 (1987).

Appellant, an inmate confined in an institution, dated his notice of appeal either July 18, 2022, or July 30, 2022. If appellant delivered his notice of appeal to a prison official for mailing on or before August 1, 2022, his notice of appeal will be deemed timely filed. See NRAP 4(d). Because appellant has not submitted documentation verifying the actual date he delivered his notice of appeal to a prison official, this court is unable to

determine at this time whether his notice of appeal should be deemed timely. Any documents verifying the actual date of delivery are in the sole custody and control of state prison officials. In addition, appellant is not represented by counsel in this matter and is proceeding in pro se. Therefore, the attorney general, as counsel for respondent, is in the best position to obtain and transmit to this court the documents necessary to establish whether appellant timely invoked this court's jurisdiction to consider this appeal.

Accordingly, the attorney general shall have 30 days from the date of this order to obtain and transmit to the clerk of this court a certified copy of the notice of appeal log maintained at the prison indicating the actual date upon which appellant delivered to a prison official his notice of appeal.<sup>1</sup> If the notice of appeal log does not indicate that appellant delivered his notice of appeal to a prison official, the attorney general shall so inform this court, in writing. If appellant used any other log maintained by the prison during the relevant time period, the attorney general shall inform the court of this fact and provide this court with a certified copy of the log used by appellant.

The deadlines to file documents in this appeal are suspended pending further order of this court.

It is so ORDERED.

C.J.

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<sup>1</sup>Nevada Department of Corrections Administrative Regulation 722.07(1) provides that "[e]ach institution and facility will maintain a permanent Notice of Appeals Log."

cc: Bryan Phillip Bonham  
Attorney General/Carson City