

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 85267

FILED

OCT 03 2022

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

ORDER REINSTATING BRIEFING

This is a pro se appeal from a district court order dismissing and denying a complaint. Preliminary review of the appeal revealed that appellant's notice of appeal was untimely filed in the district court on August 22, 2022, beyond the 30-day appeal period prescribed in NRAP 4(a)(1). However, appellant dated his notice of appeal either July 18, 2022, or July 30, 2022, within the appeal period. Under NRAP 4(d), if appellant—who is an inmate confined in an institution—delivered his notice of appeal to a prison official for mailing on or before August 1, 2022, his notice of appeal would be deemed timely filed. *See also Kellogg v. Journal Commc'ns*, 108 Nev. 474, 477, 835 P.2d 12, 13 (1992). Accordingly, this court ordered the attorney general, as counsel for respondent, to obtain and transmit to this court a certified copy of the notice of appeal log indicating the date appellant delivered his notice of appeal to a prison official.<sup>1</sup>

In response, the attorney general has filed a notice stating that the notice of appeal log from High Desert State Prison indicates that

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<sup>1</sup>Appellant has filed a pro se motion for reconsideration that appears to seek reconsideration of this court's order directing the attorney general to obtain and transmit a copy of the notice of appeal log. The motion is denied. Any other relief requested in the motion is also denied.

appellant delivered his notice of appeal to prison officials on August 1, 2022. Attached to the notice is an uncertified copy of the appeal log. Although the attorney general has failed to provide a certified copy of the appeal log as directed, it appears that appellant delivered his notice of appeal to a prison official on August 1, 2022, within the time to file the notice of appeal. Therefore, the notice of appeal is timely under NRAP 4(d), and this appeal may proceed.

Briefing of this appeal is reinstated. Appellant filed an informal brief on September 19, 2022. Respondent shall have 21 days from the date of this order to file and serve an answering brief, if deemed warranted. See NRAP 46A(c).

It is so ORDERED.

 C.J.

cc: Bryan Phillip Bonham  
Attorney General/Carson City