

Case No. 27CV-WR3-2019-0039

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

Electronically Filed  
Feb 02 2023 03:00 PM  
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

BRYAN PHILLIP BONHAM,

Appellant,

vs.

BARBARA K. CEGASVKE,

Respondent.

**RECORD ON APPEAL**

**PLEADINGS**

VOLUME 1

Bryan P. Bonham  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070  
Appellant, In Pro Per

Douglas Rands  
Nevada Attorney General's Office  
100 N. Carson St.  
Carson City, NV 89701  
Attorney for Respondents

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PLFF

Bryan P Bonham # 60575

Lovelock Correctional Center

1200 Prison Road

Lovelock, Nevada 89419

Plaintiff In Pro Se

DISTRICT COURT  
Pershing County  
~~CLARK COUNTY~~, NEVADA

\* \* \* \* \*

Bryan P. Bonham, )

plaintiff, )

Case No. PI 19-1291

-vs-

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

Barbara K Regavske, )

Defendant. )

APPLICATION TO PROCEED IN FORMA PAUPERIS

COMES NOW Plaintiff, Bryan P. Bonham, 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.

Dated this 8th day of march, 2019.

Bryan P Bonham # 60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

plaintiff In Pro Se

LCC LL FORM 24.012

Affidavit In Support of Application  
To Proceed In Forma Pauperis

STATE OF NEVADA            )  
                                  ) ss:  
COUNTY OF PERSHING    )

COMES NOW, Bryan P Bonham, 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 or 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 on 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 persons 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 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 8th day of march, 2019.

Bryan P Bonham  
Bryan P Bonham #.600575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

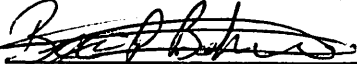
Plaintiff In Pro Se

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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 8th day of march, 2019.

  
Bryan D. Benham # 60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419  
plaintiff In Pro Se

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**Financial Certificates**  
**0060575 - BONHAM, BRYAN P**  
**(8/2/2018 - 2/1/2019)**

Date	Description	Deposit	Withdrawal	Balance
08/02/2018	Opening Balance			\$0.03
09/23/2018	Keefe	\$60.00		\$60.03
09/23/2018	Legal Copies		(\$2.52)	\$57.51
09/23/2018	Legal Copies		(\$1.60)	\$55.91
09/23/2018	Legal Copies		(\$6.00)	\$49.91
09/23/2018	Legal Copies		(\$2.10)	\$47.81
09/23/2018	Medical Copay		(\$8.00)	\$39.81
09/23/2018	Savings		(\$6.00)	\$33.81
09/24/2018	Commissary		(\$33.46)	\$0.35
01/04/2019	Keefe	\$130.00		\$130.35
01/04/2019	Financial Certificate		(\$26.00)	\$104.35
01/04/2019	Legal Copies		(\$1.60)	\$102.75
01/04/2019	Medical Copay		(\$8.00)	\$94.75
01/04/2019	Savings		(\$13.00)	\$81.75
01/07/2019	Commissary		(\$7.73)	\$74.02
01/07/2019	Commissary Refund	\$6.06		\$80.08
01/07/2019	Trust 2		(\$6.06)	\$74.02
01/08/2019	Trust 2	\$6.06		\$80.08
01/08/2019	Commissary		(\$28.33)	\$51.75
01/14/2019	Commissary		(\$31.57)	\$20.18
01/17/2019	Legal Copies		(\$1.80)	\$18.38
01/17/2019	Legal Copies		(\$0.90)	\$17.48
01/18/2019	Legal Copies		(\$6.80)	\$10.68
01/18/2019	Legal Copies		(\$0.80)	\$9.88
01/22/2019	Commissary		(\$9.82)	\$0.06
02/01/2019	Closing Balance			\$0.06

Date	Description	Deposit	Withdrawal	Balance
08/02/2018	Opening Balance			\$0.00
01/07/2019	Trust 2	\$6.06		\$6.06
01/08/2019	Trust 2		(\$6.06)	\$0.00
02/01/2019	Closing Balance			\$0.00

Date	Description	Deposit	Withdrawal	Balance
No Activity				
08/02/2018	Opening Balance			\$0.00
02/01/2019	Closing Balance			\$0.00

Date	Description	Deposit	Withdrawal	Balance
08/02/2018	Opening Balance			\$332.34
09/23/2018	Savings	\$6.00		\$338.34
01/04/2019	Savings	\$13.00		\$351.34
02/01/2019	Closing Balance			\$351.34



**Financial Certificates**  
**0060575 - BONHAM, BRYAN P**

# Financial Certificates

## 0060575 - BONHAM, BRYAN P

Date	Daily Balance	Daily Deposit	Number Of Deposit
08/02/2018	\$0.03	\$0.00	0
08/03/2018	\$0.03	\$0.00	0
08/04/2018	\$0.03	\$0.00	0
08/05/2018	\$0.03	\$0.00	0
08/06/2018	\$0.03	\$0.00	0
08/07/2018	\$0.03	\$0.00	0
08/08/2018	\$0.03	\$0.00	0
08/09/2018	\$0.03	\$0.00	0
08/10/2018	\$0.03	\$0.00	0
08/11/2018	\$0.03	\$0.00	0
08/12/2018	\$0.03	\$0.00	0
08/13/2018	\$0.03	\$0.00	0
08/14/2018	\$0.03	\$0.00	0
08/15/2018	\$0.03	\$0.00	0
08/16/2018	\$0.03	\$0.00	0
08/17/2018	\$0.03	\$0.00	0
08/18/2018	\$0.03	\$0.00	0
08/19/2018	\$0.03	\$0.00	0
08/20/2018	\$0.03	\$0.00	0
08/21/2018	\$0.03	\$0.00	0
08/22/2018	\$0.03	\$0.00	0
08/23/2018	\$0.03	\$0.00	0
08/24/2018	\$0.03	\$0.00	0
08/25/2018	\$0.03	\$0.00	0
08/26/2018	\$0.03	\$0.00	0
08/27/2018	\$0.03	\$0.00	0
08/28/2018	\$0.03	\$0.00	0
08/29/2018	\$0.03	\$0.00	0
08/30/2018	\$0.03	\$0.00	0
08/31/2018	\$0.03	\$0.00	0
09/01/2018	\$0.03	\$0.00	0
09/02/2018	\$0.03	\$0.00	0
09/03/2018	\$0.03	\$0.00	0
09/04/2018	\$0.03	\$0.00	0
09/05/2018	\$0.03	\$0.00	0
09/06/2018	\$0.03	\$0.00	0
09/07/2018	\$0.03	\$0.00	0
09/08/2018	\$0.03	\$0.00	0
09/09/2018	\$0.03	\$0.00	0
09/10/2018	\$0.03	\$0.00	0
09/11/2018	\$0.03	\$0.00	0
09/12/2018	\$0.03	\$0.00	0
09/13/2018	\$0.03	\$0.00	0
09/14/2018	\$0.03	\$0.00	0
09/15/2018	\$0.03	\$0.00	0
09/16/2018	\$0.03	\$0.00	0
09/17/2018	\$0.03	\$0.00	0
09/18/2018	\$0.03	\$0.00	0
09/19/2018	\$0.03	\$0.00	0

# Financial Certificates

## 0060575 - BONHAM, BRYAN P

Date	Daily Balance	Daily Deposit	Number Of Deposit
09/20/2018	\$0.03	\$0.00	0
09/21/2018	\$0.03	\$0.00	0
09/22/2018	\$0.03	\$0.00	0
09/23/2018	\$33.81	\$60.00	1
09/24/2018	\$0.35	\$0.00	0
09/25/2018	\$0.35	\$0.00	0
09/26/2018	\$0.35	\$0.00	0
09/27/2018	\$0.35	\$0.00	0
09/28/2018	\$0.35	\$0.00	0
09/29/2018	\$0.35	\$0.00	0
09/30/2018	\$0.35	\$0.00	0
10/01/2018	\$0.35	\$0.00	0
10/02/2018	\$0.35	\$0.00	0
10/03/2018	\$0.35	\$0.00	0
10/04/2018	\$0.35	\$0.00	0
10/05/2018	\$0.35	\$0.00	0
10/06/2018	\$0.35	\$0.00	0
10/07/2018	\$0.35	\$0.00	0
10/08/2018	\$0.35	\$0.00	0
10/09/2018	\$0.35	\$0.00	0
10/10/2018	\$0.35	\$0.00	0
10/11/2018	\$0.35	\$0.00	0
10/12/2018	\$0.35	\$0.00	0
10/13/2018	\$0.35	\$0.00	0
10/14/2018	\$0.35	\$0.00	0
10/15/2018	\$0.35	\$0.00	0
10/16/2018	\$0.35	\$0.00	0
10/17/2018	\$0.35	\$0.00	0
10/18/2018	\$0.35	\$0.00	0
10/19/2018	\$0.35	\$0.00	0
10/20/2018	\$0.35	\$0.00	0
10/21/2018	\$0.35	\$0.00	0
10/22/2018	\$0.35	\$0.00	0
10/23/2018	\$0.35	\$0.00	0
10/24/2018	\$0.35	\$0.00	0
10/25/2018	\$0.35	\$0.00	0
10/26/2018	\$0.35	\$0.00	0
10/27/2018	\$0.35	\$0.00	0
10/28/2018	\$0.35	\$0.00	0
10/29/2018	\$0.35	\$0.00	0
10/30/2018	\$0.35	\$0.00	0
10/31/2018	\$0.35	\$0.00	0
11/01/2018	\$0.35	\$0.00	0
11/02/2018	\$0.35	\$0.00	0
11/03/2018	\$0.35	\$0.00	0
11/04/2018	\$0.35	\$0.00	0
11/05/2018	\$0.35	\$0.00	0
11/06/2018	\$0.35	\$0.00	0
11/07/2018	\$0.35	\$0.00	0

# Financial Certificates

## 0060575 - BONHAM, BRYAN P

Date	Daily Balance	Daily Deposit	Number Of Deposit
11/08/2018	\$0.35	\$0.00	0
11/09/2018	\$0.35	\$0.00	0
11/10/2018	\$0.35	\$0.00	0
11/11/2018	\$0.35	\$0.00	0
11/12/2018	\$0.35	\$0.00	0
11/13/2018	\$0.35	\$0.00	0
11/14/2018	\$0.35	\$0.00	0
11/15/2018	\$0.35	\$0.00	0
11/16/2018	\$0.35	\$0.00	0
11/17/2018	\$0.35	\$0.00	0
11/18/2018	\$0.35	\$0.00	0
11/19/2018	\$0.35	\$0.00	0
11/20/2018	\$0.35	\$0.00	0
11/21/2018	\$0.35	\$0.00	0
11/22/2018	\$0.35	\$0.00	0
11/23/2018	\$0.35	\$0.00	0
11/24/2018	\$0.35	\$0.00	0
11/25/2018	\$0.35	\$0.00	0
11/26/2018	\$0.35	\$0.00	0
11/27/2018	\$0.35	\$0.00	0
11/28/2018	\$0.35	\$0.00	0
11/29/2018	\$0.35	\$0.00	0
11/30/2018	\$0.35	\$0.00	0
12/01/2018	\$0.35	\$0.00	0
12/02/2018	\$0.35	\$0.00	0
12/03/2018	\$0.35	\$0.00	0
12/04/2018	\$0.35	\$0.00	0
12/05/2018	\$0.35	\$0.00	0
12/06/2018	\$0.35	\$0.00	0
12/07/2018	\$0.35	\$0.00	0
12/08/2018	\$0.35	\$0.00	0
12/09/2018	\$0.35	\$0.00	0
12/10/2018	\$0.35	\$0.00	0
12/11/2018	\$0.35	\$0.00	0
12/12/2018	\$0.35	\$0.00	0
12/13/2018	\$0.35	\$0.00	0
12/14/2018	\$0.35	\$0.00	0
12/15/2018	\$0.35	\$0.00	0
12/16/2018	\$0.35	\$0.00	0
12/17/2018	\$0.35	\$0.00	0
12/18/2018	\$0.35	\$0.00	0
12/19/2018	\$0.35	\$0.00	0
12/20/2018	\$0.35	\$0.00	0
12/21/2018	\$0.35	\$0.00	0
12/22/2018	\$0.35	\$0.00	0
12/23/2018	\$0.35	\$0.00	0
12/24/2018	\$0.35	\$0.00	0
12/25/2018	\$0.35	\$0.00	0
12/26/2018	\$0.35	\$0.00	0

# Financial Certificates

## 0060575 - BONHAM, BRYAN P

Date	Daily Balance	Daily Deposit	Number Of Deposit	
12/27/2018	\$0.35	\$0.00	0	
12/28/2018	\$0.35	\$0.00	0	
12/29/2018	\$0.35	\$0.00	0	
12/30/2018	\$0.35	\$0.00	0	
12/31/2018	\$0.35	\$0.00	0	
01/01/2019	\$0.35	\$0.00	0	
01/02/2019	\$0.35	\$0.00	0	
01/03/2019	\$0.35	\$0.00	0	
01/04/2019	\$81.75	\$130.00	1	
01/05/2019	\$81.75	\$0.00	0	
01/06/2019	\$81.75	\$0.00	0	
01/07/2019	\$74.02	\$0.00	0	
01/08/2019	\$51.75	\$0.00	0	
01/09/2019	\$51.75	\$0.00	0	
01/10/2019	\$51.75	\$0.00	0	
01/11/2019	\$51.75	\$0.00	0	
01/12/2019	\$51.75	\$0.00	0	
01/13/2019	\$51.75	\$0.00	0	
01/14/2019	\$20.18	\$0.00	0	
01/15/2019	\$20.18	\$0.00	0	
01/16/2019	\$20.18	\$0.00	0	
01/17/2019	\$17.48	\$0.00	0	
01/18/2019	\$9.88	\$0.00	0	
01/19/2019	\$9.88	\$0.00	0	
01/20/2019	\$9.88	\$0.00	0	
01/21/2019	\$9.88	\$0.00	0	
01/22/2019	\$0.06	\$0.00	0	
01/23/2019	\$0.06	\$0.00	0	
01/24/2019	\$0.06	\$0.00	0	
01/25/2019	\$0.06	\$0.00	0	
01/26/2019	\$0.06	\$0.00	0	
01/27/2019	\$0.06	\$0.00	0	
01/28/2019	\$0.06	\$0.00	0	
01/29/2019	\$0.06	\$0.00	0	
01/30/2019	\$0.06	\$0.00	0	
01/31/2019	\$0.06	\$0.00	0	
02/01/2019	\$0.06	\$0.00	0	
Start Date	End Date	Total Daily Balances	Number Of Days	Average Monthly Balances
08/02/2018	09/01/2018	\$0.93	31	\$0.03
09/02/2018	10/01/2018	\$37.24	30	\$1.24
10/02/2018	11/01/2018	\$10.85	31	\$0.35
11/02/2018	12/01/2018	\$10.50	30	\$0.35
12/02/2018	01/01/2019	\$10.85	31	\$0.35
01/02/2019	02/01/2019	\$748.67	31	\$24.15
Start Date	End Date	Total Deposits	Number Of Deposits	Average Monthly Deposits
09/02/2018	10/01/2018	\$60.00	1	\$60.00
01/02/2019	02/01/2019	\$130.00	1	\$130.00

**Financial Certificates**  
**0060575 - BONHAM, BRYAN P**

<b>Current Account Balance:</b>	<b>2/1/2019</b>	<b>\$0.06</b>
<b>Average Monthly Balance:</b>		<b>\$4.41</b>
<b>Average Monthly Deposits:</b>		<b>\$31.67</b>
<b>Average Total Monthly Deposit:</b>		<b>\$31.67</b>

$$\begin{array}{r} 31.67 \times \\ 20\% \\ 6.33 * + \\ \hline 31.67 * \end{array}$$

OIFP

Bryan P Bonham # 60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Plaintiff In Pro Se

DISTRICT COURT  
Pershing County  
~~CLARK COUNTY~~, NEVADA

\* \* \* \* \*

Bryan P Bonham, )  
 )  
plaintiff, )  
 )  
-vs- )  
 )  
Barbara K Cegavske, )  
 )  
Defendant. )

Case No. PI 19-1291  
Dept. No. \_\_\_\_\_

ORDER TO PROCEED IN FORMA PAUPERIS

Upon consideration of plaintiffs'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, Bryan P Bonham,  
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 15<sup>th</sup> day of March, 2019.

[Signature]  
District Court Judge

Bryan p Bonham  
1200 prison Road  
LoveLock Correction center  
LoveLock, NV. 89419

Plaintiff in pro se

District Court  
Pershing County, Nevada

Bryan p. Bonham

27CV-WR3-2019-0039  
case NO. P119-1291

Dept. NO.

VS.

Barbara K. Cegavske, Secretary of State.

Civil Rights Complaint  
PURSUANT TO 42 U.S.C. §1983  
A. Jurisdiction.

This complaint alleges that the civil rights of plaintiff Bryan p. Bonham who presently resides at LoveLock correction center, Pershing County, Nevada were violated by the actions of the below-named individual(s) which were directed against plaintiff at LoveLock correction center from February 27th, 2019 to present, the following civil Rights have been violated, 1<sup>st</sup> Amendment, 5<sup>th</sup> Amendment, and 14<sup>th</sup> Amendment.



COUNT 1 February 27, 2019

Defendant, Barbara K. Cegauske: While Employed as Secretary of State in and for The State of Nevada this Defendant is sued in Her Individual and Official Capacity. Has acted, is in violation of Her oath of office.

### Nature of The Case.

On February 19, 2019 plaintiff sent a request to The Secretary of State for certificate of oaths for various elected officials, two Senate Bills. SB 109, and SB 2. SB 109 from 1949, SB 2 from 1957. In Her Response, Secretary of State states that Her office is not in possession of SB 109 from 1949 nor S.B. 2 from 1957 which is a violation of The Nevada Constitution, U.S. Constitution, Freedom of Information Act.

### COUNT 1.

The following civil Rights have been violated.

1st Amend Right to Contract.

5th Amend Due process

14th Amend due process.

Supporting facts:

(2)

Defendant, Barbara K. Cegauske, while employed as Secretary of State in and for the State of Nevada has been, and is in violation of Her oath of office, Nevada Constitution, and U.S. Constitution Amendments 1, 5, 14 i.e.

Oath of office; I Barbara K. Cegauske, do solemnly swear that ~~th~~ I will support, protect and defend The Constitution and government of The United States, and The Constitution and government of the State of Nevada, against all enemies, whether domestic or foreign and That I will bear true faith, allegiance and Loyalty to The same, any ordinance, resolution or Law of any State notwithstanding, and That I will well and faithfully perform all The duties of The office of Secretary of State of The State of Nevada, on which I am about to enter; so help me God. See exhibit 1, 1a plaintiff submits Defendant admits to this violation in response to plaintiff's Request for Documents. i.e. ~~the~~ Secretary of State is not in possession of Senate Bill 109 from 1949 nor Senate Bill 2 from 1957. See exhibit 2

Nevada Constitution; Nevada Constitution Article 5, §20 which requires the legislative Records to be maintained by the Secretary of State. per Nevada Constitution Article 16 §1, 2 State created Statutes i.e. NRS(s) are not a way to Amend The Nevada Constitution.

U.S. Constitution Amend 1.

Right to contract. by Her oath Secretary of state  
Cegavske entered into contract with the Citizen's  
in signing Her Certificate of election, and oath of  
office.

U.S. Constitution Amendment V violation of Due process  
by way of withholding Records she is mandated to be  
holder of said Records

### E. Request for Relief.

- 1) plaintiff Requests from Secretary of state the true and original  
copies of senate Bill 2 (1957) and senate Bill 109 (1949) in  
original typewritten form
- 2) copy of Writ of Habeas Corpus in case of state of Nevada vs  
Gary Walters, court order(s) showing writ granted.
- 3) Compensatory Damages \$500,000.00
- 4) punitive Damages \$500,000.00

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 that the foregoing is true and correct see 18 U.S.C. § 1621,  
28 U.S.C. § 1746

Bryan P. Boham 60575  
Bryan P. Boham  
3/8/2019

**EXHIBIT**

1

**EXHIBIT**

1

#001

LCC



## CERTIFICATE OF ELECTION

**This is to certify** that at a general election held in the State of Nevada on Tuesday, the fourth day of November, two thousand fourteen

**BARBARA K. CEGAVSKE**

was duly elected to the office of Secretary of State of the State of Nevada, for the term of four years from and including the first Monday in January, two thousand fifteen;

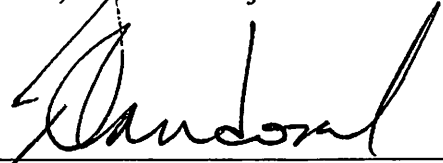
**Now, Therefore,** I Brian Sandoval, Governor of the State of Nevada, by the authority vested in me by the Constitution and laws thereof, do hereby

## COMMISSION

her, the said BARBARA K. CEGAVSKE, as Secretary of State of the State of Nevada, and authorize her to discharge the duties of said office according to law, and to hold and enjoy the same, together with all powers, privileges and emoluments thereunto appertaining.

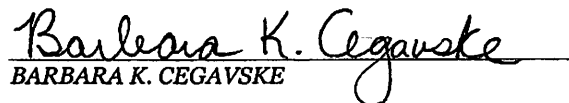


In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol at Carson City, Nevada on this 9th day of December, two thousand fourteen.

  
Governor of the State of Nevada

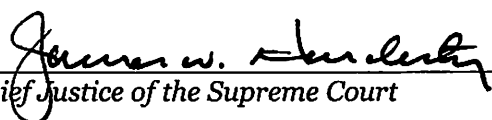
  
Secretary of the State of Nevada

I, BARBARA K. CEGAVSKE, do solemnly swear that I will support, protect and defend the constitution and government of the United States, and the constitution and government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of Secretary of State of the State of Nevada, on which I am about to enter; so help me God.

  
BARBARA K. CEGAVSKE

Subscribed and sworn to before me this 5<sup>th</sup> day of January, A.D., two thousand fifteen.



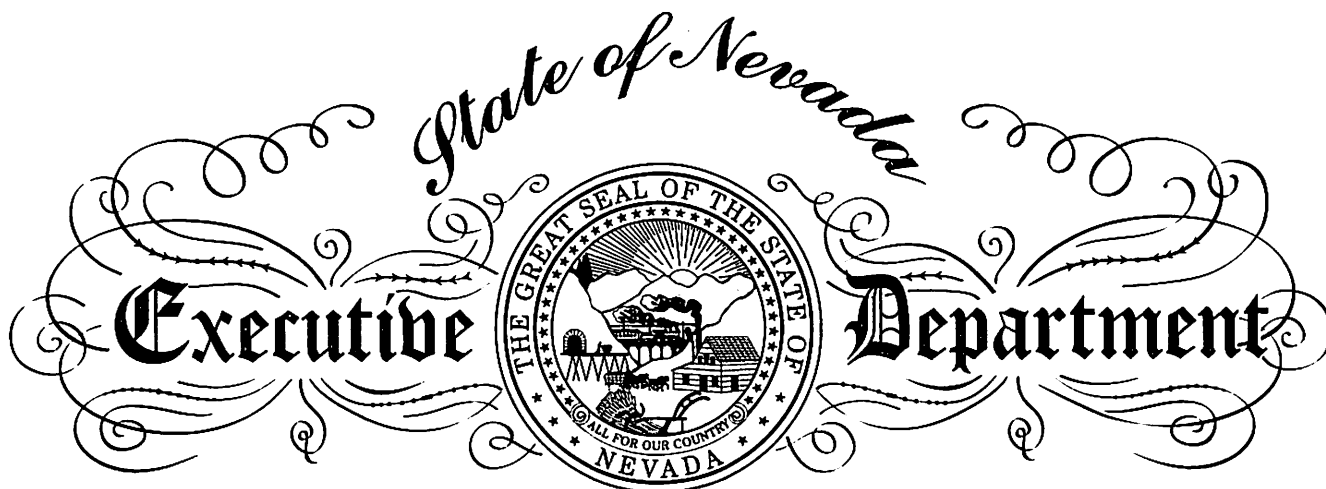
  
Chief Justice of the Supreme Court

**EXHIBIT**

1a

**EXHIBIT**

1a



## CERTIFICATE OF ELECTION

**This is to certify** that at a general election held in the State of Nevada on Tuesday, the sixth day of November, two thousand eighteen

**BARBARA K. CEGAVSKE**

was duly elected to the office of Secretary of State of the State of Nevada, for the term of four years from and including the first Monday in January, two thousand nineteen;

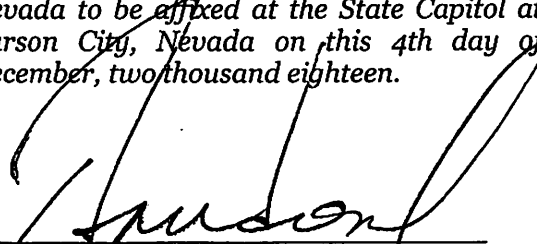
**Now, Therefore,** I Brian Sandoval, Governor of the State of Nevada, by the authority vested in me by the Constitution and laws thereof, do hereby

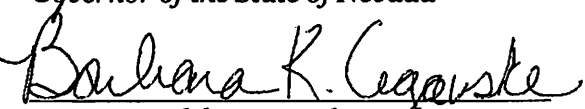
## COMMISSION

her, the said BARBARA K. CEGAVSKE, as Secretary of State of the State of Nevada, and authorize her to discharge the duties of said office according to law, and to hold and enjoy the same, together with all powers, privileges and emoluments thereunto appertaining.

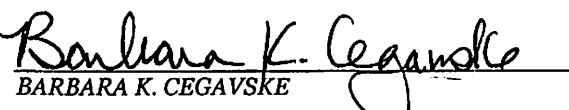


In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol at Carson City, Nevada on this 4th day of December, two thousand eighteen.

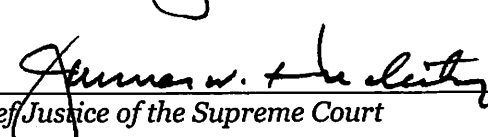
  
Governor of the State of Nevada

  
Secretary of the State of Nevada

I, BARBARA K. CEGAVSKE, do solemnly swear that I will support, protect and defend the constitution and government of the United States, and the constitution and government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of Secretary of State of the State of Nevada, on which I am about to enter; so help me God.

  
BARBARA K. CEGAVSKE

Subscribed and sworn to before me this 7 day of January, A.D., two thousand nineteen.

  
Chief Justice of the Supreme Court

**EXHIBIT**

2

**EXHIBIT**

2

LCC #001



**BARBARA K. CEGAVSKE**  
*Secretary of State*

**STATE OF NEVADA**



**SCOTT ANDERSON**  
*Chief Deputy Secretary of State*

**OFFICE OF THE  
SECRETARY OF STATE**

*who was At Gen 1997*

February 27, 2019

Bryan Bonham # 60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

Mr. Bonham:

We are enclosing the following documents responsive to your records request: Certificate of Election for- Secretary of State Barbara Cegavske (2014) (2018), Attorney General Catherine Cortez Masto (2001) (2010), Attorney General Adam Laxalt (2014); Governor Kenny Guinn (1998) (2002); Governor Jim Gibbons (2006) Governor Brian Sandoval (2010) (2014). You are going to have to be more specific with regards to the various Judges and District Attorneys as we need to know jurisdiction and district and may not have these documents. We do not have Certificates of Election for Sheriff. You will need to provide the names of the Attorneys General from 1997-2002 as we may have already archived their Certificates of Election.

The Secretary of State is not in possession of Senate Bill 109 from 1949 nor Senate Bill 2 from 1957 – those records have been transferred to the Nevada State Library and Archives.

Thank you for contacting our office.

Sincerely,

The Office of the Nevada Secretary of State

**NEVADA STATE CAPITOL**  
101 N. Carson Street, Suite 3  
Carson City, Nevada 89701-3714

**MEYERS ANNEX  
COMMERCIAL RECORDINGS**  
202 N. Carson Street  
Carson City, Nevada 89701-4201

**LAS VEGAS OFFICE**  
555 E. Washington Avenue, Suite 5200  
Las Vegas, Nevada 89101-1090

110343

FILED

Case # PI 19-1291 27CU-WR3-2019.0039

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

2019 MAY 23 PM 1:42

In the **Eleventh Judicial District Court** of the State of Nevada

IN AND FOR THE COUNTY OF PERSHING

\* \* \* \*

Bryan P. Bonham

Plaintiff

vs

Barbara K. Cegavske  
Secretary of State

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 Barbara K. Cegavske

Plaintiff's attorney, whose address is Office of Attorney General Aaron D. Ford 100 N. Carson City Street, Carson City, Nevada 89701

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 24 day of April, 2019.

(Seal of the Court)

**F. WILKERSON**

By: [Signature] 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



## PROOF OF SERVICE

**Court Date:**

**Court:** ELEVENTH JUDICIAL DIST COURT PERSHING

**File No.** 0016343

**Case No.** PI191291

**Initiator:** BRYAN BONHAM #60575

**Company:**

**Address:** LOVELOCK CORRECTIONAL CENTER  
1200 PRISON RD  
LOVELOCK, NV 89419

**Address:**

**Plaintiff:** BONHAM, BRYAN #60575

**Defendant:** CEGAVSKE, BARBARA  
SECRETARY OF STATE

**Address:**  
, 0

**Address:** 100 N CARSON ST  
CARSON, NV 89701

1. Documents Served:

SUMMONS & COMPLAINT

2. Service Attempts:

Date	Time	Address:	Served
5/10/19	15:25	100 N CARSON ST	<input checked="" type="checkbox"/>
		Notes:	
		Address:	<input type="checkbox"/>
		Notes:	
		Address:	<input type="checkbox"/>
		Notes:	

3. Party Served: DIANA HERRERA

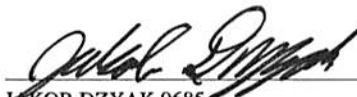
Title: AAII

4. I served the party named in Item 3: TO AUTHORIZED INDIVIDUAL

5. Remarks:

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

  
JAKOB DZYAK 9685  
Carson City Sheriff's Office  
911 East Musser Street  
Carson City, NV 89701  
Phone: 775-887-2500

5/13/19  
Date

Bryan P. Bonham 60575

1200 Prison Road

LCC

Love Lock, Nevada 89419

IN THE 11<sup>TH</sup> JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

27 CV-WR 32019-0039

Bryan P. Bonham

CASE NO. PI 19-1291

PLAINTIFF

NOTICE OF MOTION

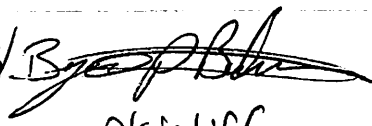
VS.

Barbara K. Cegavske

TO ~~Attorney General~~ Secretary of State.

~~Aaron D. Ford~~ Barbara K. Cegavske

PLEASE TAKE NOTICE THAT THE UNDERSIGNED WILL BRING THE ABOVE MOTION  
FOR HEARING AS SOON AS POSSIBLE FOR A DECISION BASED ON THE COURT'S DOCKET  
WILL ALLOW.

/s/   
PLAINTIFF

Bryan P. Bonham 60575

1200 Prison Road

Love Lock, Nevada 89419

## Points And Authorities

### Argument

The plaintiff is an indigent prisoner, as demonstrated by the informal pauper's on file. NDOC AR 722.01 (70) allows plaintiff to accrue a \$100.00 debt against his account, towards legal copy work. which once reached, prohibits him from accumulating any further indebtedness for such copy work. "Exceptions to this Rule would be a court order received directly from the courts. . . . Id, The AR therefore gives this court authority to issue an order allowing plaintiff to exceed his copy work limit. on top of this listed case this plaintiff has multiple cases. However plaintiff has received one prior increase of 10.00 for that case. The NDOC Account Services used 8.00 of that increase to pay for debt owed to NDOC for legal copy work. plaintiff requests an increase of 20.00, Respectfully requests that NDOC Account Services be notified, ordered to not deduct any of said increase unless for this case at Bar, if NDOC inmate account services deducts any of said increase for anything other than copy work for this case (documented) they be held in contempt of court. As court can see by review of plaintiff's file, kite sent to Law Library. His limit is at \$131.00. After money was mistakenly put on plaintiff's account in April, then the Fed Dist court granting extension of legal copy work. plaintiff has no idea how it got up to 131.00. well over 110.00 it should be at. see exhibit 2 kite to Law Library. per FRCPs LR 5-1 and LR 7-2 Additionally He will require ~~require~~ copies of some of his own records. see. e.g. GUTH v Kongas 951 F2d 1504, 1510 (9th cir 1991)

### Conclusion

plaintiff requests for the reason set forth above that this Honorable court grant this motion, further direct/order

NDOC inmate account services to only <sup>Deduct</sup> ~~Debit~~ monies from  
this increase (should it be granted) only if its done with this  
case NO. attached, verified by Brass slip with case NO. on said  
Brass slip.

Respectfully Submitted.

~~Bryan P. Bonham~~

Bryan P. Bonham 60575

1200 prison road

LoveLock Correctional Center

LoveLock, NEVADA 89419

Bryan p. Bonham 60575

1200 prison road

Lcc

Love Lock, NV 89419

IN THE 11<sup>TH</sup> JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

Bryan p. Bonham  
plaintiff

v.s.

Barbara K Cegavske  
Defendant

27 CV-WR 32019-0039

CASE NO. PI 19-1291

Motion to Extend prison copywork  
i.e. Legal copy work.

Comes now plaintiff Bryan p. Bonham in pro se. and moves this Honorable Court to enter an order granting the foregoing motion. This motion is made and based upon the papers, files and pleadings ~~based~~ and other documents herein and the attached points, authorities. i.e. Administrative Regulation (AR) 722.

Dated this 4<sup>th</sup> day of June, 2019

By:

Bryan p. Bonham

Bryan p. Bonham 60575

1200 prison road

LCS

Love Lock, Nevada

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

Bryan p. Bonham

Plaintiff.

v.s.

Barbara K Cegauske

Defendant

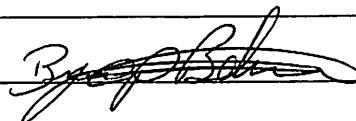
27CV-WR3-2019-0039  
Case No. PI 19-1291

Application for entry of  
Default.

To clerk of The 11th Judicial District Court Pershing County, Nevada  
please enter The Default of The Defendant Barbara K Cegauske, for failure to  
plead or otherwise defend The above-entitled action as provided by The Nevada  
rules of civil procedure.

The Defendant was served with a copy of The summons and complaint by service  
on 5/10/2019 more than 20 days have passed/elapsed since said service and The  
Defendant has NOT answered, or otherwise responded and no extension has been  
granted.

Dated This 10th day of June 2019

By: 



Bryan P. Bonham 60575

1200 prison road

LCC

LoveLock, Nevada 89419

IN THE ELEVENTH JUDICIAL DISTRICT COURT  
IN and FOR LoveLock, NV.

27CV-WR3 2019-0039

Bryan P. Bonham

case no. PI 19-1291

plaintiff

vs

Application for Entry of  
Default.

Barbara K. Cegauske

Defendant

To: clerk of The Eleventh Judicial District Court  
LoveLock, Nevada.

please enter The Default of The Defendant Barbara K. Cegauske  
for failure to plead or otherwise defend The above entitled action as provided  
by The Nevada Rules of civil procedure.

The Defendant was served with a copy of The summons and complaint by  
Service on 5/10/19. more than 20 days have elapsed since said service  
and the Defendant has not answered or otherwise responded. and no  
extension has been granted.

Dated this 16<sup>th</sup> day of June 2019

By Bryan P. Bonham

Bryan P. Bonham 60575

CASE NO. PI 19-1291

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**DEFENDANT'S MOTION TO DISMISS**

Defendant, Secretary of State Barbara K. Cegavske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Ian Carr, Deputy Attorney General, hereby submits her Motion to Dismiss pursuant to Nevada Rule of Civil Procedure (NRCP) 12(b). This Motion is based on the following Memorandum of Points and Authorities and all pleadings and papers on file in this action.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. NOTICE OF THE MOTION**

No hearing is requested on this matter.

**II. INTRODUCTION**

Inmate-Plaintiff Bryan Bonham's (Bonham) suit should be dismissed as a matter of law. In this case, Bonham alleges the Secretary of State failed to maintain or produce records as required by the Nevada Constitution.

The "Civil Rights Complaint pursuant to 42 U.S.C. § 1983" (Complaint) is procedurally deficient for at least three separate and distinct reasons.

///

1 First, Bonham’s allegations against Secretary of State Cegavske are not justiciable.  
2 Bonham fails to allege a personal, specific injury that he incurred as a result of the alleged  
3 failure to maintain or produce records, depriving him of the standing necessary to maintain  
4 this case.

5 Second, Bonham failed to properly name the State of Nevada and serve Secretary of  
6 State Cegavske personally as required by Nevada law. Bonham served only the Nevada  
7 Attorney General’s Office, rather than both the Nevada Attorney General’s Office and the  
8 specific named Defendant, depriving this Court of subject matter jurisdiction and personal  
9 jurisdiction over this case.

10 Third, Bonham failed to state a claim upon which relief can be granted. Bonham’s  
11 allegations of breaches of the Nevada Constitution rely upon provisions that do not generate  
12 a private right of action and do not give rise to a recognizable civil rights claim.

13 For these reasons and those argued more fully below, this Court should dismiss this  
14 case as a matter of law.

### 15 **III. PROCEDURAL HISTORY AND STATEMENT OF ALLEGED FACTS<sup>1</sup>**

16 Bonham is an inmate currently incarcerated within the Nevada Department of  
17 Corrections (NDOC) at Lovelock Correctional Center (LCC). On or about March 15, 2019,  
18 Bonham submitted his Complaint in this Court, alleging Secretary of State Cegavske “is in  
19 violation of her oath of office.” *See* Compl. at 2.

20 Bonham alleges Secretary of State Cegavske is “not in possession of SB 109 from  
21 1949 nor [SB] 2 from 1957.” *See id.* The Nevada Constitution requires Secretary of State  
22 Cegavske to maintain legislative records. *See id.* at 3. The Nevada Constitution has a  
23 procedure for amendment, but that procedure has not been followed. *See id.*

24 ///

25 ///

---

26  
27 <sup>1</sup> The Statement of Alleged Facts is based on the allegations in Bonham’s  
28 Complaint. None of the statements or arguments in this brief, which are based on these  
allegations, should be construed as admissions of fact.

1 Bonham requests relief in the form of \$500,000 in compensatory damages, \$500,000  
2 in punitive damages, and a copy of a “writ of habeas corpus in case of State of Nevada vs.  
3 Gary Walters[.]” *See id.* at 4 (emphasis original).

4 Secretary of State Cegavske now moves to dismiss this lawsuit in its entirety as a  
5 matter of law.

#### 6 **IV. LEGAL STANDARD**

7 A pleading is subject to certain rules; primary among them is that a plaintiff’s  
8 complaint must adhere to NRCP 8(a). NRCP 8(a) provides:

9 A pleading which sets forth a claim for relief [. . .] shall contain (1)  
10 a short and plain statement of the claim showing that the pleader  
11 is entitled to relief; and (2) a demand for judgment for the relief  
the pleader seeks. Relief in the alternative or of several different  
types may be demanded.

12 NRCP 8(a). Nevada follows a notice pleading standard as to Rule 8(a) and the sufficiency of  
13 the complaint. *See Crucil v. Carson City*, 95 Nev. 583, 585, 600 P.2d 216, 217 (1979) (“[T]he  
14 pleading of [a] conclusion, either of law or fact, is sufficient so long as the pleading gives fair  
15 notice of the nature and basis of the claim.”).

16 “Whenever it appears by suggestion of the parties or otherwise that the court lacks  
17 jurisdiction of the subject matter, the court **shall** dismiss the action.” NRCP 12(h)(3)  
18 (emphasis added). *Cf.* NRCP 12(b)(1) (regarding motions to dismiss for “lack of  
19 jurisdiction over the subject matter”); *Mainor v. Nault*, 120 Nev. 750, 761 n.9, 101 P.3d  
20 308, 315 n.9 (2004) (citing *Swan v. Swan*, 106 Nev. 464, 469, 796 P.2d 221, 224 (1990))  
21 (“Lack of subject matter jurisdiction can be raised at any time during the proceedings and  
22 is not waivable.”).

23 NRCP 12(b)(5) provides that a defendant may move to dismiss a claim in any  
24 pleading for “failure to state a claim upon which relief can be granted[.]” In reviewing such  
25 a motion, “[a]ll factual allegations of the complaint must be accepted as true.” *Simpson v.*  
26 *Mars, Inc.*, 113 Nev. 188, 190, 929 P.2d 966, 967 (1997). “A complaint will not be dismissed  
27 for failure to state a claim unless it appears beyond a doubt that plaintiff could prove no set  
28 of facts which, if accepted by the trier of fact, would entitle him or her to relief.” *Id.*

1 **V. ARGUMENT<sup>2</sup>**

2 **A. Bonham Lacks Standing**

3 A justiciable issue is one that must be capable of or ripe for a judicial  
4 determination. *See Doe v. Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444 (1986) (internal  
5 citation omitted). If a court has no power to grant relief, or the party seeking relief has no  
6 legal right to such relief, any ruling on the issue becomes legally void as an advisory  
7 opinion. *See State Indus. Ins. Sys. v. Sleeper*, 100 Nev. 267, 269–70, 679 P.2d 1273, 1274–  
8 75 (1984) (internal citations omitted).

9 Nevada courts require litigated matters to present “an existing controversy, not  
10 merely the prospect of a future problem.” *See Bryan*, 102 Nev. at 525, 728 P.2d at 444.  
11 The “irreducible constitutional minimum” of standing is an “injury in fact” that is not  
12 merely conjectural or hypothetical, and which must be “likely” as opposed to merely  
13 speculative. *See Miller v. Ignacio*, 112 Nev. 930, 936 n.4, 921 P.2d 882, 885 n.4 (1996)  
14 (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)).

15 In this case, Bonham fails to allege any injury he suffered as a result of not being  
16 provided records. *See Compl.* at 2–4. Bonham asserts he has a “right to contract,” but  
17 fails to explain how his specific rights were violated or how he was injured. *See id.*  
18 Bonham’s allegations of injury are non-existent, let alone conjectural or hypothetical. *See*  
19 *Miller*, 112 Nev. at 936 n.4, 921 P.2d at 885 n.4 (requiring an injury to be more than  
20 conjectural or hypothetical to maintain standing).

21 Because Bonham alleges no actual injury, he lacks the standing necessary to  
22 sustain this case, and the Court should dismiss the case as a matter of law.

23 ///

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25 ///

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26  
27 <sup>2</sup> Secretary of State Cegavske reserve the right to assert additional defenses,  
28 including discretionary act immunity or qualified immunity, in a subsequent pleading if  
necessary.

1           **B.     Bonham Failed to Name the State of Nevada<sup>3</sup> and Complete Dual**  
2           **Service as Required by Law**

3           The State of Nevada has waived its sovereign immunity only under limited  
4 circumstances. *See* NRS 41.031; *see also* NRS 41.0337. In order to invoke a waiver of  
5 sovereign immunity, an “action must be brought in the name of the State of Nevada on  
6 relation of the particular department . . . of the State whose actions are the basis for the  
7 suit.” NRS 41.031(2). Failure by a plaintiff to invoke a waiver of sovereign immunity  
8 deprives a court of subject matter jurisdiction. *See Jiminez v. State*, 98 Nev. 204, 205, 644  
9 P.2d 1023, 1024 (1982) (assuming that failure to name the State of Nevada as a defendant  
10 under NRS 41.031 deprived the trial court of subject matter jurisdiction). NRCP 12(b)(1)  
11 requires this Court to dismiss an action in the absence of subject matter jurisdiction. *See*  
12 *also* NRCP 12(h)(3) (stating if it appears “that the court lacks jurisdiction of the subject  
13 matter, the court shall dismiss the action”). Furthermore, a plaintiff must accomplish  
14 personal service upon both the actual named defendant as well as the Nevada Attorney  
15 General’s office. *See* NRS 41.031(2)(a)–(b).

16           Bonham failed to name the State of Nevada as a defendant, instead naming only  
17 Secretary of State Cegavske. *See generally* Compl. Bonham’s failure to bring suit “in the  
18 name of the State of Nevada” results in his failure to properly invoke a waiver of sovereign  
19 immunity. *See* NRS 41.031(2); *see also* NRS 41.0337(c). Bonham’s failure to invoke a  
20 waiver of sovereign immunity deprives the Court of subject matter jurisdiction, which  
21 requires dismissal of this action under NRCP 12(b)(1). *See Jiminez*, 98 Nev. at 205, 644  
22 P.2d at 1024. Furthermore, Bonham’s failure to personally serve Secretary of State  
23 Cegavske deprives the Court of personal jurisdiction. “Personal service or a legally

24     ///

25     ///

---

26           <sup>3</sup> The sovereign immunity waiver arguments apply to the extent Bonham has  
27 alleged any tort claims under Nevada law. *See Craig v. Donnelly*, 135 Nev. \_\_, \_\_, 439  
28 P.3d 413, 416–17 (Adv. Op. 6, February 28, 2019). To the extent Bonham has alleged 42  
U.S.C. § 1983 civil rights claims, he has failed to serve the actual named Defendant,  
Secretary of State Cegavske.

provided substitute must . . . occur in order to obtain jurisdiction over a party." *C.H.A. Venture v. G.C. Wallace Consulting Eng'rs, Inc.*, 106 Nev. 381, 384, 794 P.2d 707, 709 (1990).

Because Bonham deprived the Court of subject matter jurisdiction and personal jurisdiction over this case by failing to comply with statutory requirements and failing to personally serve Secretary of State Cegavske, the Court should dismiss this case in its entirety as a matter of law.

### **C. Bonham Fails to State a Claim upon which Relief Can Be Granted**

Nevada is a notice-pleading state, but to meet the bare requirements of notice pleading, a plaintiff must "set forth sufficient facts to demonstrate the necessary elements of a claim for relief so that the defending party has adequate notice of the nature of the claim and relief sought." *Western States Constr. v. Michoff*, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (1992).

Here, Bonham alleges Secretary of State Cegavske failed to maintain or produce copies of "senate bills," which he asserts is "in violation of her oath of office[.]" See Compl. at 2–4. However, none of Bonham's citations to the Nevada Constitution provide a private right of action that would allow him to sustain a cognizable claim. See *id.* The Nevada Constitution provides that the Secretary of State "shall keep a true record of the Official Acts of the Legislative and Executive Departments of the Government," but does not create any claim for a private citizen to sue upon. See NEV. CONST. art. V, § 20. The Nevada Supreme Court has held that a private right of action must be based upon clear statutory (or constitutional) language, in the absence of any known legislative intent. See *Neville v. Eighth Judicial Dist. Court*, 406 P.3d 499, 502–03 (Nev. 2017) (internal citation omitted). Bonham's additional citations are likewise vague and unavailing, and he fails to set forth the basic facts necessary to sustain any known claim for relief. See Compl. at 2–4.

///

///

1 Because Bonham failed to provide a short and plain statement of facts that would  
2 sustain any known claim, he failed to meet notice pleading standards, and the Court  
3 should dismiss this case in its entirety as a matter of law.

4 **VI. CONCLUSION**

5 In this case, Bonham, a prison inmate, alleges a breach of oath of office by the  
6 Secretary of State for failing to maintain or send him copies of “senate bills.” However,  
7 Bonham fails to identify any injury he has sustained, a private right of action that would  
8 allow him to pursue a claim, or even a known claim that would arise from his allegations.  
9 Bonham’s vague citations to constitutional provisions are insufficient for him to pursue any  
10 form of relief, under either tort or civil rights theory.


11 Bonham’s case fails because he lacks standing, he has failed to waive sovereign  
12 immunity (under both naming and service requirements), and he fails state a claim upon  
13 which relief can be granted.

14 For these reasons, Secretary of State Cegavske respectfully requests that the Court  
15 grant her Motion to Dismiss and dismiss this case in its entirety, with prejudice.

16 DATED this 24th day of June, 2019.

17 AARON D. FORD  
18 Attorney General

19 By:

  
\_\_\_\_\_  
IAN CARR, Bar No. 13840  
Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717  
(775) 684-1259  
icarr@ag.nv.gov

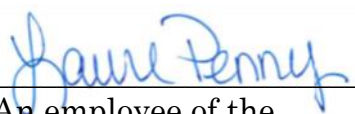
23 *Attorneys for Defendant*



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 24th of June, 2019, I caused to be deposited for mailing a true  
4 and correct copy of the foregoing, **DEFENDANT'S MOTION TO DISMISS**, to the  
5 following:

6  
7 Bryan Bonham, #60575  
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. PI 19-1291

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**REPLY IN SUPPORT OF  
DEFENDANT'S MOTION TO DISMISS**

Defendant, Secretary of State Barbara K. Cegavske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Ian Carr, Deputy Attorney General, hereby Reply in Support of her Motion to Dismiss (filed June 19, 2019) pursuant to Nevada Rule of Civil Procedure (NRCP) 12(b). This Reply is based on the following Memorandum of Points and Authorities, the attached exhibit, and all pleadings and papers on file in this action.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. ARGUMENT**

On July 8, 2019, Plaintiff mailed his Opposition to Defendant's Motion to Dismiss. See Pl.'s Opp'n Mot. Dismiss (mailed July 8, 2019) at 5.

Plaintiff first argues that his case is justiciable because the Nevada Revised Statutes he was sentenced under are somehow invalid. See *id.* at 1–3. ("It was proven by another inmate that certain senate bills had no enactment clause in them . . . meaning the personal injury is false imprisonment under false laws"). However, Plaintiff fails to cite any known

1 authority<sup>1</sup> supporting his argument that the Nevada Revised Statutes are “false laws[.]”  
2 *See id.* The “irreducible constitutional minimum” of standing is an “injury in fact” that is  
3 not merely conjectural or hypothetical, and which must be “likely” as opposed to merely  
4 speculative. *See Miller v. Ignacio*, 112 Nev. 930, 936 n.4, 921 P.2d 882, 885 n.4 (1996)  
5 (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)). Plaintiff’s alleged  
6 injury of being under “false imprisonment under false laws” is the type of conjectural or  
7 speculative injury that fails to give rise to the standing necessary to maintain suit. *See*  
8 *id.*

9 Plaintiff next argues that Defendant failed to “state what law that is” requiring  
10 him to name the State of Nevada as a Defendant, and that “Nevada laws are invalid[,] see  
11 Gary Walters[.] YouTube videos on the matter.” *See* Pl.’s Opp’n Mot. Dismiss (mailed July  
12 8, 2019) at 3. However, Defendant did cite the applicable statutes. *See* Def.’s Mot. Dismiss  
13 (filed June 19, 2019) at 5 (citing NRS 41.031 and NRS 41.0337).

14 Plaintiff further argues he served Defendant “or at least someone who can accept  
15 service on her behalf at her office on May 10, 2019 [.]” but Plaintiff needed to serve both  
16 Defendant and the Attorney General’s Office to perfect service. *See* NRS 41.031.

17 Plaintiff further argues he states a claim “based off her oath of office i.e. breach of  
18 contract with a Nev. Citizen[.]” but fails to explain how he has a private right of action to  
19 such a “claim.” *See* Pl.’s Opp’n Mot. Dismiss (mailed July 8, 2019) at 3. Nevada is a notice-  
20 pleading state, but to meet the bare requirements of notice pleading, a plaintiff must “set  
21 forth sufficient facts to demonstrate the necessary elements of a claim for relief so that  
22 the defending party has adequate notice of the nature of the claim and relief sought.”  
23 *Western States Constr. v. Michoff*, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (1992).

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24 <sup>1</sup> Plaintiff’s paradoxical position that Nevada law is somehow invalid despite his  
25 attempts to seek relief from a court governed by Nevada law should subject Plaintiff to  
26 forfeiture of his statutory time credits. *See* NRS 209.451(1)(d) (“If an offender: . . . (d) In a  
27 civil action . . . is found by the court to have presented a pleading, written motion or other  
28 document in writing to the court which: . . . (2) Contains a claim, defense or other  
argument which is not warranted by 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 Plaintiff finally argues that because more than 20 days passed after service upon  
2 Defendant before responding, default has already been “granted,” and the only recourse left  
3 is to appeal. *See* Pl.’s Opp’n Mot. Dismiss (mailed July 8, 2019) at 4. However, State of  
4 Nevada officials, including Defendant, have 45 days to respond to a complaint, rather than  
5 20. *See* NRS 41.0341. Furthermore, default judgment cannot be entered against the State  
6 of Nevada or its officials without a prove-up hearing. *See* NRCP 55(e). Therefore, Plaintiff  
7 cannot justify denial of Defendant’s Motion to Dismiss (filed June 19, 2019) using his  
8 allegations of having taken a default judgment contrary to Nevada law.

## 9 **II. CONCLUSION**

10 Plaintiff paradoxically argues for denial of Defendant’s Motion to Dismiss (filed June  
11 19, 2019) on the basis that the Nevada Revised Statutes are somehow illegitimate, before  
12 a court bound to uphold the legitimacy of the Nevada Revised Statutes. Plaintiff’s  
13 conjectural allegations are insufficient to generate the standing needed to maintain this  
14 suit, his pleading is procedurally flawed, and he fails to state a claim upon which relief  
15 can be granted.

16 For these reasons, Defendant respectfully requests that the Court grant her Motion  
17 to Dismiss (filed June 19, 2019) and dismiss this case in its entirety, with prejudice.

18 Furthermore, Defendant suggests that the Court should order the forfeiture of  
19 Plaintiff’s statutory time credits pursuant to NRS 209.451 in an amount the Court deems  
20 appropriate.

21 DATED this 15th day of July, 2019.

22 AARON D. FORD  
23 Attorney General

24 By:   
25 IAN CARR, Bar No. 13840  
26 Deputy Attorney General

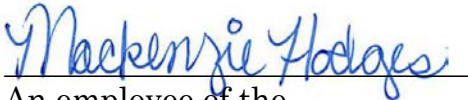
27 *Attorneys for Defendant*  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on the 15th of July, 2019, I caused to be deposited for mailing a true and correct copy of the foregoing, **REPLY IN SUPPORT OF DEFENDANT’S MOTION TO DISMISS**, to the following:

Bryan Bonham, #60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

  
An employee of the  
Office of the Attorney General

Bryan P Bonham 60575  
1200 Prison Road  
LCC  
Love Lock, NV 89419

11TH JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

Bryan P. Bonham  
Plaintiff in pro se

27CVWR3-2019 0039

Case No. P/19-1291

vs.

Dept No.

STATE OF NEVADA ex Rel. Secretary of State  
Barbara K. Cegavske Secretary of State.

Amended Civil Rights Complaint.  
Pursuant to 42 U.S.C. § 1983

A. Jurisdiction.

This complaint alleges that the civil rights of plaintiff Bryan P. Bonham who presently resides at Love Lock correction center perishing county, Nevada were violated by the actions of the below-named individual(s) which were directed against plaintiff at Love Lock correction center from February 27th, 2019 to present. The following civil rights have been violated 1<sup>st</sup> Amendment 5<sup>th</sup> Amendment and 14<sup>th</sup> Amendment.

Bryan P Bonham 60575  
1200 prison Road  
LCC  
Love Lock, Nevada 89419

11TH JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

Bryan P Bonham  
Plaintiff in pro se.

27CVWR3-2019-0039  
Case No. PI 19-1291

Dept NO.

vs.

STATE OF NEVADA ex Rel secretary of state.

Barbara K. Cegauske secretary of state.

Amended civil Rights Complaint  
PURSUANT TO 42 U.S.C. § 1983

A. Jurisdiction.

this complaint alleges that the civil Rights of plaintiff Bryan P. Bonham who presently Resides at Love Lock correction center perishing county, NEVADA, were violated by the actions of the below-named individual(s) which were directed against plaintiff at Love Lock correction center from february 27th, 2019 to present The following civil Rights <sup>have</sup> ~~were~~ been Violated 1st Amendment 5th Amendment and 14th Amendment

CASE NO. PI 19-1291

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**REQUEST FOR SUBMISSION OF  
DEFENDANT'S MOTION TO DISMISS**


Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Ian Carr Deputy Attorney General, hereby requests submission of Defendants' Motion to Dismiss. Defendant filed her Motion to Dismiss on June 24, 2019. Plaintiff mailed his Response on July 9, 2019. Defendant filed a Reply on July 15, 2019.

The briefing period having elapsed, and the underlying issues having been fully briefed, pursuant to District Court Rule (D.C.R.) 13(4), Defendant respectfully submits her Motion to Dismiss for the Court's decision.

DATED this 24th day of July, 2019.

AARON D. FORD  
Attorney General

By:

  
\_\_\_\_\_  
IAN CARR, Bar No. 13840  
Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717  
(775) 684-1259


*Attorneys for Defendants*



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 24th of July, 2019, I caused to be deposited for mailing a true and correct copy of the foregoing,  
4 **REQUEST FOR SUBMISSION OF DEFENDANT'S MOTION TO DISMISS**, to the following:

5 Bryan Bonham, #60575  
6 Lovelock Correctional Center  
7 1200 Prison Road  
8 Lovelock, NV 89419

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11 An employee of the  
12 Office of the Attorney General  
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1 Case no PJ19-1291

2 Dept I

3

4 ELEVENTH JUDICIAL DISTRICT COURT  
5 PERSHING COUNTY, NEVADA

6

7 Bryan p. Bonham

8 plaintiff

plaintiffs motion/Reply  
to Defendants Reply.

9 vs.

10 Barbara K. Cegavase et al

11 Defendant.

12

13 Comes now plaintiff in pro se Bryan p Bonham to  
14 file this motion/Reply, moves this Honorable court  
15 to grant said motion.

16

17 the foregoing motion/Reply is made, and based upon the  
18 files, papers and pleadings and documents on file herein.  
19 with the Attached points, and Authorities.

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1  
2 on 7/19/2019 plaintiff Received Defendants Reply to  
3 Defendants Reply. plaintiff submits He did in fact  
4 make a mistake in who He served, How He had Defendant  
5 served. If court feels He should be allowed to Amend,  
6 which He should. plaintiff is willing to do so, as He  
7 is a pro se Litigant.

8  
9 this plaintiff filed this 42 U.S.C. §1983 based off of  
10 Constitutionally protected contract Law. The Defendant  
11 signed a contract with the citizen's of The state  
12 of Nevada, by not having in Her possession any, and  
13 all Senate Bills, Assembly Bills, Refers Those who Request  
14 copies of any Bills to The (L.C.B) Legislative Counsel  
15 Bureau or to The Nevada Archives. This issue plaintiff  
16 is filling this Action for is a Real issue not merely  
17 Conjectural or Hypothetical or speculative

18  
19 plaintiff puts to court this issue, Request to grant the  
20 inclosed subpoena duces tecum, to allow plaintiff not  
21 only to Amend and fix His mistake if court see's any  
22 as He is a pro se litigant, but to also be given a copy  
23 of The writ of Habeas corpus filed at end of case  
24 sometime between 2014 and 2016 with all exhibit's  
25 Attached, court order granting said ~~no~~ writ of  
26 Habeas corpus. See STATE OF NEVADA vs Gary  
27 Walters case NO. C217569 Argued against by  
28 Deputy District Attorney James Sweetin, and granted

1 by District Court Judge Doug Herndon in the eighth  
2 Judicial District Court Clark County, Nevada. yes you  
3 can also see you tube video's (3) Three forty five  
4 minute video's by MR. Gary Walters Himself. Plaintiff  
5 knows He mentions state of Nevada v. Gary Walters  
6 case NO. C217569, in His complaint, in His Response  
7 to Defendants motion to Dismiss. plaintiff now would  
8 Like to bring courts Attention to two pages in  
9 Defendants Reply in support of Defendants motion  
10 to Dismiss. plaintiff never got a default granted  
11 in this case. so why is Defence counsel submitting to  
12 this court that plaintiff put to this court He had  
13 Received a default. see page 3 Line 1 Through 3.  
14 next Defendant is sued in Her individual capacity  
15 not Her official capacity: plaintiff is not suing  
16 The office of secretary of state or The state of  
17 Nevada. only The Natural person being Barbara K  
18 Cegavaskie.

19 Lastly, plaintiff would Like to bring to  
20 courts Attention. ~~pt page 2 Line 24 Throgh~~ Through 28  
21 of Defendants ~~motion to Dismiss~~ Reply in support of  
22 Defendants motion to Dismiss. plaintiff Has a U.S.  
23 Constitutionally protected Right to bring a matter before  
24 this court for Redress. This is a First Amendment  
25 Right. Deputy Attorney General Ian Carr is arguing  
26 NRS. 209.451 which is a violation of His constitutionally  
27 protected Rights. by punishing plaintiff for using His  
28 Right to have access to The courts.

1 Did Defence counsel even Read plaintiffs opposition  
2 to Defences motion to Dismiss, because Defences Reply  
3 to said motion Reads identical to another plaintiffs Reply  
4 where as to Default being granted. to best of this  
5 plaintiffs knowledge He never said in any motion  
6 that it had. plaintiff would ask court to enter an order  
7 to clerk to mail copy of plaintiffs motion in Response  
8 to motion to Dismiss. when court see's plaintiff never  
9 stated this plaintiff would ask court to see this as  
10 Defense counsel bringing fraud upon The court, rather  
11 than fine counsel or admonish Him simply allow plaintiff  
12 to file Amended complaint as Requested in prior motion  
13 and allow plaintiff to have Defendant properly served as  
14 that mix up was simply a mistake, not intentional.  
15 and allow this action to move forward.

16

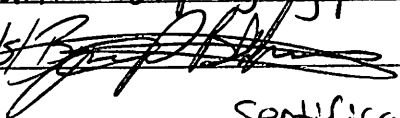
### 17 Conclusion

18 This plaintiff puts to this court this issue can be easily  
19 verified. As to the validity of His claims as it pertains  
20 to STATE OF NEVADA VS. Gary Walters case NO C217569  
21 simply grant the inclosed Subpoena Duces tecum  
22 enter an order that Deputy Attorney General Ian  
23 Carr get the entire case file, produce said file  
24 in court with plaintiff in court to Receive a  
25 copy with the Last writ of Habeas corpus filed  
26 by MR Walters with all exhibits, and the court  
27 order granting said writ of Habeas corpus.  
28 This is all this plaintiff asks.

as opportunity to prove what plaintiff is claiming is true, and correct. as long as all the original exhibits are attached to said writ of Habeas corpus, with court order granting said writ plaintiff is/will be happy with that.

The NV. Constitution says what it says. The secretary of state is in violation of the NV. Const. and her Oath of office. she can't deny it. The proof has been put before the court. This court does have subject matter jurisdiction pursuant to 42 U.S.C. § 1983. Simply put MR Carr. Article 6, Section 2 of the U.S. Constitution. The Supremacy clause. Federal Law superseeds state Law.

### VERIFICATION

I Bryan P Bonham certify declare and verify under the pains and penalties of perjury pursuant to 28 U.S.C. A § 1746 & 18 U.S.C. A § 1621 by 

### Certificat of Service

I Bryan P Bonham certify that I have attached plaintiff's motion/reply to defendant's reply in support of motion to dismiss with special instructions for electronic filing & service to clerk of court to serve all plaintiff's apponees pursuant to N.E.F.C.R. 5(k) 9, et seq (A-E) etc to the following  
~~last page.~~

Attorney for Defendant.

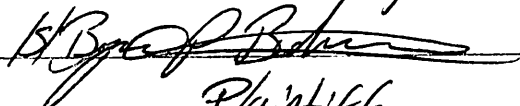
Ian E Carr

Deputy Attorney General

100 N. Carson Street

Carson City, Nevada 89701

Dated this 22<sup>nd</sup> day of July 2019

  
Plaintiff

Bryan P Bonham 60575

1200 prison Road. LCC

Love Lock, NV 89419

1 CASE NO. PI 19-1291

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 BRYAN BONHAM,

10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVASKE, et al.,

13 Defendants.

**NOTICE OF CHANGE OF DEPUTY  
ATTORNEY GENERAL**


14 Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of  
15 the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby notify the Court  
16 and respective parties that Senior Deputy Attorney General Douglas R. Rands has assumed  
17 responsibility for representing the interests of the above-listed Defendants in this civil action.

18 Deputy Attorney General Ian E. Carr is no longer responsible for the handling of this case and  
19 should be removed therefrom.

20 DATED this 14th day of August, 2019.

21 AARON D. FORD  
22 Attorney General

23 By:

  
24 DOUGLAS R. RANDS, Bar No. 3572  
25 Senior Deputy Attorney General  
26 100 N. Carson Street  
27 Carson City, NV 89701  
28 (775) 684-1150  
drands@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 14th of August, 2019, I caused to be deposited for mailing a true and correct copy of the  
4 foregoing, **NOTICE OF CHANGE OF DEPUTY ATTORNEY GENERAL**, to the following:

5 Bryan Bonham, #60575  
6 Lovelock Correctional Center  
7 1200 Prison Road  
8 Lovelock, NV 89419

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11 An employee of the  
12 Office of the Attorney General  
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Case NO. P1 19-1291

DEPT NO. 1

IN THE ELEVENTH JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

Bryan P Bonham  
Plaintiff

V.S.

STATE OF NEVADA

Barbara K Cegavasko  
Defendants

Notice of Motion  
Opposition to Defendants  
Motion to Dismiss.

TO: Ian Carr  
Deputy Attorney General  
Attorney for Defendants.

Please take notice, that the undersigned will bring this  
above motion for hearing as soon as possible for a  
decision based on the court's docket, availability

~~Bryan P Bonham~~  
Bryan P Bonham 60575  
1200 Prison Road  
LCC  
Love Lock, NV 89419

Case no P119-1291

Deft No 1

IN THE ELEVENTH JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

Bryan p. Bonham

Plaintiff

VS

Barbara K Secegasaske,

Defendant

Plaintiffs Opposition to

Defendants motion to DISMISS.

plaintiff, Bryan p. Bonham, in propria person hereby submits  
His opposition to Defendants motion to DISMISS This opposition  
is based on the following memorandum of points and  
Authorities and all pleadings and papers on file in this action.

Points And Authorities

I, Notice of opposition

Hearing is requested on this matter

II, Response to Introduction

Plaintiffs claims are Justiciable. The specific injury is  
by her not having these records as required by Law, she  
is allowing a quasi-legislative office to produce multiple  
false copies of Senate Bills and Laws. It was proven  
by another inmate that certain Senate Bills had no enactment  
clauses in them, The Senate Bill No. 2. (1957) in which created  
the Nevada revised Statutes as Law of The State.

is one of the Bills missing This mandated enactment clause This was also covered under case NO. C217569 STATE OF NEVADA VS. GARY WALTERS meaning the personal injury is false imprisonment under false Laws and you an accessory to this by not having said records.

Second Defendant says plaintiff failed to name State of Nevada as a Defendant as required by Law, well Defendant does not state what Law that is under or quote a statute so that must not be true. Also this Defendant was served at Her office or at least someone who can accept service on Her behalf at Her office on May 10th 2019 by Carson City Sheriff's office. As you can see by certificate of service on file with court.

The Attorney General's office was never served by anyone for this case. So let plaintiff state this for D.A.G. Ian Carr that if you keep presenting perjury documents to the court I 'promise' I'll sue you for your perjury & for your accessory to these crimes. Nevada Laws are invalid see Gary Walters YouTube videos on the matter

Thirdly The claim for relief is based off Her Oath of Office i.e Breach of contract with a new Citizen, so relief can be granted, plaintiff is not suing the office of Secretary of State. He is suing the person in it. So relief can be granted.

III / Legal standard. see Defendants motion to Dismiss at page 3 Line 2 through 15

The complaint clearly shows this is a breach of contract claim based on Defendants Oath of Office. see Section ~~II~~ Line 24, 25 of page 1 also section III page 2 Line 16 Through 23. of Defendants motion to Dismiss you can see it is more than clear what this complaint was/is for. The counsel for Defendant is filing frivolous documents with this court.

#### IV Moot Motion

The Defendants motion to Dismiss is moot for the following reasons.

- 1) proof of service by carsoncity sheriff's office on may 10th, 2019 and on file with this Honorable court.
- 2) summons served upon Defendant says she had 20 days to Respond.

Plaintiff puts this before the court. Default should be granted as He has already Requested it. Defendant can then appeal said Default with this court within 30 days.

#### Conclusion

Defendants motion to Dismiss is moot and frivolous and should be summarily denied due to the fact that plaintiff filed suit against Her and not Her office, she was served properly.

### Certificate of Service

I Bryan P Bonham, certify I have attached a true & correct copy of plaintiffs opposition... which was ~~had to a prison~~ handed to a prison official for mailing on July 8th, 2019 to the following

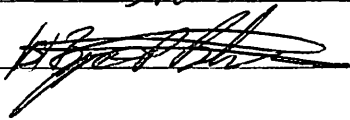
11th Judicial Dist Court

&

Deputy Attorney General,  
Tan Carr

### verification

I Bryan P Bonham declare and verify ~~under~~ that I have read the ~~fore~~ foregoing plaintiffs motion and to best of my belief and knowledge that the foregoing is true and correct under the pains and penalties of perjury pursuant to 28 U.S.C.A § 1746 & 18 U.S.C.A § 1621



Case NO PJ 19-1291

Dept 1

IN THE ELEVENTH JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

Bryan P. Bonham  
plaintiff

VS.

STATE OF NEVADA

Barbara K Cegavasko  
Defendants.

NOTICE OF MOTION

motion to Request

Leave to Amend. to Add

State of Nevada to complaint

Pursuant to Fed. Rule. Civ. P. 15

TO Ian Carr

Deputy Attorney General

Attorney for Defendants.

please take notice, that the undersigned will bring the above  
motion for hearing as soon as possible for a decision based  
on the court's docket will allow



Bryan P Bonham 60575

1200 prison road

LCC

Lovelock, NV 89419

Case NO PI 19-1291  
Dept NO. 1

IN THE ELEVENTH JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

Bryan P Bonham  
Plaintiff

VS.

STATE OF NEVADA

Barbara K. Cegavaskie  
Defendants

Motion to Request  
Leave to Amend to  
Add STATE of Nevada  
to Complaint, pursuant to  
Fed rule civ. p 15

Comes now plaintiff Bryan P Bonham in pro per and  
moves this Honorable court to grant this motion

This motion is based upon the following points and  
authorities, all papers and pleadings on file and  
and any oral arguments at any hearing held on  
this matter.

Points and Authorities  
Argument



pursuant to Local Rule 15 plaintiff should be granted leave to amend His civil complaint

plaintiff submits He is a Legally untrained prose Litigant, puts before This court Haines vs. Kerner 404 U.S. 519 (1972) Amendment would not be futile. in Defendant's motion to Dismiss, Defence counsel moves to ask court to Dismiss This complaint as a matter of Law.

plaintiff sees no reason why This action can not move forward In Haines Id. "The complaint should not be dismissed unless it appears beyond a reasonable doubt that plaintiff can prove no set of facts in support of His claim which would entitle Him to relief. A Dismissal with prejudice is a sanction of last resort proper only where there is clear record of delay or willful contempt Justice vs. U.S. 6 F 3d 1474 (11 cir 1993) compare with Harris Truck Lines vs. Cherry meat packers 371 U.S. 215 (1962) and Thompson vs. ILS 375 U.S. 374 (1967) citing the "Criteria" for Excusable Neglect and unique circumstances.

plaintiff should not be handled the same as a "trained Attorney" see and compare with Hamilton vs. Brown 630 F. 3d 889 (9th cir 2011) and Noll vs. Carlson 809 F2d 1446 (9th cir 1987) Noll Id. provides five(5) procedural protections one of which Holds That a prose Litigant should be afforded an "opportunity" to Amend His or Her complaint to overcome any deficiency unless it appears the deficiency can not be overcome.

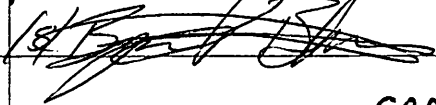
plaintiff submits that it was a matter of semantics which created the deficiency, which can be modified to properly address his claim or claims against the Secretary of state Barbara K Cegavaskie and if need be the state of Nevada.

### Conclusion

plaintiff prays this court to allow him to amend his complaint if court sees that it must be done in order for complaint to move forward.

### Verification

I Bryan P Bonham, declare and verify that I have read the foregoing plaintiff's motion and to best of my belief and knowledge that the foregoing is true and correct. under the pains and penalties of perjury pursuant to 28 U.S.C. A § 1746 & 18 U.S.C. A § 1621



### Certificate of service

I Bryan P. Bonham, certify that I am attaching a true and correct copy of plaintiff's motion, complaint with special instructions for electronic filing & service to the clerk of the court to serve all defendants/opponents pursuant to N.E.F.C.R 5(k) a et seq (A-E) ect; to the following

Deputy Attorney General

Aaron D. Ford.

Deputy Attorney General

Tan Carr 100 N. Carson St.

Carson City, NV 89701-4717

(3)

1 Case NO. PI 19-1291

2 Dept. I

3

4 ELEVENTH JUDICIAL DISTRICT COURT  
5 PERSHING COUNTY, NEVADA

6

7 Bryan P. Bonham

8 Plaintiff

Notice of Motion

9 VS.

10 Barbara K. Cegauske, et al

11 Defendant.

12

13 To Ian Carr

14 Attorney for Defendant

15

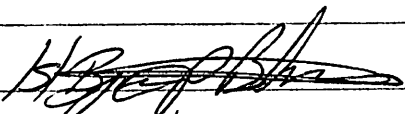
16 please take notice That The undersigned will bring  
17 the above motion for Hearing as soon as possible  
18 for a decision based on the courts docket will allow.

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22

  
Plaintiff.

23 Bryan P. Bonham 60575

24 1200 Prison Road.

25 LCC

26 Lovelock, NV 89419

27

28

CASE NO. PI 19-1291

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**REQUEST FOR SUBMISSION:  
DEFENDANT'S MOTION TO DISMISS**


Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby request submission of Defendant's Motion to Dismiss for decision. Defendant served her Motion on June 24, 2019. Plaintiff served his Opposition on or about July 9, 2019. Defendant submitted her Reply in Support of their Motion to Dismiss on July 15, 2019.

The matter having received full briefing, pursuant to District Court Rule (DCR) 13(4), Defendant respectfully submits the matter for the Court's decision.

DATED this 8th day of October, 2019.

AARON D. FORD  
Attorney General

By:

  
DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
(775) 684-1150  
drands@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 8th of October, 2019, I caused to be deposited for mailing a true and correct copy of the  
4 foregoing, **REQUEST FOR SUBMISSION: DEFENDANT'S MOTION TO DISMISS**, to the  
5 following:

6 Bryan Bonham, #60575  
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. PI 19-1291

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**DEFENDANT'S MOTION TO DISMISS  
PLAINTIFF'S AMENDED COMPLAINT**

Defendant, Secretary of State Barbara K. Cegavske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby submits her Motion to Dismiss Plaintiff's Amended Complaint pursuant to Nevada Rule of Civil Procedure (NRCPP) 12(b). This Motion is based on the following Memorandum of Points and Authorities and all pleadings and papers on file in this action.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. NOTICE OF THE MOTION**

No hearing is requested on this matter.

**II. INTRODUCTION**

Inmate-Plaintiff Bryan Bonham's (Bonham) Amended Complaint should be dismissed as a matter of law. In this case, Bonham alleges the Secretary of State failed to maintain or produce records as required by the Nevada Constitution.

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1 The “Amended Civil Rights Complaint pursuant to 42 U.S.C. § 1983” (Amended Complaint) is  
2 still procedurally deficient for at least two separate and distinct reasons. Plaintiff attempts to amend his  
3 complaint to cure the Eleventh Amendment defect by naming the State of Nevada, ex rel the Secretary of  
4 State. However, the Complaint still suffers from fatal defects.

5 First, Bonham’s allegations against Secretary of State Cegavske are not justiciable. Bonham fails  
6 to allege a personal, specific injury that he incurred as a result of the alleged failure to maintain or produce  
7 records, depriving him of the standing necessary to maintain this case.

8 Second, Bonham failed to state a claim upon which relief can be granted. Bonham’s allegations of  
9 breaches of the Nevada Constitution rely upon provisions that do not generate a private right of action and  
10 do not give rise to a recognizable civil rights claim.

11 For these reasons and those argued more fully below, this Court should dismiss this case as a  
12 matter of law.

### 13 **III. PROCEDURAL HISTORY AND STATEMENT OF ALLEGED FACTS<sup>1</sup>**

14 Bonham is an inmate currently incarcerated within the Nevada Department of Corrections (NDOC)  
15 at Lovelock Correctional Center (LCC). On or about March 15, 2019, Bonham submitted his Complaint in  
16 this Court, alleging Secretary of State Cegavske “is in violation of her oath of office.” *See* Compl. at 2.

17 Bonham alleges Secretary of State Cegavske is “not in possession of SB 109 from 1949 nor [SB] 2  
18 from 1957.” *See id.* The Nevada Constitution requires Secretary of State Cegavske to maintain legislative  
19 records. *See id.* at 3. The Nevada Constitution has a procedure for amendment, but that procedure has not  
20 been followed. *See id.*

21 Bonham requests relief in the form of \$500,000 in compensatory damages, \$500,000 in punitive  
22 damages, and a copy of a “writ of habeas corpus in case of State of Nevada vs. Gary Walters[.]” *See id.* at  
23 4 (emphasis original).

24 Secretary of State Cegavske now moved to dismiss this lawsuit in its entirety as a matter of law, on  
25 June 24, 2019. That Motion alleged many of the same arguments contained in the present motion, as well  
26 as a sovereign immunity argument. That motion was submitted to the Court for decision. Plaintiff, in an

---

27 <sup>1</sup> The Statement of Alleged Facts is based on the allegations in Bonham’s Complaint. None of  
28 the statements or arguments in this brief, which are based on these allegations, should be construed as  
admissions of fact.

1 attempt to cure the Eleventh Amendment deficiency, filed an Amended Complaint on July 23, 2019. This  
2 Amended Complaint was served on the Office of the Attorney General on August 23, 2019. To the  
3 knowledge of the Office of the Attorney General, it was not served on the Secretary of State.

4 The Defendant requests this Court dismiss Plaintiff's Amended Complaint.

#### 5 **IV. LEGAL STANDARD**

6 A pleading is subject to certain rules; primary among them is that a plaintiff's complaint must  
7 adhere to NRCP 8(a). NRCP 8(a) provides:

8 A pleading which sets forth a claim for relief [. . .] shall contain (1) a short  
9 and plain statement of the claim showing that the pleader is entitled to relief;  
10 and (2) a demand for judgment for the relief the pleader seeks. Relief in the  
11 alternative or of several different types may be demanded.

12 NRCP 8(a). Nevada follows a notice pleading standard as to Rule 8(a) and the sufficiency of the  
13 complaint. *See Crucil v. Carson City*, 95 Nev. 583, 585, 600 P.2d 216, 217 (1979) (“[T]he pleading of [a]  
14 conclusion, either of law or fact, is sufficient so long as the pleading gives fair notice of the nature and  
15 basis of the claim.”).

16 “Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction  
17 of the subject matter, the court *shall* dismiss the action.” NRCP 12(h)(3) (emphasis added). *Cf.* NRCP  
18 12(b)(1) (regarding motions to dismiss for “lack of jurisdiction over the subject matter”); *Mainor v.*  
19 *Nault*, 120 Nev. 750, 761 n.9, 101 P.3d 308, 315 n.9 (2004) (citing *Swan v. Swan*, 106 Nev. 464, 469,  
20 796 P.2d 221, 224 (1990)) (“Lack of subject matter jurisdiction can be raised at any time during the  
21 proceedings and is not waivable.”).

22 NRCP 12(b)(5) provides that a defendant may move to dismiss a claim in any pleading for “failure  
23 to state a claim upon which relief can be granted[.]” In reviewing such a motion, “[a]ll factual allegations  
24 of the complaint must be accepted as true.” *Simpson v. Mars, Inc.*, 113 Nev. 188, 190, 929 P.2d 966, 967  
25 (1997). “A complaint will not be dismissed for failure to state a claim unless it appears beyond a doubt  
26 that plaintiff could prove no set of facts which, if accepted by the trier of fact, would entitle him or her to  
27 relief.” *Id.*

28 ///

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1 **V. ARGUMENT<sup>2</sup>**

2 **A. Bonham Lacks Standing**

3 A justiciable issue is one that must be capable of or ripe for a judicial determination. *See Doe v.*  
4 *Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444 (1986) (internal citation omitted). If a court has no power  
5 to grant relief, or the party seeking relief has no legal right to such relief, any ruling on the issue  
6 becomes legally void as an advisory opinion. *See State Indus. Ins. Sys. v. Sleeper*, 100 Nev. 267, 269–  
7 70, 679 P.2d 1273, 1274–75 (1984) (internal citations omitted).

8 Nevada courts require litigated matters to present “an existing controversy, not merely the  
9 prospect of a future problem.” *See Bryan*, 102 Nev. at 525, 728 P.2d at 444. The “irreducible  
10 constitutional minimum” of standing is an “injury in fact” that is not merely conjectural or hypothetical,  
11 and which must be “likely” as opposed to merely speculative. *See Miller v. Ignacio*, 112 Nev. 930, 936  
12 n.4, 921 P.2d 882, 885 n.4 (1996) (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)).

13 In his Amended Complaint, Bonham fails to allege any injury he suffered as a result of not  
14 being provided records. *See* Amend. Compl. at 2–4. Bonham asserts he has a “right to contract,” but  
15 fails to explain how his specific rights were violated or how he was injured. *See id.* Bonham’s  
16 allegations of injury are non-existent, let alone conjectural or hypothetical. *See Miller*, 112 Nev. at 936  
17 n.4, 921 P.2d at 885 n.4 (requiring an injury to be more than conjectural or hypothetical to maintain  
18 standing).

19 Because Bonham alleges no actual injury, he lacks the standing necessary to sustain this case,  
20 and the Court should dismiss the case as a matter of law.

21 **B. Bonham Failed to Complete Dual Service as Required by Law**

22 The State of Nevada has waived its sovereign immunity only under limited circumstances. *See*  
23 NRS 41.031; *see also* NRS 41.0337. In order to invoke a waiver of sovereign immunity, an “action  
24 must be brought in the name of the State of Nevada on relation of the particular department . . . of the  
25 State whose actions are the basis for the suit.” NRS 41.031(2). Failure by a plaintiff to invoke a waiver  
26 of sovereign immunity deprives a court of subject matter jurisdiction. *See Jiminez v. State*, 98 Nev. 204,  
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28 <sup>2</sup> Secretary of State Cegavske reserve the right to assert additional defenses, including  
discretionary act immunity or qualified immunity, in a subsequent pleading if necessary.

205, 644 P.2d 1023, 1024 (1982) (assuming that failure to name the State of Nevada as a defendant under NRS 41.031 deprived the trial court of subject matter jurisdiction). NRCp 12(b)(1) requires this Court to dismiss an action in the absence of subject matter jurisdiction. *See also* NRCp 12(h)(3) (stating if it appears “that the court lacks jurisdiction of the subject matter, the court shall dismiss the action”). Furthermore, a plaintiff must accomplish personal service upon both the actual named defendant as well as the Nevada Attorney General’s office. *See* NRS 41.031(2)(a)–(b).

Bonham named the State of Nevada as a defendant in the caption of his Amended Complaint. *See generally* Amend. Compl. However, Bonham’s apparent failure to personally serve Secretary of State Cegavske deprives the Court of personal jurisdiction. “Personal service or a legally provided substitute must . . . occur in order to obtain jurisdiction over a party.” *C.H.A. Venture v. G.C. Wallace Consulting Eng’rs, Inc.*, 106 Nev. 381, 384, 794 P.2d 707, 709 (1990).

Because Bonham deprived the Court of personal jurisdiction over this case by failing to comply with statutory requirements and failing to personally serve Secretary of State Cegavske, the Court should dismiss this case in its entirety as a matter of law.

### **C. Bonham Fails to State a Claim upon which Relief Can Be Granted**

Nevada is a notice-pleading state, but to meet the bare requirements of notice pleading, a plaintiff must “set forth sufficient facts to demonstrate the necessary elements of a claim for relief so that the defending party has adequate notice of the nature of the claim and relief sought.” *Western States Constr. v. Michoff*, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (1992).

Here, Bonham alleges Secretary of State Cegavske failed to maintain or produce copies of “senate bills,” which he asserts is “in violation of her oath of office[.]” *See* Amend. Compl. at 2–4. However, none of Bonham’s citations to the Nevada Constitution provide a private right of action that would allow him to sustain a cognizable claim. *See id.* The Nevada Constitution provides that the Secretary of State “shall keep a true record of the Official Acts of the Legislative and Executive Departments of the Government,” but does not create any claim for a private citizen to sue upon. *See* NEV. CONST. art. V, § 20. The Nevada Supreme Court has held that a private right of action must be based upon clear statutory (or constitutional) language, in the absence of any known legislative intent. *See Neville v. Eighth Judicial Dist. Court*, 406 P.3d 499, 502–03 (Nev. 2017) (internal citation omitted). Bonham’s additional citations are likewise vague and unavailing, and he fails to set forth the

1 basic facts necessary to sustain any known claim for relief. *See* Amend. Compl. at 2–4.

2 Because Bonham failed to provide a short and plain statement of facts that would sustain any  
3 known claim, he failed to meet notice pleading standards, and the Court should dismiss this case in its  
4 entirety as a matter of law.

5 **VI. CONCLUSION**

6 In this case, Bonham, a prison inmate, alleges a breach of oath of office by the Secretary of State  
7 for failing to maintain or send him copies of “senate bills.” However, Bonham fails to identify any injury  
8 he has sustained, a private right of action that would allow him to pursue a claim, or even a known claim  
9 that would arise from his allegations. Bonham’s vague citations to constitutional provisions are  
10 insufficient for him to pursue any form of relief, under either tort or civil rights theory.


11 Bonham’s case fails because he lacks standing, he has failed to waive sovereign immunity under  
12 the service requirements, and he fails state a claim upon which relief can be granted.

13 For these reasons, Secretary of State Cegavske respectfully requests that the Court grant her  
14 Motion to Dismiss Plaintiff’s Amended Complaint and dismiss this case in its entirety, with prejudice.

15 DATED this 8th day of October, 2019.

16 AARON D. FORD  
17 Attorney General

18 By:

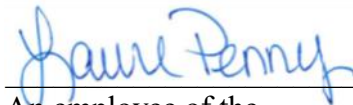
  
19 DOUGLAS R. RANDS, Bar No. 3572  
20 Senior Deputy Attorney General  
21 100 N. Carson Street  
22 Carson City, NV 89701-4717  
23 (775) 684-1150  
24 drands@ag.nv.gov

25 *Attorneys for Defendant*  
26  
27  
28

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 8th of October, 2019, I caused to be deposited for mailing a true and correct copy of the  
4 foregoing, **DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**,  
5 to the following:

6  
7 Bryan Bonham, #60575  
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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1 case no. PI 19-1291

2 Dept 1

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4 11th JUDICIAL DISTRICT COURT

5 PERSHING COUNTY, NEVADA

6

7 Bryan P Bonham

8 plaintiff

Request for Judicial

9 vs.

Action

10 Barbara K Cegauske

11 Defendant

12

13 Comes now, Bryan P Bonham, plaintiff in pro per and

14 Respectfully moves this Honorable court to make a ruling on

15 all pending actions with this court.

16 This motion is made and based upon all papers, pleadings

17 and documents on file with this court and the herein attached

18 points and Authorities and any oral arguments that may be

19 needed at time of the hearing.

20 Dated this 20th day of October 2019

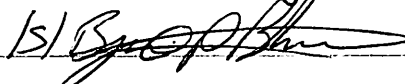
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Submitted By:

24

15/ 

25

plaintiff 60575

26

1200 Prison Road

27

LCC

28

Law Lock, NV 89419

ORIGINAL COURT COPY

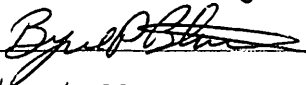
1 notice of Request

2  
3 to ~~Aaron Ford~~ Douglas R. Rand  
4 Attorney General, Deputy  
5 Attorney for Defendant.  
6

7 please take notice of this notice for  
8 Judicial action.

9 Dated this 20th day of October 2019  
10

11 submitted by:

12   
13 plaintiff NDOC # 60575  
14

15 POINTS AND AUTHORITIES

16  
17 ARGUMENT

18 "Justice delayed is Justice Denied" Dagan v  
19 Gustaverson 108 Nev 517, 835 p2d 797, 799 (1992) as  
20 Such, The court is moved to expeditiously take action  
21 as necessary towards the commencement and ultimate  
22 adjudication of all pending matters before this court  
23 that have been pending for well over 60 days at this  
24 time. Request for submission of motion was made by  
25 the defendant on \_\_\_\_\_ with no judgment  
26 entered yet by this court.  
27  
28

1 CONCLUSION

2 The plaintiff respectfully ask this court to enter a  
3 Judgement for all pending matters.

4  
5 AFFIRMATION/ PURSUANT TO NRS 239 B.030

6  
7 The undersigned does hereby Affirm That the preceding  
8 does not contain the Social Security number of any person

9 Dated this 20th day of October 2019

10 

11 plaintiff NOOC#60575

12 Bryan P Benham

13 CERTIFICATE OF SERVICE

14 I Bryan P Benham certify I have attached a true and correct  
15 copy of the ~~copy~~ foregoing document with special instructions to  
16 the clerk of court for e-file & e-service to all my opponents pursuant  
17 to N.E. F.C.R 5(k) 9 et seq(A-i) etc, to the following.

18 Deputy Attorney General: ~~Honorable~~ Douglas R Rand


19 100N Carson ST.

20 Carson city, NV 89701

21 VERIFICATION

22 I Bryan P Benham declare and verify, under the pains and penalties  
23 of perjury pursuant to 28 U.S.C. § 1746 & 18 U.S.C. § 31621

24 Dated this 20th day of October 2019

25 

1 Bryan p Bonham 60575

2 1200 prison road

3 Lee

4 Love Lock, NV 89419

5

6 ELEVENTH JUDICIAL DISTRICT COURT FOR STATE

7 OF NEVADA, COUNTY OF PERSHING

8

9 Bryan p Bonham

plaintiffs Reply to

10 plaintiff

Defendants motion to DISMISS

11 VS

Case No. PI 19-1291

12 Barbara K. Cegavaskie et al,

Dept. NO. 1

13 Defendants

14

15 comes now plaintiff, Bryan p. Bonham in pro per, moves

16 this Honorable court to grant plaintiff's Reply to Defendants

17 motion to DISMISS plaintiff's Amended complaint.

18

19 The above motion is made and based upon the files, papers and

20 pleadings and documents on file herein, along with the attached

21 points and Authorities.

22

23

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28

"ORIGINAL COURT COPY"



1 Bryan p Bonham 60575

2 1200 prison road

3 LCC

4 Love Lock, NV 89419

5

6 IN THE ELEVENTH JUDICIAL DISTRICT COURT

7 PERSHING COUNTY, NEVADA

8

9 Bryan p Bonham

NOTICE OF MOTION

10 plaintiff

11 vs.

12 Barbara K Cegavasko et al.,

13 Defendants

14

15 to Douglas R Rands

16 Deputy Attorney General

17 Attorney for Defendants.

18 100 N. Carson ST  
Carson City, NV 89701

19 please take notice that the undersigned will bring the above

20 motion for hearing as soon as possible for a decision based

21 on the court's docket will allow

22

23 /s/ Bryan p Bonham

24 1200 prison Road

25 LCC

26 Love Lock, NV 89419

27

28

1 POINTS AND AUTHORITIES

2  
3 ARGUMENT

4  
5 plaintiff's Reply To; Defendants' Request for Submission;  
6 Defendants' motion to DISMISS

7  
8 plaintiff Asserts that the "motion" in ISSUE so-named  
9 above is superfluous as the ISSUE of The motion to DISMISS  
10 is vague or does not elucidate that although Defendant  
11 Cegavaskie's duties are outlined, it doesn't show or  
12 expound on ART 15 § 2 OF NEVADA'S Constitution  
13 which provides that officers OF The State OF NEVADA  
14 or any person taking an OFFICE IN The State OF NEVADA  
15 IS to a vow;

16  
17 Oath OF OFFICE

18 ART 15 § 2

19 "I \_\_\_\_\_ do [solemnly] swear [or Affirm] that I will  
20 support protect and defend the Constitution and government of  
21 the United States, and the Constitution and government of the State  
22 of Nevada, against all enemies, whether domestic or foreign, and  
23 that I will bear true faith, allegiance and Loyalty to same, any  
24 ordinance, resolution or Law of any State notwithstanding,  
25 and that ~~it~~ I will well and faithfully perform all the duties  
26 of the office of Secretary of State on which I am about  
27 to enter; So help me God, under the pains and penalties of  
28 perjury ART 15 § 2 NEV CONST of The Nevada Constitution

1 provides That the... "purpose of government; paramount  
2 allegiance to United STATES"... In pertinent part it  
3 provides That;... "Government is instituted for the protection,  
4 security and Benefit of The people; and they have a Right  
5 to alter or reform The same whenever The public good  
6 may Require it. But The paramount Allegiance of EVERY  
7 CITIZEN IS due to The federal Government in The exercise  
8 of all its Constitutional powers as The same have been or  
9 may be defined by The Supreme Court of The United States;  
10 and no power exists in The people of This or any other  
11 State of The federal Union to dissolve their Connection  
12 there with or performing any act tending to impair  
13 subvert or resist The Supreme Authority of The Government  
14 of The United States." (Emphasis Added)

15 The Defendants position in government is ministerial  
16 pertaining to plaintiffs position. AS an officer of The state  
17 Defendant ~~not~~ would be in violation of NRS 239.310; 239.320;  
18 and or 239.330 as The information is being concealed from  
19 plaintiff, which plaintiff contends violates His Right to  
20 Equal protection of Law, Due process; and acts of Congress.

21

22 It should go without saying; in conjunction with The foregoing  
23 Defendant ~~o~~ would also be in violation of Articles 15 § 2  
24 and 1 § 2 [cited above] and Nevada Law, including acts of  
25 Congress, plaintiff further contends This case at Bar should  
26 continue, and plaintiff's pleadings-claims should be considered  
27 in Their entirety and or granted.

28

1 plaintiff would also reiterate that He is a Legally untrained  
2 pro se Litigant, and contends That if He has put forth  
3 a Justiciable issue in good-faith, He should not be  
4 held to stringent standards of professional Attorneys,  
5 and Numerous Authorities Sustain Same.

6

7

### CONCLUSION

8 wherefor plaintiff prays this Honorable court fairly  
9 considers plaintiff's Reply, Denying Defendants motion  
10 to DISMISS and allow the case to continue to completion  
11 and grant plaintiff's Amended complaint as court can  
12 see in exhibit 1, 1a Both Attorney General, The above  
13 named Defendant were served copy of Amended complaint  
14 on 08/23/2019 at 2:34 PM, further grant plaintiff's  
15 Requested Relief, as the "Supremacy clause" ART 6 § 2  
16 of U.S Constitution states federal Law supercedes  
17 State Law i.e. Federal Law shall supercede Defendants  
18 actions or Arguments.

19

20

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VERIFICATION

I Bryan P Bonham declare and verify under the pains  
and penalties of perjury pursuant to 28 U.S.C.A § 1746 &  
18 U.S.C.A. § 1621

CERTIFICATE OF SERVICE

I Bryan P Bonham certify That I have attached  
plaintiff's Reply to Defendants motion to Dismiss  
with special instructions for electronic filing &  
service to clerk of court to serve all plaintiff's  
opponents pursuant to N.E.F.C. R. 5(k) 9, et seq  
(A-E) Etc to the following  
Deputy Attorney General  
Douglas R Bands  
100 N. Carson Street  
Carson City, NV 89701

Dated this 17th day of October 2019

By: Bryan P Bonham  
Bryan P Bonham 60575  
1200 Princeton Road  
Lee  
Love Lock, NV 89419

# **EXHIBIT**

1

Declaration of Service  
on Sec of State

# **EXHIBIT**

1

**Bryan Bonham**  
**PLAINTIFF**

**Dated: 8/27/2019**

**Civil File Number: 19001505**

CASE No.: PI191291

**Barbara Cegavske, et al  
DEFENDANT**

**Vs**

## 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: Barbara Cegavske by serving MICHELLE FOURNIER (AAII), Authorized Individual**

**Location:** Nevada State Capitol Building 101 North Carson Street Ste 3 Carson City, NV 89701

**Date:** 8/23/2019 **Time:** 2:34 PM

**The document(s) served were: Summons & Amended 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**

Jakob Dreyer

**By:** Sheriff's Authorized Agent

**Pershing Eleventh Judicial District  
Lovelock, NV**

# **EXHIBIT**

1a

Declaration of Service  
on A.G.

# **EXHIBIT**

1a



**IN THE PERSHING ELEVENTH JUDICIAL DISTRICT OF THE STATE OF  
NEVADA  
IN AND FOR CARSON CITY**

Bryan Bonham  
PLAINTIFF

Vs

Barbara Cegavske, et al  
DEFENDANT

) Dated: 8/27/2019  
)  
)

) Civil File Number: 19001505  
)

) CASE No.: PI191291  
)

**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:**       Nevada Attorney General by serving MICHELLE FOURNIER (AAII), Authorized  
**Individual**

**Location:**         100 North Carson Street Carson City, NV 89701

**Date:**             8/23/2019         **Time:**   2:34 PM

The document(s) served were: Summons & Amended 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:                   Sheriff's Authorized Agent

Pershing Eleventh Judicial District  
Lovelock, NV

CASE NO. PI 19-1291

DEPT. NO. I

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

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**ORDER SETTING HEARING ON  
DEFENDANT'S MOTION TO DISMISS**

The Court having reviewed Defendants Motion to Dismiss does hereby set the matter for hearing. The Court Clerk is directed to set a hearing date. The Court is directing the parties to appear and present their arguments at said hearing. The Clerk shall serve a copy of this order upon the parties, together with a Notice of Hearing.

**IT IS SO ORDERED.**

//

//

//

//

//

//

**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT

**Case Number:** 27CV-WR3-2019-0039

**Type:** Order - Dismissal

It is so Ordered.

Judge Shirley

1  
2  
3  
4 FILE NO. PI 19-1291  
DEPT. NO. 1  
5

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

8 Bryan Bonham,  
9 Plaintiff,  
10 vs.  
11

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

12 Barbara K. Cegavaske, et al.,  
13 Defendants.  
14

15 PLEASE TAKE NOTICE that on November 13, 2019, the Court  
16 entered an order in this matter, a true and correct copy of which is  
17 attached to this notice.

18 If this is a final order and you wish to appeal to the Nevada Supreme  
19 Court, you must file a Notice of Appeal with the Clerk of this Court within  
20 33 days after the date this notice is mailed to you. This notice was mailed  
21 on November 14, 2019.

22 DATED: November 14, 2019.

23 Franklin Wilkerson

24 11<sup>th</sup> Judicial District Court Clerk

25 By Caroline Boyce  
26 Deputy  
27  
28

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Pershing County District Court Clerk's Office, and that on November 14, 2019, I caused to be served through the United States Postal Service, hand delivery, and/or Electronic Filing Service, a true copy of the within document, first class postage prepaid and/or by electronic mail to the following:

Bryan P. Bonham # 60575  
1200 Prison Road, LCC  
Lovelock, NV 89419

DOUGLAS R. RANDS  
Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717

DATED this 14th day of November, 2019.

  
Deputy Clerk

1 CASE NO. PI 19-1291

2 DEPT. NO. I

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 BRYAN BONHAM,

10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVASKE, et al.,

13 Defendants.

**ORDER SETTING HEARING ON  
DEFENDANT'S MOTION TO DISMISS**

14 The Court having reviewed Defendants Motion to Dismiss does hereby set the matter for  
15 hearing. The Court Clerk is directed to set a hearing date. The Court is directing the parties to  
16 appear and present their arguments at said hearing. The Clerk shall serve a copy of this order  
17 upon the parties, together with a Notice of Hearing.

18  
19 **IT IS SO ORDERED.**

20  
21 //

22 //

23 //

24 //

25 //

26 //

27 //

**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT  
**Case Number:** 27CV-WR3-2019-0039  
**Type:** Order - Dismissal

**It is so Ordered.**

A handwritten signature in black ink, appearing to read "Shirley", is written over a faint, dotted line.

**Judge Shirley**

CASE NO. PI 19-1291

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**REQUEST FOR SUBMISSION:  
DEFENDANT'S MOTION TO DISMISS  
PLAINTIFF'S AMENDED COMPLAINT**

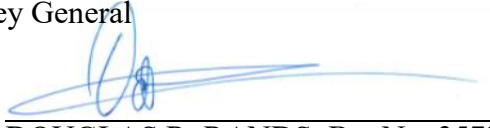
Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby request submission of Defendant's Motion to Dismiss Plaintiff's Amended Complaint for decision. Defendant served her Motion on October 8, 2019. Plaintiff has not served his Opposition as of October 29.

Plaintiff having failed to file a Response, Defendant respectfully submits the matter for the Court's decision.

DATED this 14th day of November, 2019.

AARON D. FORD  
Attorney General

By:

  
DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
(775) 684-1150  
drands@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 14th of November, 2019, I caused to be deposited for mailing a true and correct copy of the  
4 foregoing, **REQUEST FOR SUBMISSION: DEFENDANT'S MOTION TO DISMISS**  
5 **PLAINTIFF'S AMENDED COMPLAINT**, to the following:

6 Bryan Bonham, #60575  
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  
17  
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28

Case no P119-1291

Dept NO. 1

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

Bryan P Bonham

plaintiff

Notice of Appeal

-VS-

Barbara K. Cegauske, et al.,  
defendants.

Please take notice that plaintiff in the above action  
gives his notice of appeal of order given on November  
12<sup>th</sup>, 2019 at 5:50:22 Dismissing complaint.

Dated this 18<sup>th</sup> day of November, 2019



Bryan P Bonham 60575  
1200 Prison Road (LCC)  
Love Lock, NV 89419



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

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

N/A

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

No, Pro Per

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

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 03/15/19.

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 03/15/19.

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:

A Civil Rights Complaint Pursuant to 42 U.S.C. §1983 was filed on 03/15/19. An Application for Entry of Default was filed on 06/13/19. An Application for Entry of Default was filed on 06/19/19. A Defendant's Motion to Dismiss was filed on 06/24/19. An Amended Civil Rights Complaint Pursuant to 42 U.S.C. §1983 was filed on 07/23/19. Plaintiffs Motion/Reply to Defendants Reply was filed on 08/13/19. Motion to Request Leave to Amend to Add State of Nevada to Complaint pursuant to Fed Rule Civ. P 15 was filed on 08/20/19. Request for Judicial Action was filed on 11/04/19. Plaintiff's Reply to Defendants Motion to Dismiss was filed on 11/04/19. An Order Setting Hearing on Defendant's

1 Motion to Dismiss was filed on 11/12/19. A Notice of Entry of Order was filed  
2 on 11/14/19. A Notice of Appeal was filed on 11/27/19.

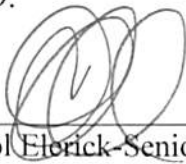
3 11. Indicate whether the case has previously been the subject of an appeal to or  
4 original writ proceeding in the Supreme Court and, if so, the caption and  
Supreme Court docket number of the prior proceeding:

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

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

7  
8 13. If this is a civil case, indicate whether this appeal involves the possibility of  
settlement: Unknown, there is no final decision in the case.

9 Dated this 27<sup>th</sup> day of November, 2019.

10  
11   
12 \_\_\_\_\_  
Carol Florick-Senior Court Clerk  
13 P.O. Box H  
Lovelock, NV. 89419  
14 (775) 273-2410  
15  
16  
17  
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26

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

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

**Supreme Court No. 80145**  
District Court Case No. 27CV-WR3-2019-  
0039

**RECEIPT FOR DOCUMENTS**

TO: Bryan Phillip Bonham  
Attorney General/Carson City \ Douglas R. Rands  
Franklin Wilkerson, Pershing County Clerk ✓

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

12/04/2019	Appeal Filing Fee waived. In Forma Pauperis. (SC)
12/04/2019	Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day. (SC)

DATE: December 04, 2019

Elizabeth A. Brown, Clerk of Court  
lh

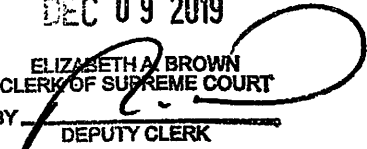
IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 80145 P19-1291  
27CV-WR3-2019-0039

**FILED**


DEC 09 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DIRECTING TRANSMISSION OF RECORD*

Having reviewed the documents on file in this proper person 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-WR3-2019-0039. *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: Bryan Phillip Bonham  
Attorney General/Carson City  
Pershing County Clerk

CASE NO. PI 19-1291

DEPT. NO. I

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

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**ORDER DIRECTING THAT CLERK SET  
THE MATTER FOR HEARING ON THE  
MOTION TO DISMISS AFTER  
REMITTITUR**

The Court previously directed the Clerk of the Court to set the matter for hearing on Defendant's Motion to Dismiss. Plaintiff determined that the Order dismissed the matter and has appealed the interlocutory order. The Court has issued no orders that should be appealed at this stage. The Court will need to hold a hearing after Remittitur has been granted to move the litigation forward. The Clerk is directed and ordered to set a hearing on the Motion upon receipt of the Remittitur.

///

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**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT

**Case Number:** 27CV-WR3-2019-0039

**Type:** Order

It is so Ordered.

Judge Shirley

1 Bryan p Bonham 60575  
2 High desert state prison  
3 PO Box 650  
4 Indian Springs NV 89070  
5

6 11th JUDICIAL DISTRICT COURT  
7 PERSHING COUNTY, NEVADA  
8

9 Bryan p Bonham case NO.  
10 plaintiff

11 vs. notice of change of  
12 state of Nevada ex rel NDOC. Address.

13 p. Delporto

14 R. Baker

15 C. Potter

16 Defendants.

17 please take notice plaintiff was moved shortly after He  
18 filed complaint around 12th of January, 2020. He is  
19 unaware of case NO. if copies of complaint have not  
20 been filed, stamped and mailed please mail to plaintiff  
21 at Address listed above.

22 dated this 16th day of January, 2020

23 ~~/s/ Bryan p Bonham~~

24 Bryan p Bonham 60575  
25  
26  
27  
28

**IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

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

**Supreme Court No. 80145**  
District Court Case No. 27CV-WR3-2019-  
0039

**NOTICE OF TRANSFER TO COURT OF APPEALS**

Pursuant to NRAP 17(b), the Supreme Court has decided to transfer this matter to the Court of Appeals. Accordingly, any filings in this matter from this date forward shall be entitled "In the Court of Appeals of the State of Nevada." NRAP 17(e).

DATE: February 13, 2020

Elizabeth A. Brown, Clerk of Court

By: Lindsey Lupenui  
Chief Deputy Clerk

**Notification List**

Electronic  
Attorney General/Las Vegas \ Frank A. Toddre, II

Paper  
Hon. Jim C. Shirley, District Judge  
Bryan Phillip Bonham  
Franklin Wilkerson, Pershing County Clerk

1 Case No. 27CV-WR3-2019-0039

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 Bryan Phillip Bonham,

10 Plaintiff,

11 vs.

12 Barbara K. Cegavske,

13 Defendant.

**Order Dismissing Appeal**

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 80145-COA

**FILED**

JUN 19 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DISMISSING APPEAL*


Bryan Phillip Bonham appeals from a district court order purportedly dismissing a civil rights complaint. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.


Bonham filed a civil rights complaint against respondent Barbara K. Cegavske, and Cegavske moved to dismiss. The court then entered an order directing that the matter be set for hearing. Confusingly, while the order itself is entitled "Order Setting Hearing on Defendant's Motion to Dismiss," the heading on the second page of the order indicates that the order "type" is "Order - Dismissal." Bonham treated this decision as an order dismissing the case and filed a notice of appeal.


This court may only consider appeals authorized by statute or court rule. *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013). It is well established that, in determining the nature of a challenged order, the appellate courts look to what the order actually does, not the label assigned to it. *Id.* Here, while the heading on the second page of the order indicates the order "type" is "Order - Dismissal," the text of the order merely directs that a hearing be set on Cegavske's motion to dismiss. This language is consistent with the overall title of the order, which provides that the order is setting a hearing on that motion.

No statute or court rule provides for an appeal from an order setting a hearing on a motion to dismiss. See NRAP 3A(b) (designating the judgments and orders from which an appeal may be taken). And there is nothing in the record or the documents before us demonstrating that a dismissal order or some other decision that finally resolved Bonham's claims has since been entered. Thus, because a final, appealable decision has not been entered, see *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (stating that, to be a final judgment or order, it must dispose of all issues presented in the case and leave nothing for future consideration except post-judgment issues), we lack jurisdiction over this appeal, and we therefore

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Jim C. Shirley, District Judge  
Bryan Phillip Bonham  
Attorney General/Carson City  
Attorney General/Las Vegas  
Pershing County Clerk

CASE NO. 27CV-WR3-2019-0039

*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

Bryan Phillip Bonham,

Plaintiff,

vs.

Barbara K. Cegavske,

Defendant.

**NOTICE OF ENTRY  
OF ORDER**

PLEASE TAKE NOTICE that the Court entered the following: ORDER  
DISMISSING APPEAL in this matter, on June 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 1 day of July 2020.

KATRENA M. MARTIN  
CLERK OF THE COURT

By Adriana Ramos  
Deputy

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 the ORDER DISMISSING  
6 APPEAL on the following:

7  
8 Douglas Rands  
9 Nevada Attorney General's Office  
10 100 N. Carson St.  
11 Carson City, NV 89701  
12 [drands@ag.nv.gov](mailto:drands@ag.nv.gov)

13 Bryan Bonham  
14 High Desert State Prison  
15 PO Box 650  
16 Indian Springs, NV 89070

17  
18 DATED this 1 day of July 2020.

19 Adrian Ramos  
20 Deputy Clerk  
21  
22  
23  
24  
25  
26  
27  
28



1 Case No. 27CV-WR3-2019-0039

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

4

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IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8

IN AND FOR THE COUNTY OF PERSHING

9

Bryan Phillip Bonham,

10

Plaintiff,

11

vs.

12

Barbara K. Cegavske,

13

Defendant.

14

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**Order Dismissing Appeal**

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

No. 80145-COA

**FILED**

JUN 19 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DISMISSING APPEAL*

Bryan Phillip Bonham appeals from a district court order purportedly dismissing a civil rights complaint. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.


Bonham filed a civil rights complaint against respondent Barbara K. Cegavske, and Cegavske moved to dismiss. The court then entered an order directing that the matter be set for hearing. Confusingly, while the order itself is entitled "Order Setting Hearing on Defendant's Motion to Dismiss," the heading on the second page of the order indicates that the order "type" is "Order - Dismissal." Bonham treated this decision as an order dismissing the case and filed a notice of appeal.

This court may only consider appeals authorized by statute or court rule. *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013). It is well established that, in determining the nature of a challenged order, the appellate courts look to what the order actually does, not the label assigned to it. *Id.* Here, while the heading on the second page of the order indicates the order "type" is "Order - Dismissal," the text of the order merely directs that a hearing be set on Cegavske's motion to dismiss. This language is consistent with the overall title of the order, which provides that the order is setting a hearing on that motion.

No statute or court rule provides for an appeal from an order setting a hearing on a motion to dismiss. *See* NRAP 3A(b) (designating the judgments and orders from which an appeal may be taken). And there is nothing in the record or the documents before us demonstrating that a dismissal order or some other decision that finally resolved Bonham's claims has since been entered. Thus, because a final, appealable decision has not been entered, *see Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (stating that, to be a final judgment or order, it must dispose of all issues presented in the case and leave nothing for future consideration except post-judgment issues), we lack jurisdiction over this appeal, and we therefore

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Jim C. Shirley, District Judge  
Bryan Phillip Bonham  
Attorney General/Carson City  
Attorney General/Las Vegas  
Pershing County Clerk

1 Bryan p Bonham 60575  
2 po Box 650 (HOSP)  
3 Indian Springs, NV 89070  
4

5 ELEVENTH JUDICIAL DISTRICT COURT  
6 PERSHING COUNTY, NEVADA  
7

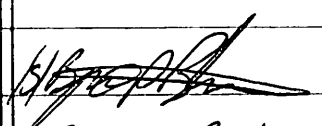
8 Bryan p Bonham  
9 plaintiff  
10 -vs-  
11 Barbara k Ceyauske  
12 defendant.  
13

PI 19-1291  
case no. 27CV-WR3-2019-0039

NOTICE OF Appeal

14 please take notice That plaintiff in The above action gives His  
15 notice of Appeal of order given on 11/12/2019; 01/07/2020  
16 DISMISSING THIS COMPLAINT & appeal.  
17

18 Dated This 7th day of July, 2020  
19

20   
21 Bryan p Bonham 60575  
22 po Box 650 (HOSP)  
23 Indian Springs, NV 89070  
24  
25  
26  
27  
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1 Case No. 27CV-WR3-2019-0039

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 Bryon P. Bonham,

10 Plaintiff,

11 vs.

12 Barbara K. Cegavske,

13 Defendant.  
14

15 **CASE APPEAL STATEMENT**

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

17 Bryan P. Bonham

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

19 Honorable Jim C. Shirley

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

22 Bryan P. Bonham #60575

23 Pro Per  
1200 Prison Road  
Lovelock Correctional Center  
24 Lovelock, NV. 89419

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

Barbara K. Cegavaske

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

- 5  
6  
7  
8  
9
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

N/A

- 10  
11
6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

No, Pro Per

- 12  
13  
14
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

No

- 15  
16
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 03/15/19.

- 17  
18  
19
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 03/15/19.

- 20  
21  
22
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:

An Order Setting Hearing on Defendant's Motion to Dismiss was filed which resulted in this instant Appeal.

1  
2 11. Indicate whether the case has previously been the subject of an appeal to or  
3 original writ proceeding in the Supreme Court and, if so, the caption and  
Supreme Court docket number of the prior proceeding:

4 This case was previously appealed to the Supreme Court on 11/27/19. Case  
caption: Bryan Phillip Bonham, Appellant, vs. Barbara K. Cegavske,  
5 Respondent. Docket No. 80145-COA.

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

7 13. If this is a civil case, indicate whether this appeal involves the possibility of  
settlement: Unknown, there is no final decision in the case.

8 Dated this 16<sup>th</sup> day of July 2020.

9  
10 /s/ Carol Elerick  
11 Carol Elerick  
12 Senior Court Clerk  
13 P.O. Box H  
Lovelock, NV. 89419  
14 (775) 273-2410  
15  
16  
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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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

**Supreme Court No. 80145**  
District Court Case No. 27CV-WR3-2019-  
0039

**REMITTITUR**

TO: Kate Martin, Pershing County Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: July 15, 2020

Elizabeth A. Brown, Clerk of Court

By: Monique Mercier  
Administrative Assistant

cc (without enclosures):

Hon. Jim C. Shirley, District Judge  
Bryan Phillip Bonham  
Attorney General/Las Vegas \ Frank A. Toddre, II

**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 July 21, 2020.

Kate Martin  
District Court Clerk



CASE NO. PI 19-1291

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**REQUEST FOR SUBMISSION OF  
DEFENDANT'S MOTION TO DISMISS**

Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby requests submission of Defendants' Motion to Dismiss. Defendant filed her Motion to Dismiss on June 24, 2019. Plaintiff mailed his Response on July 9, 2019. Defendant filed a Reply on July 15, 2019.

The briefing period having elapsed, and the underlying issues having been fully briefed, pursuant to District Court Rule (D.C.R.) 13(4), Defendant respectfully submits her Motion to Dismiss for the Court's decision.

DATED this 23rd day of July, 2020.

AARON D. FORD  
Attorney General

By: /s/ Douglas R. Rands  
DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
(775) 684-1150  
drands@ag.nv.gov

*Attorneys for Defendants*

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 23 of July, 2020, I caused to be deposited for mailing a true and correct copy of the foregoing,  
4 **REQUEST FOR SUBMISSION OF DEFENDANT'S MOTION TO DISMISS**, to the following:

5 Bryan Bonham, #60575  
6 High Desert State Prison  
7 P.O. Box 650  
8 Indian Springs, NV 89070

9  
10 

11 An employee of the  
12 Office of the Attorney General  
13  
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1 Case No. 27CV-WR3-2019-0039

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 BRYAN PHILLIP BONHAM,

10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVSKE,

13 Defendant.  
14  
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24

**ORDER DISMISSING APPEAL**

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 81522

**FILED**

AUG 24 2020

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

*ORDER DISMISSING APPEAL*

This is a pro se appeal from a district court order purportedly dismissing a civil rights complaint. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

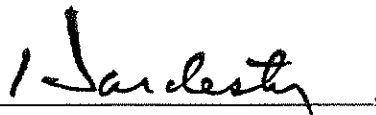
Review of the documents submitted to this court pursuant to NRAP 3(g) reveals jurisdictional defects. Specifically, the order appealed from is not a final, appealable order. On November 12, 2019, the district court entered an order setting a hearing on respondent's motion to dismiss the complaint. Such an order is not appealable. This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984).


Further, on January 27, 2020, the district court entered an order specifically directing that no decision on the motion to dismiss has yet been entered, that the court is waiting for the remittitur from this court on the appeal, and that at that time the court will set a hearing on the motion.

The complaint remains pending and unresolved in the district court. Appellant may appeal from an order resolving his complaint when one is entered. This court lacks jurisdiction and

ORDERS this appeal DISMISSED.

 J.  
Parraguirre

 J.  
Hardesty

 J.  
Cadish

cc: Hon. Jim C. Shirley, District Judge  
Bryan Phillip Bonham  
Attorney General/Carson City  
Pershing County Clerk

1 CASE NO. 27CV-WR3-2019-0039

2 *Pursuant to NRS 239B.030, the undersigned affirms*  
3 *that this document does not contain social security numbers.*  
4  
5

6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7  
8 IN AND FOR THE COUNTY OF PERSHING  
9

10 BRYAN PHILLIP BONHAM,

11 Plaintiff,

12 vs.

13 BARBARA K. CEGAVSKE,

14 Defendant.

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

15 PLEASE TAKE NOTICE that the Court entered the following: ORDER  
16 DISMISSING APPEAL in this matter, on August 26, 2020, a true and correct copy of  
17 which is attached to this notice.

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

21 DATED this 28 day of August 2020.

22 KATRENA M. MARTIN  
23 CLERK OF THE COURT

24 By Adriana Ramirez  
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 the ORDER DISMISSING  
6 APPEAL on the following:

7 Bryan Bonham #60575  
8 High Desert State Prison  
9 P.O. Box 650  
Indian Springs, NV 89070

10 Douglas R. Rands  
11 Nevada Attorney General's Office  
12 100 N. Carson St.  
13 Carson City, NV 89701  
[drands@ag.nv.gov](mailto:drands@ag.nv.gov)

14 DATED this 29 day of August 2020.

15  
16  
17 *Adriana Ramo*  
18 Deputy Clerk  
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1 Case No. 27CV-WR3-2019-0039

2 *Pursuant to NRS 239B.030, the undersigned affirms that this*  
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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 BRYAN PHILLIP BONHAM,

10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVSKE,

13 Defendant.

**ORDER DISMISSING APPEAL**



IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 81522

**FILED**

AUG 24 2020

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

*ORDER DISMISSING APPEAL*

This is a pro se appeal from a district court order purportedly dismissing a civil rights complaint. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

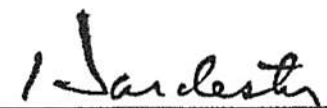
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Further, on January 27, 2020, the district court entered an order specifically directing that no decision on the motion to dismiss has yet been entered, that the court is waiting for the remittitur from this court on the appeal, and that at that time the court will set a hearing on the motion.

The complaint remains pending and unresolved in the district court. Appellant may appeal from an order resolving his complaint when one is entered. This court lacks jurisdiction and

ORDERS this appeal DISMISSED.

 J.  
Parraguirre

 J.  
Hardesty

 J.  
Cadish

cc: Hon. Jim C. Shirley, District Judge  
Bryan Phillip Bonham  
Attorney General/Carson City  
Pershing County Clerk

1 CASE NO. PI 19-1291

2 DEPT. NO. I

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

8 BRYAN BONHAM,

9 Plaintiff,

10 vs.

11 BARBARA K. CEGAVASKE, et al.,

12 Defendants.

**ORDER DIRECTING THAT A HEARING BE  
HELD ON THE MOTION TO DISMISS  
AMENDED COMPLAINT**

13 The Court notes that, on the 21<sup>st</sup> day of July, 2020, a Remittitur has been issued by the Nevada  
14 Supreme Court on the Notice of Appeal filed on the 27<sup>th</sup> day of November, 2020. The Nevada Court of  
15 Appeals issued an Order Dismissing the Appeal on the 19<sup>th</sup> day of June, 2020. On the 14<sup>th</sup> Day of July,  
16 2020, Plaintiff filed a second Notice of Appeal. The Nevada Supreme Court dismissed the second Appeal  
17 on the 24<sup>th</sup> day of August, 2020. The Nevada Supreme Court has not issued a Remittitur. However, in  
18 anticipation of the remitter, the Court directs the Clerk to set a hearing for October 2, 2020 at 11:00 a.m.,  
19 where the Court can hear the October 8, 2019 Motion to Dismiss the Amended Complaint in accordance  
20 with Mr. Bonham's request.

21 The law clerk is directed to prepare an Order to Produce Prisoner for the telephonic hearing that  
22 date.

23 Plaintiff and Defendants are directed to prepare their cases for presentation on the date in question.  
24 Any exhibits that a party intends to introduce shall be produced in a written format and submitted to the  
25 Clerk of the Court on or before September 23, 2020 for marking. The Clerk of the Court is directed to  
26 provide a copy of the marked exhibits to each of the parties thereafter. On or before September 30, 2020,  
27 both Parties shall prepare and submit to the Court proposed orders which reflect legal standards in relation  
28 to the issues before the Court.

**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT

**Case Number:** 27CV-WR3-2019-0039

**Type:** Order

It is so Ordered.

Judge Shirley

1 CASE NO. 27CV-WR3-2019-0039

2 DEPT. NO. 1

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

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

9 BRYAN BONHAM,

10 Plaintiff,

11 vs.

12 BARBARA K. CEGAVSKE, et al.,

13 Defendants. /

**ORDER TO PRODUCE PRISONER**

14 IT IS HEREBY ORDERED that the Nevada Department of Corrections, at Lovelock  
15 Correctional Center shall produce inmate BRYAN BONHAM from his place of detention to a  
16 conference room where the Court can contact him for a Hearing. The prison shall contact the  
17 Court with the telephone number to call to contact the Plaintiff. The Prison shall transport the  
18 Plaintiff back to his cell once the hearing is completed. The Hearing in this matter has been set  
19 for October 2, 2020 at 11:00 a.m.

20 IT IS FURTHER ORDERED that the Attorney for the Defendants shall call 425-436-  
21 6304 access code 762964# five minutes before the hearing.

22 ///

23 ///

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28 ///

**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT

**Case Number:** 27CV-WR3-2019-0039

**Type:** Order

It is so Ordered.

Judge Shirley

1 Case No. 27CV-WR3-2019-0039

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 Bryan Phillip Bonham,

10 Appellant,

11 vs.

**Remittitur**

12 Barbara K. Cegavske,

13 Respondent.  
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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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

**Supreme Court No. 81522**  
District Court Case No. 27CV-WR3-2019-  
0039

**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: September 18, 2020

Elizabeth A. Brown, Clerk of Court

By: Rory Wunsch  
Deputy Clerk

cc (without enclosures):  
Hon. Jim C. Shirley, District Judge  
Bryan Phillip Bonham  
Attorney General/Las Vegas

**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 September 22, 2020.

  
District Court Clerk



Case No. 27CV-WR3-2019-0039

*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

BRYAN PHILLIP BONHAM,

Appellant,

vs.

BARBARA K. CEGASVKE,

Respondent.

**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 2<sup>nd</sup> day of February 2023.

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

February 2, 2023

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

Re: Notice of Appeal / 27CV-WR3-2019-0039  
Bryan P. Bonham, Appellant vs Barbara K. Cegavske, Respondent

Enclosed, please find the Record on Appeal for the above-entitled matter as ordered by the Supreme Court on January 4, 2023.

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: *Adrienne Rausch*  
Deputy Clerk

/km  
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-WR3-2019-0039

*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

BRYAN PHILLIP BONHAM,

Appellant,

vs.

BARBARA K. CEGASVKE,

Respondent.

**RECORD ON APPEAL**

**PLEADINGS**

VOLUME 2

Bryan P. Bonham  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070  
Appellant, In Pro Per

Douglas Rands  
Nevada Attorney General's Office  
100 N. Carson St.  
Carson City, NV 89701  
Attorney for Respondents

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Affidavit of Mailing	07/14/2022	521-522	4
Affidavit of Mailing	07/14/2022	523-524	4
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Case Appeal Statement	07/16/2020	113-115	1
Case Appeal Statement	08/30/2022	526-528	4
Civil Rights Complaint Pursuant to 42 U.S.C 1983	03/15/2019	012-021	1
Defendant's Motion to Dismiss	06/24/2019	030-037	1
Defendant's Motion to Dismiss Plaintiff's Amended Complaint	10/08/2019	066-072	1
Defendant's Opposition to Plaintiff's Addendum to His 42 U.S.C Section 1983 & Request for Inspection of Fraud Upon the Court	11/04/2020	171-175	2
Defendant's Opposition to Plaintiff's Motion for Discovery and Order to Show Cause as to Why Summary Judgment Should Not Be Granted	11/08/2021	404-406	4
Financial Certificates	03/15/2019	004-010	1

1	Hearing Requested Plaintiff's Addendum in Support of Summary Judgment	01/29/2021	231-240	2
2	Hearing Requested Plaintiff's Ex Parte Motion for Appointment of Counsel and or Request for an Evidentiary Hearing	12/28/2020	183-186	2
3	Hearing Requested Plaintiff Motion for Summary Judgment	01/05/2021	187-205	2
4	Motion to Extend Prison Copy Work ie. Legal Copy Work	06/10/2019	027	1
5	Motion to Move Case to US District Court of Nev Due to Fact of Fed Laws Being Violated & Causing Plaintiff's Rights to be Violated	11/30/2021	409-414	4
6	Motion to Request Leave to Amend to Add State of Nevada to Complaint Pursuant to Fed Rule CIV p 15	08/20/2019	060-062	1
7	Motion to Strike Plaintiff's Second Amended Complaint	03/03/2021		3
8	Notice of Appeal	11/27/2019	094	1
9	Notice of Appeal	07/14/2020	112	1
10	Notice of Appeal	08/22/2022	525	4
11	Notice of Change of Address	02/06/2020	102	1
12	Notice of Change of Deputy Attorney General	08/14/2019	052-053	1
13	Notice of Entry of Order	11/14/2019	088-091	1
14	Notice of Entry of Order	07/01/2020	107-111	1
15	Notice of Entry of Order	08/28/2020	122-1126	1
16	Notice of Entry of Order	06/27/2022	471-481	4
17	Notice of Entry of Order	06/29/2022	489-499	4
18	Notice of Entry of Order	06/29/2022	500-505	4
19	Notice of Entry of Order	06/30/2022	506-516	4
20	Notice of Motion	06/10/2019	024-026	1
21	Notice of Motion	08/21/2019	063	1
22				
23				
24				

1	Notice of Motion Motion to Request Leave to Amend, to Add State of Nevada to Complaint Pursuant to Fed. Rule. CIV.P.15	08/20/2019	059	1
2				
3	Notice of Motion Opposition to Defendant's Motion to Dismiss	08/20/2019	054	1
4	Notice of Transfer to Court of Appeals	02/21/2020	103	1
5	Opposition to Motion for Summary Judgment	01/19/2021	212-230	2
6	Opposition to Plaintiff's Motion for Appointment of Counsel	01/11/2021	206-211	2
7	Opposition to Plaintiff's Motion for Default Order and Order of Fraud Upon the Court	05/17/2021	339-348	3
8	Opposition to Plaintiff's Motion to Move Case to U.S. District Court	12/13/2021	449-453	4
9	Order Amendment to Complaint	06/24/2022	454-460	4
10	Order Amendment to Complaint; Plaintiff's Summary Judgment Order; Appointment of Counsel; Filings of Second Amended Complaint; Motion to Move to US District Court	06/27/2022	461-463	4
11				
12	Order Directing Transmission of Record	12/13/2019	099	1
13				
14	Order Directing Transmission of Record	01/30/2023	529-530	4
15	Order Directing That a Hearing Be Held on the Motion to Dismiss Amended Complaint	09/10/2020	127-128	1
16	Order Directing That Clerk Set the Matter of Hearing on the Motion to Dismiss After Remittitur	01/27/2020	100-101	1
17	Order Dismissing Appeal	06/25/2020	104-106	1
18	Order Dismissing Appeal	08/26/2020	119-121	1
19	Order Re: Motion to Dismiss the Complaint	06/27/2022	482-488	4
20	Order Setting Hearing on Defendant's Motion to Dismiss	11/12/2019	086-087	1
21	Order to Proceed in Forma Pauperis	03/15/2019	011	1
22	Order to Produce Prisoner	09/16/2020	129-130	1
23	Plaintiff's Addendum to His 42 U.S.C. 1983 & Request for Inspection of Fraud Upon the Court	10/20/2020	135-170	2
24				

1	Plaintiff's Motion for Default Order & Order of Fraud Upon the Court "Hearing Requested"	05/03/2021	333-338	3
2	Plaintiff's Motion for Discovery and Order to Show Cause as to Why Summary Judgment for the Plaintiff Should Not Be Granted in Camera Hearing or in Person Hearing Requested	10/25/2021	361-403	4
3				
4	Plaintiff's Motion/Reply to Defendant's Reply	08/13/2019	046-051	1
5	Plaintiff's Opposition to Defendant's Motion to Dismiss	08/20/2019	055-058	1
6	Plaintiff's Reply to Defendant's Motion to Dismiss	11/04/2019	076-085	1
7	Plaintiff's Reply to Defendant's Opposition to Plaintiff's Addendum	11/25/2020	176-182	2
8	Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Discovery and Order to Show Cause	11/30/2021	415-448	4
9	Plaintiff's Response to Defendant's Opposition to Plaintiff's Motion for Default Order and Order of Fraud Upon the Court Hearing Requested	06/10/2021	349-360	3
10				
11	Plaintiff's Response to Defendant's Opposition to Plaintiff's Motion for Summary Judgment & Request for Fraud Upon the Court & Perjury	03/01/2021	254-328	3
12	Plaintiff's Second Amended Civil Rights Complaint Pursuant to 42 USC 1983 R8 USC 1342(a) Jury Trial Demanded	02/22/2021	241-253	2
13	Receipt for Documents	12/05/2019	098	1
14	Remittitur	07/21/2020	116	1
15	Remittitur	09/22/2020	131-132	1
16	Reply in Support of Defendant's Motion to Dismiss	07/15/2019	038-041	1
17	Request for Judicial Action	11/04/2019	073-075	1
18	Request for Submission	11/16/2021	407-408	4
19	Request for Submission: Defendant's Motion to Dismiss	10/08/2019	064-065	1
20	Request for Submission: Defendant's Motion to Dismiss Plaintiff's Amended Complaint	11/14/2019	092-093	1
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Request for Submission of Defendant's Motion to Dismiss	07/24/2019	044-045	1
Request for Submission of Defendant's Motion to Dismiss	07/23/2020	117-118	1
Summons	05/23/2019	022-023	1



CASE NO. 27CV-WR3-2019-0039

DEPT. NO. 1

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVSKE, et al.,

Defendants.

**AMENDED<sup>1</sup> ORDER TO PRODUCE  
PRISONER**

IT IS HEREBY ORDERED that the Nevada Department of Corrections, at High Desert State Prison shall produce inmate BRYAN BONHAM from his place of detention to a room where the Court can contact him for a Hearing. The prison shall contact the Court with the telephone number to call to contact the Plaintiff. The Prison shall transport the Plaintiff back to his cell once the hearing is completed. The Hearing in this matter has been set for October 2, 2020 at 11:00 a.m.

IT IS FURTHER ORDERED that the Attorney for the Defendants shall call 425-436-6304 access code 762964# five minutes before the hearing.

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<sup>1</sup> The Plaintiff's location needed to be updated so the correct prison will produce him.

**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT

**Case Number:** 27CV-WR3-2019-0039

**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 Bryan p Bonham  
2 po Box 650 HOSP  
3 Indian Springs, NEV 89070  
4

5 11th JUDICIAL DISTRICT COURT  
6 PERSHING COUNTY, NEVADA  
7

8 Bryan p Bonham PI 191291  
9 plaintiff CASE NO 27CVWR3-2019-0039  
10 DEPT 1

11 -vs- plaintiff's Addendum to His  
12 Barbara Ceyauske 42 U.S.C. § 1983 & Request for  
13 INSPECTION OF FRAUD UPON  
14 THE COURT

15 COMES NOW plaintiff Bryan p Bonham in propria persona and  
16 moves THIS Honorable COURT for an order allowing this plaintiff  
17 to move forward with His complaint, an order OF FRAUD UPON THE  
18 COURT by Defense counsel

19 PRIVATE RIGHT OF ACTION

20 ETHERTON v CITY OF RAINSVILLE (2015) U.S. DIST LEXIS 141650  
21 A Federal private right/cause of action for a state officials  
22 action contrary to His/Her Oath of OFFICE unless that  
23 action otherwise violated a statute affording the plaintiff  
24 a private right of action or violated the plaintiff's  
25 constitutional rights forming the basis of a § 1983  
26 action. CLAIMS BASED ON BREACH OF OATH OF OFFICE  
27 A copy of this defendant's Oath of OFFICE is attached  
28 to original complaint, both Her 2015; 2019 Oaths

1 private, natural person capacity pursuant to 28 U.S.C. §  
2 1391 (1)(1) ... [w]hen a state officer acts under a state  
3 law in a manner violative of the Federal constitution  
4 He/she comes into conflict with the superior Authority of  
5 the constitution and He/she is in that case striped of  
6 His/Her official or representative character and is  
7 subjected in His/Her person to the consequence of His/Her  
8 individual conduct, the state has no power to impart to  
9 Him/Her any immunity from responsibility to the supreme  
10 Authority of the United States. this defendant has based  
11 on facts set forth in this case has "knowingly and  
12 willfully violated Her sworn oath of office and there  
13 by lost all immunity from a Lawsuit. also see 18 U.S.C. § 242  
14 willfulness. BREACH OF CONTRACT

15 The Defendants Oath of Office is a contract with the citizens  
16 of the state of Nevada saver v prudential ins co U.S. DIST  
17 lexis 125205 C. DIST (cali 2011) "to claim breach of contract  
18 the pleading party must allege (1) the existence of a contract;  
19 (2) plaintiffs performance or excuse for non performance; (3)  
20 Defendants breach; and (4) damages.

#### 21 NEVADA CONSTITUTION

#### 22 ART 5 SECTION 20

23 This section does not give rise to an excuse as to why this  
24 defendant does not have said documents regardless of which  
25 document it is. They The Attorney Generals office has  
26 n/o authority to argue the legality of An NRS as they  
27 are the issue at hand ... further more the NRS that  
28 gave The Secretary of state the Authority was in fact

1 NRS 225.070 which was repealed march 24th, 1999  
2 This is a non existant yet Fraudulant statute. <sup>Discussed</sup> ~~Discussed~~  
3 Later in this motion.  
4 Later in this motion. See EXHIBITS.  
5 Redfield v Fisher 292 p 813 at 819 (1930) "... An officer  
6 may be held liable in damages to any person injured in  
7 consequence of a breach of any of the duties connected  
8 with His/Her office ... The liability of nonfeasance,  
9 misfeasance, and for malfeasance in office is in  
10 His/Her "individual not His official capacity"  
11 in Cooper v Aaron 358 U.S. 1, 78 S. Ct 1401 (1958)  
12 The court held that "No state legislature or executive  
13 or Judicial officer can wat against the constitution  
14 without violating His undertaking to support it."  
15 The constitution Theory is that we the people are the  
16 ~~sovereign~~ sovereigns and the federal officials are only  
17 agents. The individual, unlike the corporation cannot  
18 be taxed for the mere privilege of existing. The corporation  
19 is an artificial entity which owes its existence and  
20 charter powers to the state; but the individual's right  
21 to live and own property are natural rights for the enjoyment  
22 of which an excise can not be imposed.  
23 at hearing Deputy AG states that the secretary  
24 of states office cannot be expected to keep all  
25 legislative records in filing cabinet in off. co. This  
26 plaintiff asserts He is untrained in the Law. However,  
27 He is not stupid. Microfilm. computers. we live  
28 in a wonderful age. However the constitution is  
The Law. Johnson v Duffy 588 F.2d 740, 743 (4th Cir 1978)

1 "A person deprives another of a constitutional right within the  
2 meaning of Sec 1983 if He/SHE does an affirmative act,  
3 participates in another's affirmative acts or omits to  
4 perform an act which He is legally required to do that  
5 causes the deprivation of which plaintiff complains"

6 FRAUD UPON THIS COURT

7 20 AM Jur 2nd sec 50 VII civil Liability "Fraud destroys  
8 the validity of everything into which it enters"

9 Nudd v Burrows 91 U.S. 426 "Fraud violates everything"

10 Boyce v Grundy 3 pet 210 Fraud vitiates the most solemn

11 CONTRACTS "documents and even judgments" plaintiff

12 contends that as a learned official defence counsel should

13 know the Law, (in this case the constitution) Hafer v

14 melo 502 U.S. 21 "officials and judges are deemed to know

15 the Law and sworn to uphold the Law; officials and judges

16 cannot claim to act in good faith, in willful deprivation

17 of Law, they certainly cannot plead ignorance of the Law,

18 even the citizen cannot plead ignorance of the Law, the

19 courts have ruled there is no such thing as ignorance of the

20 Law, it is ludicrous for learned officials and judges

21 to plead ignorance of the Law, therefore there is no

22 immunity. Judicial or otherwise, in matters of rights

23 secured by the constitution for the United States of

24 America, so plaintiff puts this question before this

25 honorable court. How can defence counsel claim this

26 plaintiff has no private right of action? He can't

27 by doing so he has committed fraud upon this

28 court on behalf of an elected official.

1 this plaintiff contends that not only should this case continue  
2 it should continue in the interest of justice. After a  
3 review of his file plaintiff can not confirm or deny  
4 that he only had the Attorney General served during  
5 filing of original complaint. He did in fact effect  
6 proper service upon both the state of Nevada ex rel  
7 and defendant Barbara Cegauske after the filing  
8 of his Amended complaint. This court dismissed the  
9 original complaint after the filing of the Amended complaint.  
10 It was simply inadvertence not intentional that  
11 defendant Cegauske was not served. This  
12 plaintiff contends that although Cegauske  
13 was not originally served that does not negate  
14 the fact that when she signed her oath of  
15 office she swore to uphold the Nevada constitution  
16 & the U.S. constitution. She is in clear violation of  
17 both, ~~and best plaintiff should have requested extension of time to serve~~

#### 18 RIGHT TO AMEND

19 Lopez v Smith 203 F.3d 1122, 1130 (9th Cir 2000) (en banc quoting)  
20 Doe v U.S 58 F.3d 494, 497 (9th Cir 1995) "A DISTRICT COURT  
21 should grant leave to Amend even if no request to Amend  
22 the pleading was made unless it determines that the  
23 pleading could not possibly be cured by the allegation of  
24 other facts.  
25 plaintiff further would argue that even though he  
26 inadvertently failed to serve defendant Cegauske  
27 and served only state of Nevada ex rel when he  
28 clearly had no intention of filing suit against

1 The Attorney General, He did However File, 'have both state of  
2 Nevada ex rel; cegawski both properly served before this court  
3 dismissed the complaint. This plaintiff will admit that  
4 at best plaintiff would say He should have requested extension  
5 to have cegawski properly served. However as plaintiff  
6 contends He did File amended complaint, properly served  
7 both named Defendants, before this court entered the  
8 original order to dismiss.  
9 In one other case the Attorney General's office did claim  
10 that the state of Nevada ex rel is not a proper defendant  
11 In fact it was a case by plaintiff in the case of  
12 Bryan P Bonham v state of Nevada ex rel case no  
13 A-20-813134-C Defendants motion to dismiss page 30 of 8  
14 Line 24 where it's alleged that state of Nevada is not proper  
15 defendant  
16 Ehang v chen 80 F.3d 1293, 1296 (9th cir 1996); Lee v city of  
17 L.A. 250 F.3d 668, 692 (9th cir 2011) "under ninth circuit case  
18 Law dismissal without leave to amend is improper unless it is  
19 clear, upon de novo review that the complaint could not be  
20 saved by any amendment. If the Attorney General's office is in the  
21 belief that they are not or state of Nevada ex rel is not a  
22 proper defendant in one case, why insist being named in  
23 another. mistakenly serving one, not other is not enough to dismiss.  
24 yes plaintiff was mistaken in his belief that service was  
25 effected properly, Respectfully Apologizes to this court. AS  
26 He stated He was not expecting to argue this case on  
27 Friday October 2nd, 2020

28 CONCLUSION



1 This case should be allowed to continue as stated above, in the  
2 following. EXHIBITS.

3 EXHIBIT ONE Article entitled Greatest Legal Discovery in  
4 the History of the State of Nevada condensed version without  
5 EXHIBITS Attached.

6 EXHIBIT TWO Face Book post by Gary Walters on what he  
7 was able to prove. date posted 09/04/2016 5 days after  
8 his Evidentiary Hearing in front of the Honorable Douglas  
9 Herndon Dept. 3 8th Judicial District Court.

10 EXHIBIT THREE YouTube links (4) four videos in which  
11 Walters speaks about what he discovered,  
12

13 If what Mr Walters talks about, says he proved is not true  
14 then how is it he is a free man, when he was not eligible  
15 to be released until the year 2048? Regardless of whether  
16 the court ruled on it or not he was allowed to make the  
17 argument, present his case to the court. It is quite  
18 suspicious that if he was truly able to put before the court  
19 irrefutable proof that the NRS scheme is constitutionally  
20 void? The plaintiff would argue that he should be afforded  
21 the same opportunity. See Cleburne v Cleburne Living Center  
22 87 L ed 2d 1313, 437 U.S. (1985); Plyer v Doe 457 U.S. 202,  
23 216 72 L ed 2d 786 102 S. Ct 2382 (1982) "The equal protection  
24 clause of the fourteenth Amendment commands that no state  
25 shall deny to any person within its jurisdiction the equal  
26 protection of ~~the~~ laws, which is essentially a direction that  
27 persons similarly situated should be treated alike.  
28 Bowers v Six Unknown Agents 403 U.S. 388 29 L ed 2d 619,

1 41 S.Ct 1999 (1970) when a government agent acts in an unconstitutional  
2 manner He/she becomes liable for money damages.

3 FREEDOM OF INFORMATION

4 Rugiero v. U.S. Dept of Justice 257 F.3d 534 (6th Cir 2001)

5 statutory exceptions to the Freedom of Information Act. [FOIA]

6 requirement that a government agency may not withhold or  
7 limit the availability of any record are to be narrowly construed,  
8 and the burden is on the agency to justify its action.

9 The Nevada Constitution is Law. Singh v Clinton 618 F.3d 1085

10 (9th Cir 2010) "An Administrative agency has no discretion to make a  
11 decision that is contrary to Law"

12 Justice delayed is Justice denied see Douglas v GUSTAVENSON 108

13 NEU 517, 835 p.2d 797, 799 (1992) as such this court has

14 the Authority to expeditiously take action as necessary towards

15 the commencement & ultimate Adjudication of all matters

16 before this court.

17 This plaintiff knows He can put before this court a valid

18 argument in regards to how the concealment of these

19 records hinders His ability to fight His conviction, prove

20 His stance that the NRS are illegal; void Laws.

21 That will or can be done with summary Judgment; H/S

22 memorandum in support of summary Judgment.

23

24

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1  
2 VERIFICATION

3 I Bryan P Bonham plaintiff declare and verify, That I have read  
4 The foregoing plaintiffs Addendum to HIS 42 U.S.C. § 1983 & request  
5 for inspection of fraud upon court, & to best of my belief  
6 & knowledge that the foregoing is true & correct under the pains  
7 and penalties of perjury pursuant to 28 U.S.C.A. § 1746 & 18  
8 U.S.C.A. § 1621

9  
10 CERTIFICATE OF SERVICE

11 I Bryan P Bonham certify that I am attaching a true; & correct  
12 copy of the foregoing motion/plaintiffs Addendum to HIS  
13 42 U.S.C. § 1983 & Request for inspection for fraud upon the  
14 court with special instructions for electronic filing & service  
15 to the clerk of the court to serve all of my opponents pursuant  
16 to N.E.F.C.R. 5(k) 9 et seq (A-E) etc to the following

17  
18 Deputy Attorney General

19 Douglas R Rands

20 100 N. Carson St

21 Carson City, NEV 89701

22 dated This 2nd day of October 2020

23 ~~1st Bryan P Bonham~~

24 PO Box 650 HOSP

25 Indian Springs, NEV 89070

EXHIBIT one

ARTICAL

Greatest Legal Discover in The  
History of The State of Nevada.

CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
400 SOUTH VIRGINIA ST., ROOM 301  
RENO, NEVADA 89501  
OFFICIAL BUSINESS

**Greatest Legal Discovery  
in the History of the State of Nevada**

CONDENSED VERSION WITHOUT EXHIBITS ATTACHED

**Preliminary Statement**

Gary Walters, once had a personal bank account containing over one hundred million dollars and had exclusive control of over one billion dollars in investment funds. Mr. Walters was arrested and prosecuted for the forgeries committed by Robert Earl Ford and Effraim Mizrahi (In another court case Effraim Mizrahi testified that he and Robert Earl Ford forged the documents that put Mr. Walters in prison). This recorded testimony was not permitted to be used in Mr. Walter's defense by Judge Michael P. Villani in Eighth Judicial District Court No. 17. While Mr. Walters was in custody, with no bail, he was systematically robbed and stripped of hundred's of millions of dollars by the surviving and un-prosecuted members of Nevada's notorious HOA scandal.<sup>1234</sup> Mr. Walters was prosecuted by the surviving spouse of HOA conspiracy member, David Amesbury.<sup>5</sup> Mr. Walters has come forward and released this phenomenal historical and legal research effort which was completed after spending over eight years in prison. Mr. Walter's conviction was reversed on a Post-Conviction Writ. This puts his case in the one-half of one percentile that are granted in Nevada State Courts. In other words, Mr. Walters Writ was one of the only 0.05 which are granted relief. Many of the documents obtained by Mr. Walters within the walls of Nevada's Department of Correction are no longer available to the public.<sup>6</sup> Once Mr. Walters made this information generally available, Nevada's Governor Brian Sandoval quickly signed a Bill into law denying all Prisoner's access to public records.<sup>7</sup> Mr. Walter's discovery follows:

**Preface to Mr. Walters' discovery:**

To understand the nature and validity of codification and revision of statutes at large, there needs to be an understanding that there are rules that direct the execution and making of them. These are generally found in every States' Constitution. These Constitutional directives are mandated, in other words, they must be followed or the codification or revision is a nullity. There are two levels that control this process. They are procedural and substantive in nature. By comparison, somewhat like a obtaining a driver's license: First you have a written test (substantive), eye test (substantive), and then you take a driving test (procedural).

The procedural process for the passage of a State Law *generally* consists of the following flow chart:

1. The Law is passed by both houses;
2. The bill is sent to the Governor, who then signs or doesn't sign it;
3. If the Governor signs the bill, then it goes to the Secretary of State;
4. In Nevada, the Secretary of State is the Constitutional keeper of ALL legislative records;
5. The Secretary of State also possesses the official state seal and affixes them to laws that have been passed to certify that it is a true and valid document.

The laws that are passed by the State Legislature are prima facie evidence that it has been passed, but the laws that are issued and published by the Secretary of State are irrefutable proof that the law exists. Statutes are presumed to be valid, and the challenger bears the burden of showing that a statute is unconstitutional. *Halverson v. Secretary of State*, 124 Nev. 484, 487, 186 P.3d at 896 (2008). Therefore, Mr. Walters proceeds with his challenge to the Constitutionality of the passage of the Nevada Revised Statutes [NRS] which are alleged to have been Legislatively passed *en mass* by Senate Bill No. 2.

I.

**THE ENTIRE NEVADA REVISED STATUTES SCHEME IS NULL & VOID, AS THEY PERTAIN TO THIS INSTANT CASE AT BAR**

- A. The mode of a statute depends on constitutional, *Mead v. Arnell*, 791 P.2d 410, 117 Idaho 660 (1990), and statutory requirements. *Harris v. Shanahan*, 387 P.2d 771, 192 Kan. 183 (1963). The Nevada Revised Statutes are alleged to have been passed into law on May 1, 1951 in the form of a copy of an "engrossed Bill" - commonly known as Senate Bill No. 2 [hereinafter SB-2]. Mr. Walters discovered that this Bill was, in fact, not a Bill at all. Further, there were so many Constitutional and other mandatory protocols that were violated, as to the manner and method of the passage of SB No. 2, which voided the entire act. The passage of any law in Nevada must meet certain criteria for its "lawful" passage.

The first set of issues are related to "Mode, Style and Identification" of a Bill. The purpose of prescribing an enacting clause - "the style of the acts" - is to establish it; to give it permanence, uniformity, and certainty; to identify the act of legislation as of the general assembly; to afford evidence of its legislative statutory nature; and to secure uniformity of identification, and thus prevent inadvertence, possibly mistake, and fraud. *State v. Patterson*, 4 S.E. 350, 352, 98 N.C. 660 (1887); 82 C.J.S. "Statute," §65, p. 104; *Joiner v. State*, 15 S.E.2d 8, 233 Ga. 367 (1967). The object of the style of a bill or enacting clause is 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. *Ferrill v. Keel*, 151 S.W. 269, 272, 105 Ark. 380 (1912). In sum and substance, the enacting clause is that portion of a statute that gives it jurisdictional identity and constitutional authenticity. *Joiner v. State*, 155 S.E.2d 8, 10 (Ga. 1967).

The *mode, style and identification* issues are as follows:

- a. ~~The Nevada law mandates that each Bill that is passed contain the following language:~~

"The people of the State of Nevada, represented in Senate and Assembly do enact as follows:"

- SB No. 2 does not contain this language.
- Nor is a Joint Resolution used as a band aid to pass it into law.

- b. Nevada Constitution Article 4, §17, requires that each Act embrace only one subject; to wit:

"Each law enacted by the Legislature shall embrace but one subject, and matter, properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be revised or amended by reference to its title only; but, in such case, the act as revised or section as amended, shall be re-enacted and published at length."

SB-2, which embraced the passage of the NRS embraced every subject in Nevada Law. SB-2 violated the Nevada Constitution. Placing all the subjects of the laws of Nevada under the penumbra of the NRS does not meet the requirements that the Bill embrace only one subject. This Constitutional provision is mandatory. *State, ex rel. Chase v. Rogers*, 10 Nev. 250 (1875); *State v. Ah Sam*, 15 Nev. 27 (1880). Compliance with this section is essential to the validity of every law enacted by the Legislature. *State, ex rel. Wislon v. Stone*, 24 Nev. 308, 53 P. 497 (1898); *Bell v. First Judicial Dist. Ct.*, 28 Nev. 280, 81 P. 875 (1905). Any act passed in disregard of the letter and spirit of this provision is pro tanto void. *State v. Ah Sam*, 15 Nev. 27 (1880).

- c. Authentication Procedures:

SENATE BILL NO. 109, sponsored by Whitacre, Brown and SeEVERS, in Chapters 385 and again as referenced in the JOINT RESOLUTION, which states in §2,

"All Bills or Resolutions shall be introduced in triplicate, and one copy of each Bill or Resolution shall be marked "Original," one shall be marked "Duplicate," and one shall be marked "Triplicate." The copy marked "duplicate" shall be sent to the State printer for the purpose of printing and the copy marked "triplicate" shall be referred to the Amendment Clerk."

In §3 it states that,

"The printer shall immediately after receipt of the copy of any Bill or Resolution print, in addition to the regular number herein before authorized, one copy thereof upon heavy buff paper, which copy shall be delivered to the Secretary of the Senate or Chief Clerk of the Assembly. The Amendment Clerk shall then certify to the correctness of the bound copy.

In §4 it states that,

The official and engrossed copy may by Resolution be used as the enrolled Bill.

SB-2 was passed using a Joint Resolution. The severity of the problem with the Joint

Resolution used in connection with the copy of the Engrossed Bill [SB-2] is that it does not contain mandatory enactment language. The State Senate's Committee on Judiciary, File No. 1, passed Senate Concurrent Resolution No. 1, which provides that the official engrossed copy of SB-2, may be used as an enrolled Bill.

- d. ~~The enacting clause is mandatory and cannot be cured by a Joint Resolution.~~

<sup>e</sup>  
"A joint resolution adopted by both houses cannot become a valid law if it does not contain the enacting clause required by this section. ATTORNEY GENERAL OPINION 85 (07-25-1951). This constitutional provision is mandatory and an act not in the proper form is void and unenforceable. *State, ex rel. Chase v. Rogers*, 10 Nev. 250 (1875). The words "represented in Senate and Assembly" expressive of the authority which passed the law, are as necessary as the words "the people" or any of the other words of the enacting clause. *State, ex rel. Chase v. Rogers*, 10 Nev. 250 (1875). See also, *Nevada Highway Patrol Assoc. v. Nevada DMVPS*, 107 Nev. 547, 815 P.2d 503 (1991).

St → In *State, ex rel. Chase v. Rogers*, 10 Nev. 250 (1875), the court held that

The court held that where the enacting words were prescribed, it was mandatory they be included in the act. Without the words required by the constitution, and without the concurrence of the senate, the people had no power to enact any law. The county recorder contended that when the bill was presented to the legislature the words were in the enacting clause. The court ruled that it could only look at the enrolled bill in the office of the secretary of state in order to ascertain the terms of the law.

- e. Pursuant to Rule 7 of the Joint Rules of the Nevada Senate and Assembly, a Joint Resolution can only be used for the purposes set forth therein, as follows:

1. A Joint Resolution may be used to:
  - (a) Propose an amendment to Nevada Constitution;
  - (b) Ratify a proposed amendment to the United States Constitution;
  - (c) Address the President of the United States, Congress, either House or any Committee or member of Congress, any department or agency of the Federal Government, or any other State of the Union.
2. A Concurrent Resolution must be used for:
  - (a) Amendment of these Joint Standing Rules, which required a Majority Vote of each House for Adoption;
  - (b) Request the return from the Governor of an enrolled Bill for further consideration;
  - (c) Request the return from the Secretary of State an enrolled Joint or



- Concurrent Resolution for further consideration;
- (d) Resolve the return of a Bill from one House to the other House if necessary and appropriate;
  - (e) Express facts, principles, opinion and purposes of the Senate and Assembly;
  - (f) Establish a Joint Committee of the two Houses;
  - (g) Direct the Legislative Commission to conduct an interim study;
3. A ~~Concurrent Resolution~~ or a ~~Resolution of one House~~ may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.
4. A ~~Resolution of one House~~ may be used to request the return from the Secretary of State of an Enrolled Resolution of the same House for further consideration.

See *Nevada Highway Patrol Association v. The State of Nevada, DMV&PS*, 107 Nev. 547, 815 P.2d 608 (1991), which states as follows:

"First, by its nature, an assembly concurrent resolution is not intended to have the force and effect of law. Pursuant to Rule 7 of the Joint Rules of the Nevada Senate and Assembly, the purpose of a concurrent resolution is to direct the Legislative Commission to conduct interim studies, to request the return of a bill from the other House, and to request an enrolled bill from the Governor. On occasion, a concurrent resolution is also used to memorialize a former member of the Legislature or other distinguished person upon death, or to congratulate or commend any person or organization for a significant and meritorious accomplishment.

Second, "[e]very bill which may have passed the legislature shall, before it becomes a law, be presented to the governor . . . Nev. Const. Art. IV, §35. A review of the legislative history of the aforementioned Assembly Concurrent Resolution, No. 29, indicates that this resolution, like other concurrent resolutions passed by the legislature during the same time period, was never presented to the Governor for approval or disapproval. See generally FINAL VOLUME ASSEMBLY HISTORY, 1969 at 218-288. Accordingly, this assembly concurrent resolution cannot be construed as the law of this State.

Finally, "[t]he enacting clause of every law shall be as follows: '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. Nev. Const. Art. IV, §23. (Emphasis added.) We have previously ruled that this enacting clause is mandatory and must be included in every law created by the Legislature. See *State v. Rogers*, 10 Nev. 250

(1875). Since Concurrent Resolution, NO. 29 and other similar resolutions do not contain the requisite enactment language, they cannot represent the law of this State.

### **The Illegally Operated Legislative Commission:**

According to the Legislative Counsel Bureau [LCB] the Nevada Revised Statutes were created in 1951 by an enigmatic member of the Statute Revision Commission. Currently, the LCB *illegally* maintains the history of all Nevada Legislation. It is unknown as to whether or not the LCB is a State agency or department. The LCB appears as a common thread that is ever present as we wind down this rabbit hole to legislative fraud and lawlessness. It appears that the LCB has been slowly and illegally absorbing State government functions, some of which are Constitutionally mandated. This has been surprisingly accomplished, in part, by amending the State Constitution through the use of newly created State statutes, which have been used to illegally transfer the power from an elected office with Constitutional duties, to the LCB.

According to the LCB, their predecessor, the Statute Revision Commission, was originally created by the Nevada Supreme Court in 1951. However, Senate Bill No. 182, approved March 2, 1951, created the Statute Revision Commission.<sup>8</sup> This Commission consisted of three Nevada Supreme Court justices: (1) Milton Badt; (2) Edgar Eather, and (3) Charles Merrill. Later a rather mysterious man named Russell West McDonald would be appointed by these Justices as "the Director."

This Commission became increasingly involved in bill drafting as an adjunct to its statute revision work. These same three Supreme Court Justices appointed a man named Russell W. McDonald to their committee as the Director. Russell McDonald was allegedly hired in 1951 to begin work on the Nevada Revised Statutes, but it appears that he had been working on it long before he was hired to do so. McDonald was alleged by the Statute Review Commission to: (1) be a native Nevadan (born in Nevada), (2) have gone through and graduated from Nevada's public education system, (3) be a Rhodes Scholar, (4) have graduated from Stanford School of Law. Mr. McDonald's biography is contradictory and varies widely depending on the source. His personal history cannot be verified. Russell West McDonald is a ghost. Even a Google search of McDonald reveals surprisingly little. A check of these credentials reveals that many of the statements made about Russell McDonald's qualifications are false. Oxford University denies that Russell McDonald was a Rhodes Scholar; Stanford University's school of law denies that he was a graduate therefrom; Even the statement that he was a native-born Nevadan is contradicted by a newspaper article stating that was born in California. Whether he attended any of Nevada's public schools could not be confirmed. Mr. Russell has been revered and exalted by the members of the Legislature and newspapers as a pillar of the community and yet, his background appears to be a total fraud. Just who was Russell West McDonald? That question, to this day, has still never been answered completely.

The origin of the Statute Revision Commission is somewhat of a mystery as well, providing conflicting and multiple representations from various sources making it unclear as to its actual origin. The Legislative Counsel Bureau states in their literature that the Supreme Court formed this Commission. While other sources state that the Legislature formed this Commission. Regardless of its origin, the entire Commission was Constitutionally compromised from the start. The

Commission was unlawful for several reasons, the most obvious being its very operation. The Justices who served on it did so in violation of the Nevada Constitution and the separation of powers doctrine. Which is discussed as follows,

Constitutional Violations:

The placement of three Nevada Supreme Court justices on the Statute Revision Commission violated Nevada Constitution Article 6, §11, which states in pertinent part,

**The justices of the Supreme Court and the district judges shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected or appointed and all elections or appointments of any such judges by the people, Legislature, or otherwise, during said period, to any office other than judicial shall be void.**

The Statute Revision Commission inherently involved legislative functions and generated other income for these Justices. For instance Justice Bandt was paid an additional \$6,500 more a year to sit on the Commission. Therefore, the placement of three members of the Nevada Supreme Court on the Statute Review Commission clearly violated Article 6, §11 of the Nevada Constitution. This also violated Nevada Constitution's Separation of Powers prohibition in Article 3, §1, which states in pertinent part,

Three separate departments; separation of powers; legislative review of administrative regulations.

1. The power of the Government of the State of Nevada shall be divided into three separate departments, – the Legislative, – the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases expressly directed or permitted in this constitution.

Thus, the separation of powers doctrine was violated as the three Justices were involved in the drafting of legislation and the passage of Bills in the Legislature, a purely legislative function. Further, the Statute Revision Commission was completely responsible for the generation of the Nevada Revised Statutes [NRS]. The generation of these Revised Statutes specifically state that there were actual changes in the statement of the law as they were compiled into the NRS. Changes were made to existing statutes, entire words were deleted as being redundant, grammar was changed, sentence structures were altered. All in the name of progress. Changing even one jot or tittle was a legislative act and the Statute Revision Commission's members were Constitutionally prohibited from participating in this conduct. It is important to note here that the Statute Revision Commission was not legally created until 1955. On April 26, 1963, the Legislature committed an illegal act by back dating the appointment of the Statute Revision Commission and revisor of statutes to 1951 to cover up their pre-existing criminal fraud. See April 26, 1963 Act Bill No. 24, Chapter 403. Reading the Forward provided by the Statute Revision Commission reveals some interesting facts (if true), to wit:

## FOREWORD

By the provisions of chapter 304, Statutes of Nevada 1951, amended by chapter 280, statutes of Nevada 1953, and chapter 248, Statutes of Nevada 1955, the legislature of the State of Nevada created the statute revision commission comprised of the three justices of the supreme court, authorized such commission to appoint a revisor of the statutes to be known as the director of the statute revision commission, and charged the commission to commence the preparation of a complete revision and compilation of the laws of the state of Nevada to be known as Nevada Revised Statutes for further duties and authority of the statute revision commission relating to the preparation of Nevada Revised Statutes, the numbering of sections, binding, printing, classification, revision and sale thereof.

The commission employed as director Russell W. McDonald, a member of the State bar of Nevada, who, with his staff, undertook and performed this monumental task, with such methods, care, precision, completeness, accuracy and safeguarded against error as to evoke the highest praise of the commission and the commendation of the bench and bar of the state.

As the work progressed, Mr. McDonald submitted drafts of chapter after chapter as recompiled and revised, and the members of the commission individually and in conference meticulously checked all revision. In the vast majority of cases these revisions were promptly approved. Many required further conferences with the director. Some were modified and redrafted. As the several chapters were returned with approval to the director, they were in turn delivered to the superintendent of state printing for printing, to the end that upon the convening of the 1957 legislature Nevada Revised statutes were ready to present for approval. By the provisions of chapter 2, statutes of Nevada 1957, Nevada Revised Statutes, consisting of NRS 1.010 to 710.590, inclusive, was "adopted and enacted as law of the State of Nevada."

STATUTE REVISION COMMISSION

Milton B. Badt

Edgar Ether

Charles M. Merrill

This foreword sets forth that the Statute Revision Commission is a Legislatively created State entity. The Statute Revision Commission has now been absorbed by the Legislative Counsel, *i.e.*, Russell W. McDonald, who then made the Legislative Counsel a division of the LCB. After which Russell W. McDonald then took the LCB director's position. Why and how did the LCB obtain the copyright and the rights to sell the NRS (and keep the money)? The LCB makes it appear through innuendo and subliminal word play by speaking or writing about them simultaneously, making people think that they are one and the same, when in fact the copyrights are under LCB control. Why and how did the Statute Revision Commission obtain the copyright and the rights to sell the NRS (and keep the money)? Why doesn't the State of Nevada own the copyright? Who gets the money from the sale of the NRS? Perhaps the intended purpose was to create a slush fund which could then be raided by a number of individuals for their illegal and nefarious means.

The Supreme Court says that the Statute Revision Commission was created by the Legislature, but the LCB states that the Statute Revision Commission was created by the Nevada Supreme Court,

The Statute Revision Commission was originally created by the Nevada Supreme Court in 1951 and became involved in bill drafting as an adjunct to its statute revision work.

And, further

The 1945 law establishing the bureau [LCB] charged it with assisting the Legislature to find facts concerning government, proposed legislation, and various other public matters.

The LCB goes on further to state that,

During the next several years, the duties of the bureau and its staff were modified and expanded. In 1963, the Nevada Legislature reorganized the Legislative Counsel Bureau, giving it structure and responsibilities similar to those it has today. One part of this change was the incorporation of the Statute Revision Commission [via legislative counsel, Russell W. McDonald] into the Legislative Counsel Bureau as the Legal Division. . . . The 1963 legislation also added a Fiscal and Auditing Division and a Research Division.

Who actually created the Statute Revision Commission? How did the LCB end up with the copyrights to the NRS? Is the LCB even a State entity? Why doesn't the State own the copyright? How much money does the LCB make off of the NRS copyright? We will revisit these issues later.

In 1956-57 the Committee on Judiciary in the Senate passed Concurrent Resolution No. 1. This legislation was an attempt to *bootstrap* the illegal passage of the NRS by SB-2. The Senate attempted to do so by using a Joint Resolution to provide that the "official engrossed copy of SB-2 may be used as the enrolled bill." As set forth above Resolutions cannot be used to pass any Bill into law, rendering any law using this legislative vehicle as void.

In that same year, not to be out done by the Senate, the Committee on Judiciary of the Assembly passed Concurrent Resolutions No. 1 and 2, which extolled the virtues of Russell West McDonald and his involvement with the creation of the NRS stating as following:

- Expressing congratulations and gratitude to Russell West McDonald upon completion and enactment of the Nevada Revised Statutes;
- Stating that the preparation of Nevada Revised Statutes was a monumental undertaking requiring a degree of intelligence, knowledge, technical ability and dedication possessed by few men;
- That the Justices of the Supreme Court, in their capacity as the Statute Revision Commission, secured the employ of Russell West McDonald as its director;
- The Assembly extolled Russell West McDonald's false *curriculum vitae*;

An offense created by an unconstitutional statute is no longer a crime and a conviction under such statute cannot be a legal plea agreement; the conviction must be vacated. [See]

- Explicated that the Nevada Revised Statutes marked the culmination of 6 years of exceptionally devoted public service by Russell West McDonald as a statute reviser and legislative bill drafter;

Even the LCB's Preface to the NRS describes the work done by the Statute Revision Commission as a delegation of the Legislature's own duties. Russell McDonald was engaged in "revising" which the LCB states in their preface as follows:

"Revising" the statutes, on the other hand, involves these additional and distinguishing operations: (1) the collection into chapters of all the sections and part of sections that relate to the same subject and the orderly arrangement into section of the material assembled in each chapter. (2) the elimination of inoperative or obsolete, duplicated, impliedly repealed and unconstitutional (as declared by the Supreme Court of the state of Nevada) sections and parts of sections. (3) The elimination of unnecessary words and the improvement of the grammatical structure and physical form of sections.

The revision, instead of the recompilation, of the statutes was undertaken, therefore, first, to eliminate sections or parts of sections which, though not specifically repealed, were nevertheless ineffective and, second to clarify, simplify, classify and generally make more accessible, understandable and usable the remaining effective sections or part of sections.

Doesn't this sound remarkably like *legislating*? Changing any word, whether it is redundant, unnecessary, ineffective, simplifying, clarifying or just simply an improvement of the grammatical structure is a legislative function, not a judicial function. Lest we forget these corrections were being approved *first* by three State Supreme Court Justices. This is a blatant violation of the separation of powers doctrine. Literally, the Nevada State Legislature abdicated their Legislative powers to the judiciary. They were then told by the Statute Review Commission that every thing was already checked out and was fine. The Legislature then supposedly passed it, even though we don't know this for sure because the record of their voting on it is either missing or is being hidden from public view. We don't even know if the Legislature even read it, because there is no record that it was read three times as required before its passage. It is alleged to have been voted on, but we don't really know this for a fact because the records are not in their Constitutional repository and, therefore, legally do not exist. Literally, the Statute Review Commission was passing (or attempting to pass) laws in complete derogation of the three Justices oath of office, and in blatant violation of Constitutionally prohibited practices. Effectively the predecessor to the LCB and then later the LCB took over the official duties of Nevada's elected officials and ran the entire State legislative system through one guy - Russell West McDonald - a character who the Legislature was told was an attorney who graduated from Stanford's Law School, was a Rhodes Scholar, was educated in Nevada's public schools, and was a native-born Nevadan.<sup>10</sup> None of it verifiable. Russell West McDonald was a mystery man, who obtained almost unlimited and certainly unchecked power.

The harsh reality of both of the amorphously hollow Resolutions that are alleged to have caused the passage of SB-2, while at the same time revoking Nevada's existing Statutes and

21 AM. JUR. 2D Criminal Law § 535 at 885 (1981); STATE V. WILLIAMS, 146 N.C. 618, 61 S.E. 19 (1908); N.W. 2d 917 (1955);

replacing them with the NRS, is that the entire program is legally and legislatively bankrupt. That means that the entire process was voided by the plethora of Constitutional violations, but included acts of a criminal nature, not to mention the passage of SB-2 violated the Legislature's own Rules. The passing of legislation is not like Horseshoes and Hand Grenades. Close does not count. If it did then why would they even make rules for the passage of a Bill? The passing of legislation is more like flying a plane. All aircraft have a checklist that must be completed before take off and before landing as well. Suppose that a pilot did everything that he was supposed to do to prepare to land, but he forgot one simple thing - he forgot to put the landing gear down. Is the Horseshoes and Hand Grenades theory going to win the day for that pilot when he kills everyone on board including himself? This writer thinks not. The Nevada Constitution prohibits the passage of Bills in the manner that was done for the entire NRS. The NRS is *void ab initio*, meaning from its inception.

The Joint House Rules of the Nevada Legislature were clearly violated on the method of the passage of Bills into law which also prevented the NRS' alleged *en mass* passage through these violations as well. How many Constitutional provisions or legislative rules need to be violated in order to negate its passage? The answer should be only one. Here there are so many errors of constitutional dimensions that it literally boggles the mind. The Bible states that it is easier for a camel to pass through the eye of a needle than it is for a rich man to gain the kingdom of heaven. By way of analogy, SB-2, is a camel and the method by which the Legislature attempted to pass it into law is as remarkable as passing a camel through the eye of a needle. In other words it DID NOT HAPPEN, it constitutes a literal impossibility. There are other revealing Constitutional violations as well as the violations of the Legislature's own rules which are just as egregious, which are yet to be discussed.

For instance, the NRS's very passage violates Senate Bill No. 109, which states as follows:

Sec. 4. Section 8 of the above entitled act, being chapter 3, Statute of Nevada 1949, at page 4, is hereby amended to read as follows:

Section 8. The *amendment clerk* shall transmit copies of passed bills or resolutions without delay, in the order of their receipt, to the state printer, taking his receipt therefor. Such receipt shall bear the date of delivery, and given the bill or resolution number. The state printer shall without delay enroll (print) the bills or resolution in the order of the receipt by him, and they shall be printed in enrolled form, retaining symbols indicating amendments to existing law only. In printing enrolled bills amending existing law, the state printer in cooperation with the *amendment clerk* shall cause to be printed between brackets, the words, phrases, or provisions of the existing law, if any, which have been stricken out or eliminated by the adoption of the amendment, and they shall cause to be printed in italics all new words, phrases or provisions, if any, which have been inserted into or added to the law by the passage of such amendment. In ascertaining the correct reading, status, and interpretation of an enrolled bill amending existing law, the matter inserted within brackets shall be omitted, and the matter in italics shall be read and interpreted as part of the enrolled bill. At least one enrolled copy, with proper blanks for the signatures of the officers whose duty it is to sign enrolled bills and resolutions, shall be printed on bond paper, and the state printer shall deliver the enrolled copy of the bill or resolution to the *amendment clerk*. The *amendment clerk* shall then carefully compare the enrolled



copy with the official engrossed copy, and if the enrolled copy is found to be correct the *amendment clerk* shall present it to the proper officers for their signatures. When the officers sign their names thereon, as required by law, it is enrolled. The official engrossed copy may by resolution be used as the enrolled bill.

Literally, the term "enrolled" Bill means a "*printed* and signed" Bill. An examination of the *engrossed bill* referred to or, more succinctly, SB-2, which was used to pass the NRS's *en mass*

→ shows that ~~it was type written - not printed~~. The LCB even admits this.

Other errors were committed. For instance the requirement for the passage of a Bill is that it be read three times over three separate days as required by Nevada Constitution; Article 4, §17. There is no evidence that this was ever accomplished and this information cannot be obtained from the Constitutional Record Keeper - that being the Secretary of State. See Nevada Constitution; Art. 5, §20, which requires the legislative records are to be maintained by the Secretary of State, to wit:

20. Secretary of State: Duties. The Secretary of State shall keep a true record of the Official Acts of the Legislative and Executive Departments of the Government, and shall when required, lay the same and all matters relative thereto, before, either branch of the Legislature

The Constitution's language is very clear. Further, NRS 225.100, provides that the Secretary of State has a ...

"Duty to furnish certified copies of laws, records and instruments. The Secretary of State shall furnish, on request, to any person who has paid the proper fee for it, a certified copy of all or any part of any law, act, record or other instrument of writing on file or deposited with the Office of the Secretary of State of which a copy may properly be given."

However, the LCB has once again taken action to cover their fraud by getting the Nevada Legislature to become co-conspirators in their criminal enterprise. This was accomplished by the Nevada Legislature amending the Constitution through the passage of Statute.<sup>11</sup> This was done through NRS 225.070, which transfers all authority of record keeping from the Secretary of State to the LCB. Yet, a search of the NRS shows that NRS 225.070 does not exist. Curiously, the Secretary of State directs all inquiries into the records of the Senate and Assembly to the State Archives. Who controls the State Archives? Inquiring parties will discover that the State Archives is a very unassuming small block building located in Carson City with no frontage name. Inquiring parties who grace this building with questions of the history of the Legislature are then directed to the LCB for the information. How is it possible that the Nevada Constitution can be amended without a Constitutional Amendment [or by a Statute?]. The Nevada Constitution requires that the procedures set forth in Article 16, §1 and/or §2 be followed to amend the Constitution. These do not include amendment by statute or amendment by subterfuge and guise. Holding that a Statute can amend the State Constitution violates every citizen's constitutional right to procedural and substantive due process under the Nevada Constitution [Art. 1, §8(5)] and under the United States Constitution's, 1<sup>st</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendments. Holding that a Statute can diminish or negate the constitutional



authority mandated in the Constitution violates the separation of powers doctrine (Amending the Constitution must be effectuated by the Body Politic. Not legislating from the bench; nor amended by the passage of a statute). "A statute cannot amend the constitution." *Seminole Tribe of Florida v. Florida*, 517 U.S. 44, 116 S.Ct. 1114 (U.S. Fla. 1996) *Pennsylvania v. Union Gas Co.*, 491 U.S. 1, 24, 109 S.Ct. 2273, 2286, 105 L.Ed.2d 1 (1989); *Counselman v. Hitchcock*, 142 U.S. 547, 12 S.Ct. 195 (1892); "... [A]n unconstitutional statute is to be regarded as nonexistent and no defense to state officers acting under it. ..." *Rockaway Pacific Corporation v. Statesbury*, 255 F. 345 (D.C.N.Y. 1917). See also, *Cooper v. Aaron*, 358 U.S. 1, 18, 78 S.Ct. 1401, 1409-1410, 3 L.Ed.2d 5 (1958) (holding that an oath to support the Constitution is an oath to support its interpretation by the United States Supreme Court). See also, *Baker v. Carr*, 369 U.S. 186, 215, 82 S.Ct. 691, 709, 7 L.Ed.2d 663 (1962), which the United States Bankruptcy Court relied upon in *In Re Tessier*, 190 B.R. 396 (1995) to make the following conclusion:

Finally, in attempting to deny the Supreme Court's determination of its own capacity to adjudicate, the Congress invades a province properly left to a coordinate Branch, and in so doing, impermissibly exceeds its legislative authority. } *Overruled*

Nevada's sister State, California, has had some things to say about similar circumstances in their State: "The constitutional provision was a law made directly by the people instead of the Legislature, and such laws are to be construed and enforced in all respects as though they were statutes." *Winchester v. Mabury*, 122 Cal. 522, 55 P.393. "In effect, these constitutional provisions are but statutes, which the legislature cannot repeal or amend." *Winchester v. Howard*, 136 Cal. 432, 439, 64 P. 692, 69 P. 77, 79, 89 Am. St. Rep. 153.

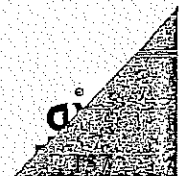
The LCB has and allegedly maintains all of the legislative records in clear violation of the Nevada Constitution. Bill Resolution Journals and all other records were allegedly taken away from the secretary of state and transferred to the LCB through the passage of NRS 225.070. A statute that does not exist.

Even if the Legislature did everything lawfully by following the correct rules and guidelines, we still will never know if the NRS were passed into law because there are no records at the Secretary of State's Office. See Letter from Secretary of State stating that they do not have these records (as the Nevada Constitution; Art. 5, §20, commands the Secretary of State to maintain and protect). Even the proofs of the unconstitutional NRS, passed off as law, has been unconstitutionally hidden by an entity that may deny access to the information to anyone.

There exists even more disturbing issues regarding the legality of the NRS in that there are no records even showing that the Governor signed SB-2 into law. On February 4, 2014, the Secretary of State was asked to produce several documents, this being one of them and their office related the following;

We received your request, via mail, for the following information:

- \* The bill from the 48<sup>th</sup> session of the Nevada Assembly, passed January 25, 1957;
- \* The governor as of January 25, 1957;
- \* Proof that the bill was signed into law by the governor during the 48<sup>th</sup> Session.



Our office reviewed your request and determined that we do not have legal custody and control of the information. You may contact Nevada State Archives to determine if they have documents related to your request. The contact information for the Nevada Archives is: 100 N. Stewart Street, Carson City, Nevada, 89701.

Interestingly, although the Secretary of State is Constitutionally mandated to maintain the legal custody and control of this information and provide it to any party seeking the information, the Secretary of State avers that it does not have *legal custody and control* of it.

The Secretary of State alleges that it doesn't even know where it is. This is absurd! The Attorney General's office has addressed a similar issue before and stated that, A joint resolution appropriating money from the highway fund, adopted by both houses but never presented to the Governor for his signature, does not become law; thus, an appropriation is invalid under this section. **Attorney General Opinion 85** [AGO 85 (7-25-1951)].

Currently the Secretary of State states that their office does not have the files that will prove Mr. Walters' argument. This poses a serious problem for two reasons: (1) the loss or hiding of these records prevents Mr. Walters' story from being proven conclusively; and (2) losing, destroying or hiding these records constitutes a crime. See NRS 239.320, which discusses the crime of any public officer causing INJURY TO, CONCEALMENT OR FALSIFICATION OF RECORDS OR PAPERS, to wit:

An officer who mutilates, *destroys*, *conceals*, erases, obliterates, or *falsifies* any record or paper appertaining to his office, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Further, the documents which were submitted for the passage of SB-2 do not conform to the Constitutional requirements or the Joint Rules of the Senate and Assembly. Since this document was submitted by the LCB, the Senate and the Assembly, this unqualified document was not a true Bill. Since it was not a true bill it was a false or fraudulent bill. [NRS 239.330, discusses the penalties for submitting or offering false instrument for filing or for recording. The statute reads in pertinent part as follows;

A person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office, which instrument, if genuine, might be filed, registered or recorded in a public office under an law of this state or of the United States, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

See: STATE V. BRIGGS, 218 WIS. 2d 61, 579 N.W.2d 783 (Ct. App. 1998)

There is no question that SB-2, was passed off as a legitimate document, when it was not. Therefore, this constituted the *offering of a false instrument* and caused it be *filed, registered or recorded* in a public office. Currently the Secretary of State, who is the Constitutionally mandated office, does not have the documents or at least is not willing to admit that they do. But, since the Secretary of State is Required to maintain these Legislative and Executive Records, you would think that at least the Secretary of State would at least know where they are. They state they don't. Currently, the Secretary of State is feigning any knowledge of their location and, it is assumed, that this office will continue to maintain this position because it has been ordered to do so. The probable explanation

See: STATE V. BENZEL, 220 WIS. 2d 588 (1988)

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A court cannot acquire jurisdiction to try a person for an act made criminal only by an unconstitutional law. see also: KELLEY V. MEYERS, 124 Or. 322, 263 P. 903 (1928)

is that if we don't maintain that the NRS is the law in Nevada it could cause complete and total chaos, even anarchy. However, the United States Constitution in Article 4, §4, states that the United States government shall guarantee to every State in this Union a Republican form of government. Everybody these days is being told that our soldiers are fighting for Democracy, but this is not true. They are fighting to maintain the Rule of Law, which is what a Republic is based upon. So, even our politicians and educators don't know what kind of government we have. It is rather interesting that the Constitution does not guarantee every state a "Democratic form of government."<sup>12</sup> But it does guarantee each State a Republican form of government.

### CONCLUSION

So what is the answer to all of these problems? Mr. Walters' assessment is that what is good for the goose should be good for the gander. In other words, we need to follow the same protocols that the gaming industry does when it enforces gaming rules on the citizens of the State and that is: ZERO tolerance for any kind of non-conformance with the rules. The gaming industry calls any non-conformance with the gaming rules CHEATING! Cheating is a criminal act.

So why does the government think they can get away with something that is much, much more egregious than cheating at gaming. The State is putting the citizens of the State of Nevada in jail or prison and even putting them to death, based upon laws that are completely void. This must be seen for what it is - a criminal act. Arresting and incarcerating someone on a bogus law is "Kidnaping" and "False Imprisonment." Putting some one to death, even if they deserve it, for a law that doesn't exist is "Murder." SB-2 is literally a Bill of attainder and/or a Bill of Pains and Penalties, which are prohibited by the United States Constitution, Article 1, §10 and it has been executed against the entire populace of the State.

What will the government have to say about all of this? The answer is nothing, because they have already brought the Secretary of State into the fold and instructed her not to release any documents, in fact, the office is denying that the office even has or maintains them. What would happen if the Secretary of State produced these documents, as the office is required to do, and it shows that every single thing that Mr. Walters has been saying is true? Well, most certainly they will say that we can't just set aside the NRS because when they passed the NRS they voided all of the old general statutes, so they are gone too. We'll be left with nothing - no law at all. They'll say that we will have no law and no law means anarchy. The absurdity of this legal viewpoint is that if we have laws that were never properly passed and they are null and void - don't we already have no law? In fact, isn't what we have even worse than no law? The United States Supreme Court has addressed this issue in Merriitt v. Welsh, 104 U.S. 694, 702 (1881), stating, "It has been said, with much truth, 'where the law ends, tyranny begins.'" So, let's call it what it is: Tyranny.

The vastness of this conspiracy goes all the way to the top. After all, Governor Sandoval just signed into law a Bill that prohibits inmates from having access to public records. This can't be just a coincidence, can it? Sandoval is a former Federal Judge, prior to signing this Bill of Attainder into law he received one of Mr. Walters packages outlining the illegality of the NRS. He was duly noticed and is therefore fully informed. Prisoners don't lose all of their civil rights just because they are in prison, they only lose their freedom. They still have the same civil rights as everyone else does outside, the only difference is that those rights may be conformed to a standard that will not compromise the security of the prison. Mr. Walters has also made other allegations regarding his stay in Nevada's Department of Corrections such as: (1) the prison collects absentee ballots for

prisoners and votes for them in order to stuff ballot boxes; (2) the prison is serving food to the prisoners that is visibly marked "Not Fit For Human Consumption;" (3) theft of prison resources by its own management for their own personal gains; (4) the use of nepotism in key positions to prevent prisoners from timely filing their legal documents.

Long before 1984 gave us the adjective "Orwellian" to describe the political corruption of language and thought, Thucydides observed how factional struggles for power make words their first victims. Describing the horrors of civil war on the island of Corcyra during the Peloponnesian War, Thucydides wrote,

"Words had to change their ordinary meaning and to take that which was now given them."

Orwell explains the reason for such degradation of language in his essay "Politics and the English Language": "Political speech and writing are largely the defense of the indefensible." Tyrannical power and its abuses comprise the "indefensible" that must be verbally disguised. The gulags, engineered famines, show trials, and mass murder that occurred in the Soviet Union required that it become a "regime of lies," as the disillusioned admirer of Soviet communism Pierre Pascal put it in 1927. And so we already know that the State will respond accordingly. Is this really what we have become? Mr. Walters is sad to say that it is.

If words mean nothing, then our Constitution means nothing. If our Constitution means nothing then we have no rights. If we have no rights, then we only have privileges and immunities that are granted by government. We are then but subjects of a tyrannical government. It is a maxim of law, "That which creates, has the power to destroy." Therefore, privileges are worthless because they can be legislated away for any reason, whereas Constitutional Rights cannot be legislated away without the consent of the body politic. What has happened, quit literally is that the Judicial courts of Nevada have been illegally legislatively morphed into Legislative/administrative courts where Statutes are more like administrative regulations, which are subject to agency interpretation. This is very disconcerting because the down side is that the Bill of Rights do not exist and have no province in legislative Courts. The United States Supreme Court has stated that claims of Constitutional rights can [only] be adjudicated in Article I [legislative/administrative] courts established for geographical enclaves such as federal territories or the District of Columbia, *see, e.g., Palmore v. United States*, 411 U.S. 389 (1973), and in military courts, *see, e.g., United States ex rel. Toth v. Quarles*, 350 U.S. 11, 17 (1955). This means that within the 50 States only a Judicial Court (not a legislative/administrative court) may hear a case or controversy concerning Constitutional rights. The States have attempted to mimic the administrative agencies of the Federal Government, whose only authority lies in a territorial jurisdiction. Territorial jurisdictions do not enjoy the full protection of the United States Constitution because Congress has absolute authority over all territories and possessions<sup>13</sup> of the United States. Federal citizens who live in these federal enclaves are subject to the complete and total control of Congress under United States Constitution; Article 4, §3, CL 2, which states in pertinent part,

The Congress shall have Power to dispose of and make all needed Rules and Regulations respecting the Territory or other Property belonging to the United States;

...

Our state law has been morphed into a form of territorial federal law. This destroys the sovereignty of the State and its citizens. The Legislature has taken it upon themselves to take total power away from the State Constitution - the law of the body politic - the citizens of the State. However, "A state constitution is binding on the courts of the State, and on every officer and every citizen. Any attempt to do that which is prescribed in any manner than that *prescribed* or to do that which is prohibited, is repugnant to the supreme and paramount law, and invalid." *Porch v. Patterson*, 39 Nev. 251, 268, 156 P. 439, 445 (1916). The Constitution nullifies sophisticated as well as simple-minded modes of infringing on Constitutional protections. *Lane v. Wilson*, 307 U.S. 268, 275, 59 S.Ct. 872, 876, 83 L.Ed. 1281 (1939); *Harman v. Forseenus*, 380 U.S. at 540-541, 85 S.Ct. at 1185. *Cited in U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 829, 115 S.Ct. 1842 (1995). Like its counterpart in the Fifth Amendment, the Due Process Clause of the Fourteenth Amendment was intended to prevent government "from abusing [its] power, or employing it as an instrument of oppression," *Davidson v. Cannon*, 474 U. S. 344, 348 (1986).

The Constitution of the United States guarantees each State a Republican form of government. A Republican form of government means that we have the rule of law. Currently we have no rule of law in Nevada, in fact we have nothing but lawlessness. We have an oligarchy, a Nation-State where our representative has become rulers who are a law unto themselves and our rulers are lying to us in order to maintain the facade that we are living in an orderly, free society - when the truth is we are living under an oppressive and tyrannical government. "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." *Copper v. Aaron*, 385 U.S. 1, 78 S.Ct. 1401 (1958). The United States Supreme Court has spoken, "We [judges] have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution" *U.S. v. Will*, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); *Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264, 404, 5 L.Ed. 257 (1821). The illegally passed NRS denies the Courts their jurisdiction to act. The legislative branch, the judicial branch, and the members of the executive branch (police & prosecutors), have all made war against the Nevada Constitution and is doing so have declared war on its citizens and have committed high treason in doing so.

1.

[http://content.usatoday.com/communities/ondeadline/post/2012/06/26-now-guilty-in-las-vegas-hoa-corruption-fraud-scandal/1#.V\\_J1JmrvtIU](http://content.usatoday.com/communities/ondeadline/post/2012/06/26-now-guilty-in-las-vegas-hoa-corruption-fraud-scandal/1#.V_J1JmrvtIU)

2. <http://vegasinc.com/business/tourism/2012/jun/03/hoa-scandal-involving-millions-dollars-and-thousan/>

3. <http://www.dailymail.co.uk/news/article-2121625/HOA-scandal-FOUR-commit-suicide-probe-Nevada-homeowners-association-fraud.html>

4. <http://lasvegassun.com/news/hoa/>

5.

David Amesbury, a Deputy District Attorney, found suicided at his brother's cabin in California,

was found hanged, after other members of the conspiracy attempted to silence him by breaking both of his legs. Which proves the old Las Vegas saying, "Three men can keep a secret, if two of them are dead." Dead men tell no tales. The death of David Amesbury and three other key members of the conspiracy insulated the members who were higher up on the conspiracy pyramid. In order for conspiracies to be successful, they are required to be compartmentalized so that if one rung on the ladder is taken out this eliminates the connection to the next rung. The fact that District Attorney David Roger resigned from his position before his term was up and went into private practice is rather curious.

6.

The Legislative Counsel Bureau [LCB] is an illegally created private corporate entity, which maintains all of the public records in violation of the Nevada Constitution. This Corporation has obtained untold powers over the years and controls many aspects of the State Government including the writing and drafting of all Bills in the Legislature, the State Mail room, the State printing office and the ownership of the copyrights on the Nevada Revised Statutes, which have brought millions of dollars of profit to the private corporation.

7.

This law violates the Federal Constitution and is a lesser version of the Bill of Attainder, commonly called a Bill of Pains and Penalties. The difference is a Bill of Attainder would apply to a death sentence and the Bill of Pains and Penalties has no threat of death attached to its illegality.

8.

This Senate Bill [No. 182] also sets forth that, "as soon as practicable after the effective date hereof the commission shall commence the preparation of a complete revision and compilation of the Constitution and the laws of the State of Nevada of general application, together with brief annotations and marginal notes to sections thereof. Such compilation when completed shall be known as "revised Laws of Nevada. . . ." and the year of first publication shall be filled in the blank space of such title, for brevity such title maybe cited as "Rev. Laws. . . . ."

9.

The phrase 'jot or tittle' is somewhat tautological, as both *jot* and *tittle* refer to tiny quantities. A *jot* is the name of the least letter of an alphabet or the smallest part of a piece of writing. It is the Anglicized version of the Greek *iota* - the smallest letter of the Greek alphabet, which corresponds to the Roman 'I'. This, in turn, was derived from the Hebrew word *jod*, or *yod*, which is the smallest letter of the square Hebrew alphabet. Apart from its specialist typographical meaning, we still use the word *jot* more generally to mean 'a tiny amount'. Hence, when we have a brief note to make, we 'jot it down'. A *tittle*, rather appropriately for a word which sounds like a combination of *tiny* and *little*, is smaller still. It refers to a small stroke or point in writing or printing. In classical Latin this applied to any accent over a letter, but is now most commonly used as the name for the dot over the letter 'i'.

10.

A newspaper article titled "Russ McDonald Celebrates 30 years of Public Service," states that

Russell W. McDonald was born in Prosser Creek, California. What happened to his native born Nevadan status that was pontificated about by the State Legislature in SB-1?

11.

The Nevada Supreme Court ruled in *State, ex rel, Chase v. Rogers*, 10 Nev. 250 (1875), which states in pertinent part, "The court ruled that it could only look at the enrolled bill in the office of the secretary of State in order to ascertain the terms of the law."

12.

A "Democracy" is mob rule, directed and controlled by an oligarchy. Currently in this Country we have a Nation-State type of government that operates as a democratic-welfare state, where laws are not obeyed or enforced because they might offend someone. Whereas a Republican form of Government is a government of laws, where laws are enforced regardless of whether we will offend somebody or not - simply because it is the law.

13.

These territorial jurisdictions include Washington, D.C., Puerto Rico, the American Virgin Islands, Somoa and Guam. Those citizens literally have NO RIGHTS only privileges granted by Congress. These US citizens have no rights - except what Congress says they have. Any decision made by the United States Supreme Court which originated in one of these territorial jurisdictions has no application in the 50 States because these people exist under a diminished capacity that is not shared by State Citizens. Yet, these decisions are illegally applied across the board. These territorial citizens are all "subjects," just like the inhabitants of the original 13 colonies and that is the mission of our State governments, to render us all as mere subjects of the State to be trifled with as though we were the same. This is why the Bush administration stuck all of these combatants in Guantanamo Bay, being a military installation, in a territory or possession of the United States the right to the Writ of Habeas Corpus does not exist and the combatants were not availed of the Bill of Rights. The only reason why Boumediene was permitted access to the Writ of Habeas Corpus by the United States Supreme Court is that he was taken from his residence within a State and involuntarily taken to this facility. Once these combatants are moved into the United States, as Obama has planned, then the entire Bill of Rights will apply to them and they will have to be tried or released.



# Russ McDonald celebrates 30 years of public service

"It wasn't for the money" Russ McDonald explained, in the wake of a standing ovation Tuesday.

The Washoe County commissioners had just taken a break in their regular meeting to celebrate a special anniversary.

McDonald, 60, is celebrating 30 years of public service. His last full-time post was as Washoe County manager, but along the line, he's worn a large share of the other hats that government in all its forms has to offer.

While public services may not pave the path to financial wealth, McDonald said, it has its own treasures to offer.

He told the overflow crowd of county employees and friends in the commission chambers Tuesday that one of his greatest delights in working in government is "the ability to always know what's going to happen next."

Casting a grin and an eye toward the scattered reporters in the chambers, he added, "...even before the press knew."

County employees treated McDonald to an anniversary cake-cutting in February. The commissioners did their part Tuesday, adopting a resolution which started out conventionally enough, with five "whereases."

But the "therefore be it resolved" had a brand new twist. It did not say

McDonald's a jolly good fellow in legatase. Instead, the commissioners resolved to throw a party.

The official subject of the county party, according to the resolution, is to provide "an opportunity for his countless friends and admirers to spend an evening of remembering and congratulation."

It all will take place at Harrah's Convention Center in Reno Saturday, June 24.

McDonald, who was born in Prosser, Creek, Okla., in October 1914, is one of Nevada's great living legends. He's been honored in the past for accomplishing on his own what entire legislatures couldn't do on a mass.

McDonald started his career as a 200-a-month Reno deputy city attorney. He spent another 21 years as director of the state's Statute Revision Commission and then as director of the state's Legislative Counsel Bureau. In 1971, he was appointed Washoe County manager, a post he held until his retirement in 1976.

Since that time, McDonald has been working for the county as a consultant and lobbyist.

McDonald's writing of the complete Nevada Revised Statutes often is cited as his greatest accomplishment in government. He also worked in the preparation of the municipal



RUSS McDONALD

government codes for Reno, Sparks, Winnemucca, Lovelock and Washoe County.

- Exhibit K -  
This Exhibit Shows that Russell W. McDonald was not a Native Nevadan Born citizen, but was Born in Prosser Creek California  
The Joint Concurrent Resolution No. 2 Contains the False information...



EXHIBIT TWO

FACEBOOK POST

by

Gary walters

on

September 4th, 2016

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**Gary Walters**

September 4, 2016 ·

Sent: Sun, Sep 4, 2016 1:40 pm  
 Subject: Fwd: Biggest legal find in Ne  
 CLUELESS UNLAWFUL AND UNCO  
 FAILED NRS STATUTES  
 FROM: GARY W. WALTERS  
 RE: "THE BIGGEST LEGAL FIND IN

I am finally got released, my offenses and pre -2007, I have 8.5 years of flat 6.5 years of stat time , 58 percent of 2 sentence is 11.6 years, I am owed gat forced by NDOC / Warden Williams to go to a parole hearing even though I fought it in court, Judge Linda Bell automatically denied my writ forcing me to go to the Supreme Court, and being placed on an illegal and unlawful Parole,

All Parole in Nevada is just a bed move, and a person can be violated for just doing nothing, only to have a police officer call you over and question you , then find out your on parole and brings you into jail, and you are violated for what they call an altercation with Metro Police, most shameful designed failures...

I was sent to prison deprived of a fair and impartial hearing by Judge Michael P. Vallani, whom should resign and for crimes of real estate forgeries and filings of false instruments with the Clark County Records office by which I have never been to the Records office and could not even tell anyone on how to get there...

After the filings of my Ex- Parte Memorandums etc, The Nevada Supreme Court on July 15th, 2011, Reversed and Remanded my case back to District Court and a New Judge Douglas Herndon was appointed and a Court order for appointment of counsel and evidentiary hearing by the Nevada Supreme Court was made, only after Judge Herndon's denial of my Writ of Habeas Corpus, and I had the filed a notice of Appeal..

Judge Micheal P. Vallani was sued by me in federal Court and an Ethics Violation Complaint caused this Judge to recuse himself from the conflict generated against him, this is how Judge Douglas Hemdon received the case c-217569 DC 3...

On Feb 9th, 2016, I finally had an evidentiary hearing, after being on a reversal and remand from the Nevada Supreme Court on July 15th, 2011, it took over 5 years for my hearing, finally it was ruled ineffective counsel and other issues.

I raised the unlawful and unconstitutional issues in the Writ of Habeas Corpus on the NRS STATUTES, and Judge Hemdon did all he could to not allow it in to expand the record.

The Judicial Branch of Nevada Government will never ever allow any filer to expand the record, it would mean the release of thousands and thousands of unlawfully and unconstitutionally withheld pioneers.

Under Gidden vs. Wainwright , Clearance Gidden an illiterate frail and humble man that was incarcerated in a Florida prison was able to free or get new trials for 4,300 inmates in Florida Prisons, and as a result of his work taught to him by his cell mate a lawyer doing life, the result of Gidden's work and research he single handedly changed the Judicial system in Florida.

I plan to free up or get new trials for 8,000 inmates in Nevada none violent and others evaluated as none threats to public safety.

Through the pursuit of my actual innocence I have discovered years of gathered research the "irrefutable evidence" and "factual proof" that the NRS STATUTES failed from their "Creation and Inception" and are illegal, unlawful, unconstitutional, invalid and "void ab initio"....

SEPTEMBER 5th, 2016,<gwwgreat@aol.com> wrote

OJ Simpson is clueless that he is unlawfully and unconstitutionally imprisoned in Nevada by Failed NRS Statute laws that were hidden by decades of stealth fraud

**Save post**

Add this to your saved items

**Snooze Gary for 30 days**

Temporarily stop seeing posts.

**Hide all from Gary**

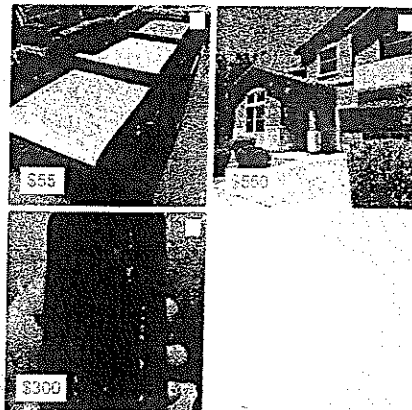
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Roger

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with the irrefutable evidence and factual proof , of documents, shepherdized case laws, AGO opinion 85, and 9th Cir. Court of Appeals Justices Opinions , a law historian book author Charles Weisman , "The Authority of Law, exposes Nevada and many officials from the decades past to the present day Governor Sandoval, former Attorney General, Cathleen Cortez Masto, Senator Harry Reed and others to being tyrants of Tyranny , Usurpation, perjury of their own oaths of office , including the Clark County District Attorney Steve Wolfson, former judge Jackie Glass, many Eighth District court judges , like Judge Kathleen Delaney , Judge Micheal P Vallani has committed perjury of their oath and swear , signed by these officials under their signatures of pains of penalties , a class C Felony and a 5,000.00 dollar fine for such breach , and Now those mentioned herein could even face up to 4 years in jail for such known and proven violations that is documented and can now be disclosed to this media ,

There are literally thousands of foreigners , blacks, Mexican Americans , Russian , Asian, Islanders etc, and including OJ Simpson, being held against their will , unlawfully and unconstitutionally , by the NRS Statutes , that was illegal, unlawful, invalid and void from the creation and inception of those Nevada Revised Statutes ranging from 1.010 to 7.510 all these statutes including those that fall within the 1 to 7 range all fail to be the laws of Nevada,

This was done in May of 1951, and continued on until January 1957.....

The citizens of the state of Nevada are clueless that , there exists a fourth level of government , that has absolutely no relationship directly with any connection to any of the three branches of state government , it is the so called LCB , legislative Counsel Bureau illegally established on July 1st, 1963 , and the Statute Revision Commission was abolished and all legislative power and authority was transferred illegally to the Lawyer Russell W McDonald of whom also got himself not only to be the Director of the Statute Revision Commission but also continued to wear multiple hats and became the legislative Counsel, taking all the power and authority away from the pretenders of being state senators and legislators ,,,,

This was also done by three corrupted Justices of the Nevada Supreme Court, Justice Milton B Badt ,Justice Edgar Eather, and Justice Charles Merrill, had disregarded the Nev.Const. Art. 3, section 1 separation of powers , and Nev. Const. Art6 , section 11 , that no justice shall perform "ANY Function " other than that appertaining to their own elected judicial office,

These three Justices had absolutely no right to even performing any Quasi Function, it violated their oath of office, and the Paramount laws of State Of Nevada i.e. Nevada State Constitution,

The Joint Concurrent Resolution no. 1 and no.2 used to repeal all the Statutes of Nevada and create the NRS Statute Laws, as well as commingle such Joint Concurrent Resolution with memorials and congratulations , and also used in conjunction with a COPY of an Engrossed Bill, dubbed Senate Bill No. 2. Was used to create from it's inception "The Nevada Revised Statutes"

The Joint Concurrent Resolution violates the Nev. Const. Art 4, section 17 and section 23' section 17, deals with the Single Subject rule, the Resolution has multiple commingled subject matters etc,

The violation of section 23, totally voids the Joint Concurrent Resolution No.1 and No. 2 by not containing the enactment language upon it's face as follows

" We the people in the state of Nevada , in Senate and assembly do hereby enact as follows"

Nothing can even be considered laws if it does not contain such enactment language upon it's face,

The Joint Concurrent Resolution does not contain such language and thus constitutionally fails,

The Joint Concurrent Resolution also fails to comply with Joint house rule No. 7, and by which a Joint Concurrent Resolution can be used.

The Joint Concurrent Resolution No1 and No. 2 fails to comply with Chapter 385, section 2, on page 733, and section 4 on page 734, the Resolution does not conform to the Statute laws of Nevada , in identifying the Copy of the engrossed bill SB No.2 as original, duplicate , or triplicate etc, same for

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Roger

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three branches of state government have all operated on the "PRESUMPTION" of law, that the NRS Statutes were lawfully and Constitutionally created and were the valid laws of the of Nevada, this is simply not true.

The PRESUMPTION of law is now displacement with the "KNOWLEDGE " of law, and that for all the reasons disclosed herein, that ,when you now have the irrefutable evidence and factual proof, when laws fail and are unlawful, unconstitutional, invalid, the courts Lack Subject Matter to proceed to try the case,

This means persons like OJ Simpson crimes vanished, and the Court, judge Jackie Glass and former DA David Roger , and DA Steve Wolfson and Judge Linda Marie Bell had absolutely no legal lawful and constitutional rights to pursue or prosecute or try the case of OJ Simpson and 12, 875 other incarcerated persons in Nevada,

Those that ore held on death row all 82 of them now are held there, illegally, unlawfully and unconstitutionally.

There has been 12 persons that have been put to death since the reinstatement of the Nevada Death penalty , Now this so called great governor Sandoval , has approved the revamping of the death chamber, and no doubt plans to use it soon,

The Governor, and other top officials are all aware of this, and it now makes them accessories to the not only decades of stealth fraud , and the ongoing long arm fraud, for what these very corrupted politicians did in 1951,1957,1963, 1972, by Harry Reid as well when he was the president of the State Senate is most shameful and they are very liable for such unlawful and multiple unconstitutional acts they have done against the ignorant and less fortunate society , and the undesirables , uneduceted and mental illness, and drug addicts, all by which Harry Reid, Cathleen Cortez Masto, Governor Brian Sandoval, Attorney General Adam Laxalt, NDOC officials, and Wardens and by their authority, everyone involved in the false imprisonment , unlawfully imprisonment, restraint of the incarcerated Liberty interests, and are being held now against their will , these officials needs to be prosecuted for their own attempts to disobey and in their participation in destroying the Nevada Constitution , and crimes against humanity and human rights violations.

"No WHERE" can any of these corrupted politicians and or officials, administrators can refute the facts and evidence now obtained,

For any of their false hoods now such as these state judges to dismiss any filers Petition for Writ of Habeas Corpus, or Writ for extra ordinary Relief and demand for their immediate release , not only violates the Nevada State Constitution , but it breaches the oath and swear upon gods oath, they took In order to take their oath of offices and seated upon the bench in their respective courts they represent.

Anything short of not granting relief sought filed by an incarcerated person in Nevada, prisons or jails, those officials opposing or covering up the facts and truth, have therefore engaged in Treason, Tyranny, Usurpation, and perjury of their oath of office, and has further engaged as tyrants and ministers of their own injustices and are liable to have True Bills issued against them , they would have no right to seek or claim absolute immunity.

I affirm under penalties of perjury of law that , this is the truth, and the information provided herein is truthful and factual, that the NRS Laws fail to be Nevada laws of the State of Nevada,

This I affirm this 5th day of September , 2016

By; GARY W WALTERS gwwgreat@aol.com

I CAN BE REACHED FOR IMMEDIATE INTERVIEWS AT 702-955-2058 / Las Vegas NV,

3

1 Comment 7 Shares

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Jeremy Chedda Bob Brucklacher Dam u are a genius we need to talk again Gary

340F36

168

Chat (82)

EXHIBIT Three  
youtube Links  
by  
Gary walters.

## Part One

## Part Two

### Part Three

## Part Four

CASE NO. 27CV-WR3-2019-0039

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**DEFENDANT'S OPPOSITION TO  
PLAINTIFF'S ADDENDUM TO HIS 42 U.S.C.  
SECTION 1983 & REQUEST FOR  
INSPECTION OF FRAUD UPON THE  
COURT**

Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby opposes Plaintiff's Addendum to his 42 U.S.C. Section 1983 & Request for Inspection of Fraud upon the Court. This Opposition is based on Nev. R. Civ. P. 15, the following Memorandum of Points and Authorities, and all papers and pleadings on file herein.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. NOTICE OF THE MOTION**

No hearing is requested on this matter.

**II. INTRODUCTION**

Inmate-Plaintiff Bryan P. Bonham (Langford) filed a lawsuit wherein he alleges the Secretary of State failed to maintain or produce records as required by the Nevada Constitution.

The "Amended Civil Rights Complaint pursuant to 42 U.S.C. § 1983" (Complaint) is procedurally deficient for at least three separate and distinct reasons, set forth in the Motion to Dismiss, filed on June 24, 2019. Plaintiff's opposition was filed on July 9, 2019. Defendant's reply was filed on July 15, 2019. The motion was submitted to the Court for decision on July, 23, 2020.

1 Currently pending before this Honorable Court is Plaintiff's Addendum to his 42 U.S.C. Section  
2 1983 & Request for Inspection of Fraud upon the Court. In reading this Pleading, it appears Plaintiff  
3 requests leave to file an amended complaint. Plaintiff did not attach a copy of his proposed amended  
4 complaint. However, he states that an amended complaint would allow him to cure the deficiencies in  
5 his complaint. Defendants will show this Court should deny Plaintiff's motion, because the proposed  
6 amendment would be futile, and he did not attach a copy of his proposed amended complaint, as is  
7 required.

### 8 **III. DISCUSSION**

#### 9 **A. Legal Standard for Amending Pleadings**

10 Amendments to pleadings are governed by Rule 15 of the Nevada Rules of Civil Procedure  
11 (Nev. R. Civ. P.). Under Nev. R. Civ. P. 15(a)(1), a party may amend a pleading once as a matter of  
12 course within 21 days after serving it, or 21 days after service of a responsive pleading or Rule 12(b)  
13 motion, whichever is earlier. *Id.* All other amendments are permitted only with leave of court or the  
14 opposing party's written consent. Nev. R. Civ. P. 15(a)(2). Leave to amend should be freely granted  
15 when justice so requires. *Id.*

16 NRCP 15(a) (2017) provides that "a party may amend the party's pleading only by leave of  
17 court or by written consent of the adverse party; and leave shall be freely given when justice so  
18 requires." "[T]he liberal policy provided in Rule 15(a) does not mean the absence of all restraint. Were  
19 that the intention, leave of court would not be required. The requirement of judicial approval suggests  
20 that there are instances where leave should not be granted." *State, Univ. & Cmty. Coll. Sys. v. Sutton*,  
21 120 Nev. 972, 988, 103 P.3d 8, 18-19 (2004) (alteration in original) (internal quotation marks omitted).

22 The Court may deny leave to amend in circumstances of "undue delay, bad faith[,] dilatory  
23 motive on the part of the movant, repeated failure to cure deficiencies by amendments previously  
24 allowed, undue prejudice to the opposing party by virtue of . . . the amendment, [or] futility of the  
25 amendment." *Foman v. Davis*, 371 U.S. 178, 182 (1962); *see also DeSoto v. Yellow Freight Sys., Inc.*,  
26 957 F.2d 655, 658 (9th Cir. 1992) (emphasizing that "[a] district court does not err in denying leave to  
27 amend where amendment would be futile").

28 ///



1           Additionally, Plaintiff has not attached a copy of the Proposed Amended Complaint to his  
2 motion. In Federal Court, LR 15-1 requires:

3                   (a) Unless the court orders otherwise, the moving party must attach the proposed  
4 amended pleading to a motion seeking leave of the court to file an amended pleading.  
5 The proposed amended pleading must be complete in and of itself without reference to  
the superseded pleading and must include copies of all exhibits referred to in the  
proposed amended pleading.

6           Without the Proposed Amended Complaint to review, the Court and the Parties cannot properly  
7 evaluate the substance of the pleading. For this reason alone, the motion should be denied.

8           **B.       Amendment would be futile.**

9           Plaintiff's motion shows that amendment would be futile, despite his assertions to the contrary.  
10 The amendment Plaintiff proposes is futile, because Plaintiff fails to state a claim upon which relief can be  
11 granted. *See* Nev. R. Civ. P. 12(b)(6). Plaintiff has not alleged any facts to justify his allegation that  
12 Defendant Cegavaske "possibly" violated his personal constitutional rights. He argues he should be able to  
13 go forward with his complaint. He also lists various cases, allegedly in support of his position. Then he  
14 argues the spurious position that Counsel committed a fraud on the Court by arguing he does not have a  
15 private right of action in this claim. This is offensive, and should be stricken from the record. The position  
16 of the Defendant as to a private right of action is well founded in the law. Additionally, he has not provided  
17 a copy of the proposed amended complaint. Therefore, allowing Plaintiff to amend his complaint would be  
18 futile.

19           This court would not abuse its discretion by denying appellant's motion for leave to amend the  
20 complaint because he never provided the court with a proposed amended complaint as an attachment to his  
21 request. *See* EDCR 2.30 (requiring a motion for leave to amend the complaint to be accompanied by a  
22 proposed amended complaint); *Allum v. Valley Bank of Nev.*, 109 Nev. 280, 287, 849 P.2d 297, 302 (1993)  
23 (explaining that this court reviews the denial of a motion for leave to amend a complaint for an abuse of  
24 discretion); *see also Gardner v. Martino*, 563 F.3d 981, 991 (9th Cir.2009) (explaining that where a local  
25 rule requires the attachment of a proposed amended complaint to a request for leave to amend, it is within  
26 the district court's discretion to deny the request based on the party's failure to attach the proposed  
27 pleading). In this case, while there are no local rules that apply, those of the other jurisdictions, and  
28 ///

1 common sense, require a proposed amended complaint for review. For this failure, the motion should be  
2 denied.

3 **C. Plaintiff may not use his pro se status as a shield.**

4 In his motion, Plaintiff appears to argue that he is legally untrained and that he should be allowed to  
5 proceed with the Amended Complaint in spite of the fact it was not properly served on Defendant  
6 Cegavske. In general, the rules of civil procedure “cannot be applied differently merely because a party  
7 not learned in the law is acting pro se.” \*\*259 *Bonnell v. Lawrence*, 128 Nev. 394, 404, 282 P.3d 712, 718  
8 (2012). While district courts should assist pro se litigants as much as reasonably possible, a pro se litigant  
9 cannot use his alleged ignorance as a shield to protect him from the consequences of failing to comply with  
10 basic procedural requirements. See *Kahn v. Orme*, 108 Nev. 510, 515, 835 P.2d 790, 793 (1992), overruled  
11 in part on other grounds by Epstein, 113 Nev. at 104, 950 P.2d at 772 (concluding that an unrepresented  
12 party’s “failure to obtain new representation or otherwise act on his own behalf is inexcusable”).  
13 Therefore, Plaintiff’s pro se status should not factor into this Court’s decision.

14 **IV. CONCLUSION**

15 Defendants have shown that this Court should deny Plaintiff’s motion, because amendment would  
16 be futile. Plaintiff fails to set forth any facts that the Defendant violated his constitutional rights; and  
17 Plaintiff fails to specify any basis for relief. Accordingly, Defendants respectfully request this Honorable  
18 Court deny Plaintiff’s motion.

19 DATED this 3rd day of November, 2020.

20 AARON D. FORD  
21 Attorney General

22 By: /s/ Douglas R. Rands  
23 DOUGLAS R. RANDS, Bar No. 3572  
24 Senior Deputy Attorney General  
25 100 N. Carson Street  
26 Carson City, NV 89701  
27 (775) 684-1150  
28 drands@ag.nv.gov

*Attorneys for Defendants*

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 3rd of November 2020, I caused to be deposited for mailing a true and correct copy of the  
4 foregoing, **DEFENDANT’S OPPOSITION TO PLAINTIFF’S ADDENDUM TO HIS 42 U.S.C.**  
5 **SECTION 1983 & REQUEST FOR INSPECTION OF FRAUD UPON THE COURT CAPTION,**  
6 to the following:

7 Bryan Bonham, #60575  
8 High Desert State Prison  
9 P.O. Box 650  
Indian Springs, NV 89070

10  
11 /s/ Roberta W. Bibee  
12 An employee of the  
13 Office of the Attorney General  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Bryan p Bonham 60575

2 po Box 650 (HOSP)

3 Indian Springs, NEV 89070

5 11TH JUDICIAL DISTRICT COURT

6 PERSHING COUNTY, NEVADA

8 Bryan p Bonham

CASE NO 27CVWR3-2019-0039

9 plaintiff

DEPT 1

10 -VS-

PLAINTIFFS REPLY TO DEFENDANTS

11 Barbara K Cegavaskie et al

OPPOSITION TO PLAINTIFFS ADDENDUM

12 Defendant.

14 comes now plaintiff Bryan p Bonham in propria persona and moves

15 This Honorable court to enter an order allowing His complaint

16 to move forward

18 The above motion is made and based upon the files, papers

19 and pleadings and documents on file here in, along with the

20 attached points & Authorities

1 Bryan P Bonham 60575

2 PO Box 650 (HOSP)

3 Indian Springs NEV 89070

4

5

11TH JUDICIAL DISTRICT COURT

6

PERSHING COUNTY, NEVADA

7

8 Bryan P Bonham

9

Plaintiff

NOTICE OF MOTION

10 -vs-

11 Barbara K. Cegavaste et. al.,

12

13

14 TO:

15 Douglas R Rands

16 Deputy Attorney General

17 100 N. Carson St.

18 Carson City, NEV 89701

19

20 please take notice That The undersigned will bring The above

21 motion for hearing as soon as possible for a decision based

22 on The courts Docket will allow

23 Dated This 10th day of November 2020

24 15/ 

25 Bryan P Bonham 60575

26 PO Box 650 (HOSP)

27 Indian Springs, NEV 89070

28

## DISMISSAL

pratt v Rowland 769 F. Supp 1128, 1133 (NO CA 1991) quoting conley v

Gibson 355 U.S. 41, 45-46 (1975) "Dismissal for failure to state

a claim is improper unless it appears beyond doubt that the

plaintiff can prove no set of facts in support of his claim

which would entitle him to relief"

Jenkins v McKeithen 395 U.S. , 421 (1969); turner v NV

Bd of State Prison Comr's 624 F. Supp 318, 320 (D. Nev 1985)

"For purpose of ruling on a motion to dismiss, this court must

accept as true all material allegations of the complaint, and

must liberally construe the complaint in favor of the complaining

party"

Alvarez v Hill 518 F.3d 1152, 1157 (9th Cir 2008) "A complaint

need not identify the statutory or constitutional source of the

claim raised in order to survive a motion to dismiss"

## ARGUMENT

this plaintiff simply argues that he requested specific documents

from the secretary of state, the response he was given was

that the documents requested were not in the possession of

the secretary of state, which the NEVADA CONSTITUTION ART

SECTION 20 mandates that she is supposed to have

them. plaintiff filed his original complaint against

the defendant Barbara K Regan in her individual

capacity as SHE ran for office as a private person

SHE won, therefore signed not one but two oaths

of office, in which SHE swore an oath to uphold &

defend the NEVADA CONSTITUTION & U.S. CONSTITUTION

as stated before she is in violation of both, broke

1 Her oath which is a contract with the citizens of the state  
2 of Nevada

3 After Receiving defendant's motion to dismiss; & before this  
4 court originally dismissed plaintiff's original complaint.

5 He Rewrote; submitted His Amended complaint.

6 giving defence counsel what they wanted. office

7 of Secretary of state named as defendant; state of Nevada

8 i.e. Attorney General's office served a copy of complaint

9 plaintiff admits he mistakenly only served AG's office

10 in original complaint, simply an oversight on his part,

11 at best he (plaintiff) should have been allowed an

12 extension of time to serve defendant. However he

13 submitted His Amended complaint, which is on file

14 as being filed 03/15/2019

15 RIGHT TO AMEND.

16 Lopez v Smith 203 F.3d 1122, 1130 (9th Cir 2000) en banc quoting

17 Doe v U.S. 58 F.3d 494, 497 (9th Cir 1995) "A district

18 court should grant leave to amend even if no request to amend

19 the pleading was made, unless it determines that the pleading

20 could not possibly be cured by the allegations of other facts"

21 see also Cookpertiss & Liebe v N. Cal collection serv 911 F.2d

22 242, 247 (9th Cir 1990); Lacey v Maricopa cnty 693 F.3d 896

23 926 (9th Cir 2012)

24 FACTS OF THIS CASE

25 DEFENDANT Barbara K. Cegavaskie is not in possession of the

26 documents she is mandated to have pursuant to NEV CONST

27 Art 5 Sec 20 The documents plaintiff requested would

28 in fact allow him to put before the court upon which he was

1 convicted that the NRSs used to convict Him were in fact  
2 written by Three Nevada Supreme Court Justices, which is in fact  
3 a violation of separation of powers doctrine ART III § 1,  
4 Art VI § 1 // If words mean nothing, then our constitution  
5 means nothing. If our constitution means nothing then  
6 we have no rights. If we have no rights then we only  
7 have privileges and immunities that are granted by government.  
8 see S. Carolina v. U.S. 199 U.S. 437, 448 (1905) The constitution  
9 is a written instrument, as such its meaning does not alter,  
10 that which it meant when it was adopted, it means now,  
11 by defendant Cegawaste not being in possession of the legislative  
12 acts requested has in fact violated Her oath, New Const, U.S.  
13 Const. plaintiffs Access to the courts, His due process rights  
14 and this defendant can be held liable for money damages.  
15 see Rivens v. Six Unknown Agents 403 U.S. 388 29 L ed 2d 619  
16 91 S.Ct 1999 (1970) "when a government agent acts in an  
17 unconstitutional manner He/SHE becomes liable for money damages."  
18 At best plaintiff failed to request leave to Amend, or failed  
19 to submit motion proposing The Amendment. plaintiffs  
20 complaint never changed, He only changed listing how  
21 defendants named.  
22 plaintiff finds it interesting that defence counsel argues  
23 His Addendum, or Amended complaint is futile. when  
24 like plaintiff argued above the constitution says  
25 what it says. These documents would put before the  
26 court that plaintiffs conviction is unconstitutional  
27 & void. see STATE OF NEVADA vs Gary Walters case no  
28 OSC217569. plaintiff would put this question to this



1 Honorable court. If what plaintiff contends in this complaint  
2 is not true? why does defendant omit to not being in  
3 possession of said documents, furthermore if issue on  
4 The NRS's/STATUTES Laws of Nevada is false? Then How  
5 is it That Affidavit attached to plaintiffs Addendum  
6 or The face book post by walters along with The four  
7 youtube videos put on youtube by walters exists  
8 from what plaintiff gathers with all the charges MR  
9 walters was convicted of He (MR walters) was not eligible  
10 for release/parole until The year 2048, yet And yet He  
11 posted The face book post on Sunday September 4th  
12 2016 This is an amazing feat by MR walters

### 13 FRAUD UPON THE COURT

14 Defendants opposition to plaintiffs Addendum to HIS 42  
15 U.S.C. Section 1983 & Request for fraud upon The court. page  
16 4 Line 3 Through 6 Defence counsel states That Defendant  
17 Cegawaste was not properly served a copy of The Amended  
18 complaint. This is in fact a FRAUDULANT STATEMENT  
19 see plaintiffs Reply to Defendants motion to Dismiss  
20 Filed NOV. 04, 2019. EXHIBIT 1 served upon Barbara K.  
21 Cegawaste by serving Michelle Fournier (AA11)  
22 Authorized individual state capital Building 101 N.  
23 Carson St. Ste 3 Carson City, NEV 89701 on 8/23/2019  
24 at 2:43 PM Documents served (Summons & Amended  
25 complaint,  
26 Again plaintiff contends That Rudd v Burrows 91 U.S.  
27 426; Boyce v Grundy 3 pet 210; 70 AM Jcr 2nd See  
28 50 VII Civil Liability applies here, as a dismissal in

1 This case based on defence counsels contention would not  
2 be proper. plaintiff does have a private right of action.  
3 see Etherton v City of Rainsville 2015 U.S. Dist Lexis  
4 141650, 28 USC § 1391(d)(1)  
5

#### 6 CONCLUSION

7 plaintiff contends this case should continue, allow him  
8 to file his motion for summary judgment; if deemed  
9 necessary proceed to a jury trial

#### 10 VERIFICATION

11 I declare & verify I have read the foregoing motion and to the best  
12 of my belief & knowledge that the foregoing is true & correct  
13 under the pains & penalties of perjury pursuant to 28 U.S.C. A § 1746  
14 § 18 U.S.C. A § 1621

#### 15 CERTIFICATE OF SERVICE


16 I, Bryan P. Barham certify that I am attaching a true & correct  
17 copy of the foregoing motion with spectral  
18 instructions for electronic filing & service to the clerk  
19 of the court to serve all my opponents pursuant to  
20 N.E.F.C.R. 5(e) a et seq (A-E) etc to the following  
21 Deputy Attorney General

22 Douglas R. Rands

23 100 N. Carson ST

24 Carson City, Nev 89701

25 Dated this 10th day of November, 2020

26 

27 PO Box 650 (HOSP)

28 Indian Springs, NE 89070

1 Bryan P Bonham 60575  
2 PO Box 650 (Hosp)  
3 Indian Springs, NEV 89070

4  
5 11TH JUDICIAL DISTRICT COURT  
6 PERSHING COUNTY, NEVADA  
7

8 Bryan P Bonham  
9 Plaintiff

Case no 27-CV-WR3-2019-0039

10 -vs-

HEARING REQUESTED

11 Barbara K. Cegavaskie et al.,  
12 Defendant(s)

PLAINTIFFS EX PARTE MOTION  
FOR APPOINTMENT OF COUNSEL  
AND OR REQUEST FOR AN  
EVIDENTIARY HEARING

13  
14  
15  
16 comes now plaintiff Bryan P Bonham in propria persona, &  
17 moves this Honorable court for an order allowing the  
18 Appointment of counsel; for an Evidentiary Hearing  
19 on issue of case at bar. This motion is made and  
20 based in the interest of Justice.

21  
22 pursuant to NRS 34.750 (1) A petition/motion may  
23 allege that the petitioner/plaintiff is unable to pay  
24 The cost of proceeding or to employ counsel. If  
25 The court is satisfied that the allegation of indigency  
26 is true and the petition/motion is not dismissed summarily,  
27 The court may appoint counsel to represent the petitioner/  
28 plaintiff, in making its determination, The court may consider



1 Bryan p Bonham 60575  
2 po Box 650 (Hosp)  
3 Indian Springs, Nev 89070

4

5 11TH JUDICIAL DISTRICT COURT  
6 PERSHING COUNTY, NEVADA.

7

8 Bryan p Bonham

9 plaintiff

NOTICE OF MOTION

10 -vs-

~~ORDER~~

11 Barbara K Cegawaska et al

12 defendant(s)

13

14 to:

15 Deputy Attorney General

16 Douglas R Rands

17 100 N. Carson ST.

18 Carson City, Nev 89701

19

20 please take notice that the undersigned will bring the above  
21 motion for hearing as soon as possible for a decision  
22 based on courts docket will allow.

23 Dated this 12th day of November, 2020

24 

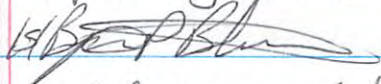
25 Bryan p Bonham 60575

26 po Box 650 (Hosp)

27 Indian Springs, Nev 89070

28



1 among other things, the severity of the consequences facing  
2 the petitioner/plaintiff and whether: (A) the issues presented  
3 are difficult; (B) the petitioner/plaintiff is unable to comprehend  
4 the proceeding; (C) counsel is necessary to proceed with discovery  
5 plaintiff is presently incarcerated at High Desert State Prison  
6 Clark County, Nevada.  
7 where he is indigent and unable to retain private counsel to  
8 represent him. plaintiff is unlearned and unfamiliar with the  
9 complexities of Nevada state law, particularly as this court  
10 is aware this plaintiff is alleging there are issues here that  
11 could prove/show that this plaintiff is being held illegally  
12 in violation of his civil rights.  
13 This plaintiff contends that the documents he claims this  
14 defendant should be in possession of are, or can be obtained  
15 by an examination of STATE OF NEVADA VS Gary Walters  
16 case no. 05C217569, through www.clarkcountycourts.us/  
17 Anonymous/default.aspx. more over by the article entitled  
18 Greatest Legal Discovery in History of State of Nevada, or  
19 Facebook post by Gary Walters, or four videos posted on  
20 YouTube by MR Walters, plaintiff is not 100% sure  
21 he is adequately learned to present these issues before  
22 the court, would ask this court to grant an attorney to  
23 represent him in evidentiary hearing, or at very least grant  
24 him the hearing.  
25 Respectfully submitted  
26   
27 Dated this 14th day of November, 2020  
28



### VERIFICATION

~~I declare and verify~~

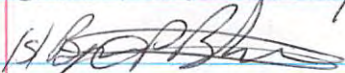
I Bryan P Bonham declare & verify that I have read the foregoing motion for an appointment of counsel and Request for Evidentiary Hearing & to the best of my belief and knowledge that the foregoing is true & correct under the pains & penalties of perjury pursuant to 28 U.S.C. A § 1746 & 18 U.S.C. A § 1621

### CERTIFICATE OF SERVICE

I Bryan P Bonham certify that I have read the foregoing motion to request an evidentiary hearing & appointment of counsel, with special instructions for electronic filing & service to the clerk of the court to serve all of my opponents pursuant to N.E.R.C. R 5 (k) 9 et seq (A-E) etc to the following.

Douglas R Rands  
Deputy Attorney General  
100 N Carson St.  
Carson City, Nev 89070

Dated this 14th day of November, 2020.



Bryan P Bonham  
PO Box 650 (HOSP)  
Indian Springs, Nev 89070

1 Bryan p Bonham 60575  
2 PO Box 650 HDSP  
3 Indian Springs, NV 89070

4

5

11TH JUDICIAL DISTRICT COURT  
PERSHING COUNTY, NEVADA

6

7

8 Bryan p Bonham  
9 plaintiff

case no. p119-1291

10

- vs

HEARING REQUESTED

11 Barbara K. Cegauske  
12 defendant.

PLAINTIFFS MOTION FOR  
SUMMARY JUDGMENT

13

14

15

comes now plaintiff, Bryan p Bonham, in pro per, moves this Honorable  
16 court to grant His motion For Summary Judgment

17

18 The above motion is made and based upon the files, papers and  
19 pleadings, documents on file herein, along with the attached  
20 points, & Authorities.

21

22

23

24

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26

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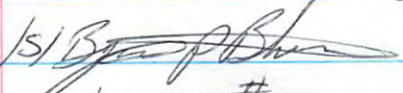


## NOTICE OF MOTION

TO: Attorney General  
Attorney for Defendant(s)

please take notice, that the under signed will bring the  
above motion for Hearing before this court on \_\_\_\_\_  
at \_\_\_\_\_ m for hearing or as soon thereafter as we may  
be heard.

Dated this 23rd Day of December 2020

/s/   
Plaintiff #60575

## POINTS AND AUTHORITIES

### I

#### LEGAL STANDARD FOR SUMMARY JUDGMENT

A motion for summary judgment SHALL be granted  
where "there is no genuine issue as to any material  
fact and... The moving party is entitled to judgment  
as a matter of Law." FED. R. CIV. P. 56(c) the moving  
party bears the initial burden of informing the court of  
the basis for its motion and identifying those portions  
of the file that it believes demonstrates the absence  
of a genuine issue of material fact. celotex corp  
v. Catrett 477 U.S. 317 323, 106 S.Ct 2548; 91 L.ED



1 2d 265 (1986) in response to a motion for summary  
2 Judgment, the nonmoving party cannot rest on the  
3 mere allegations or denials of a pleading, but must  
4 <sup>66</sup> go beyond the pleadings and by [its] own Affidavits,  
5 or by the depositions, answers to interrogatories, and admissions  
6 on file, designate specific facts showing that there is a  
7 genuine issue for trial. Id. at 324 (internal citations  
8 omitted) In other words, the nonmoving party may not rely  
9 solely on conclusory allegations unsupported by factual data  
10 Taylor v. List 880 F.2d 1040, 1045 (9th Cir. 1987)

11 The court must examine the evidence in the light most  
12 favorable to the nonmoving party United States v. Diebold Inc.  
13 369 U.S. 654, 655, 82 S.Ct. 993, 8 L.Ed.2d 176 (1962)  
14 and any doubt as to the existence of an issue of material  
15 fact requires denial of the motion Anderson v. Liberty Lobby Inc.  
16 477 U.S. 242, 255, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986)

## 18 II

### 19 STATEMENT OF FACTS

20 This is a one count claim where facts can be genuinely  
21 disputed, facts listed below:

22 1) Defendant Barbara K. Cegavske took an oath of office  
23 to support the U.S. Constitution & Nevada Constitution in  
24 2015 & 2019 Both attached in appendix & filed 03/15/19  
25 with this court.

26 2) Nev Const Art 5 § 20 Requires/mandates the Secretary of  
27 State as the Legislative Records keeper

28 3) Nev Const Art 16 § 1 and 2 set forth the only way to Amend  
(30F19)



1 the NEV. CONST.

2 4) U.S. Const Amend I clause 10 Right to contract.

3 5) Defendant Has broken Her Oath of office, along

4 with violating NEV CONST ART 5 § 20 (#2 above): NEV CONST

5 ART 16 § 1 and/or 2 (#3 above): U.S. Const Amend I clause 10

6 Her Oath of office is a contract with the people of the

7 STATE OF NEVADA

8 6) Secretary of state letter dated 2/27/2019 proving

9 Defendant's violation attached in Appendix & originally filed

10 3/15/19

11 7) See NV CONST ART 5 § 20

12 8) see NV CONST ART 16 § 1, 2

13

14

15 PLAINTIFFS FINAL POSITION

16 see MATSUSHITA ELEC INDUS CO. V ZENITH RADIO

17 CORP 475 U.S. 574, 587, 106 S.Ct 1348, 89 L ED 2d

18 538 (1986) quoting FED R. CIV. P 56 advisory

19 committee note of (1963); ("The very mission

20 of the Summary Judgment procedure is to pierce the

21 pleadings and to assess the proof in order to see

22 whether there is a genuine need for trial. The ...

23 Doctrine... which permits the pleadings themselves to

24 stand in the way of granting an otherwise justified

25 Summary Judgment... is ~~incompatible~~ incompatible with

26 the Basic purpose of the rule."); EVANS Cabinet

27 CORP V Kitchen INT'L INC. 593 F3d 135, 140 (1st

28 CIR 2010) ~~see also~~ "The role of Summary Judgment

(4/01/19),



1 is to pierce the pleadings and to determine whether there  
2 is a genuine need for trial? See also Yong-Qian  
3 Sun v Bd of Trustees 473 F.3d 799, 812 (7th Cir 2007)  
4 So as you can see from the evidence in the Appendix  
5 there is no need for trial as it would be a waste of time,  
6 as proof of her violation of oath of office is on her own  
7 letter head.

8

9

### CONCLUSION

10 So the plaintiff ask this court to enter an order granting  
11 the motion for summary judgment pursuant to Fed R. Civ. P.  
12 56 with the relief in the complaint which was:  
13 1) True & original copy of Senate Bill no 2 (1957), copy of  
14 Senate Bill 109 (1949) Both in original & type written form.  
15 2) copy of writ of Habeas corpus in case of STATE OF NEVADA  
16 v GARY WAITERS case no C217569, order granting writ  
17 which was filed in 2010-2016, granted in 2016 in the 8th  
18 Judicial Dist Court Clark County, Nevada  
19 3) Compensatory Damages \$ 500,000.<sup>00</sup>  
20 4) punitive Damages \$ 500,000.<sup>00</sup>

21

22

23

### VERIFICATION

24 I Bryan P. Bonham declare & verify, that I have read the  
25 foregoing motion for summary judgment and to the best  
26 of my belief & knowledge that it is true and correct,  
27 without the benefit of a notary pursuant to 28 U.S.C. §  
28 1746 § 18 U.S.C. § 1621

(SOF19)



1 Dated this 23rd day of December 2020

2

3

~~Bryan P. Bonham~~

4

Plaintiff #60575

5

6

### CERTIFICATE OF SERVICE

7

I Bryan P. Bonham certify that I have Attached

8

plaintiffs motion for Summary Judgment ... with special

9

instructions for electronic filing & service to ~~clerk~~ clerk of

10

Court to serve all plaintiffs apponees pursuant to N.E.R.C.R.

11

5 (K) 9, et seq (A-E) etc to the following.

12

13

Deputy Attorney General

14

Douglas R. Rands

15

100 N Carson St

16

Carson City, NEV 89701

17

18

Dated this 23rd day of December 2020

19

20

21

22

23

24

25

26

27

28

~~Bryan P. Bonham~~  
Bryan P. Bonham<sup>60575</sup>  
PO Box 650 HDSP  
Indian Springs, NEV 89070

## APPENDIX

1

2

3 EXHIBIT 1) Oath of office (2015)

4

5 EXHIBIT 2) ~~Oath~~ Oath of office (2019)

6

7 EXHIBIT 3) Secretary of State letter dated 2/27/19

8

9 EXHIBIT 4) NV. CONST ART 5 Section 20 Secretary of State

10 Duties.

11 EXHIBIT 5) NV CONST ART 16 Section 1

12

13 EXHIBIT 6) NV. CONST ART 16 Section 2

14

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# **EXHIBIT**

1

Oath of Office 2015

# **EXHIBIT**

1

#001

LCC

(80 of 19)





### CERTIFICATE OF ELECTION

*This is to certify that at a general election held in the State of Nevada on Tuesday, the fourth day of November, two thousand fourteen*

### BARBARA K. CEGAVSKE

*was duly elected to the office of Secretary of State of the State of Nevada, for the term of four years from and including the first Monday in January, two thousand fifteen;*

*Now, Therefore, I Brian Sandoval, Governor of the State of Nevada, by the authority vested in me by the Constitution and laws thereof, do hereby*

### COMMISSION

*her, the said BARBARA K. CEGAVSKE, as Secretary of State of the State of Nevada, and authorize her to discharge the duties of said office according to law, and to hold and enjoy the same, together with all powers, privileges and emoluments thereunto appertaining.*



*In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol at Carson City, Nevada on this 9th day of December, two thousand fourteen.*

*Brian Sandoval*  
Governor of the State of Nevada

*Barbara K. Cegavske*  
Secretary of the State of Nevada

*I, BARBARA K. CEGAVSKE, do solemnly swear that I will support, protect and defend the constitution and government of the United States, and the constitution and government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of Secretary of State of the State of Nevada, on which I am about to enter; so help me God.*

*Barbara K. Cegavske*  
BARBARA K. CEGAVSKE

*Subscribed and sworn to before me this 5th day of January, A.D., two thousand fifteen.*



*James W. Henderson*  
Chief Justice of the Supreme Court

# **EXHIBIT**

2

*Oath of office 2019*

# **EXHIBIT**

2

LCC : #001

*(1000F19)*





### CERTIFICATE OF ELECTION

*This is to certify* that at a general election held in the State of Nevada on Tuesday, the sixth day of November, two thousand eighteen

### BARBARA K. CEGAVSKE

was duly elected to the office of Secretary of State of the State of Nevada, for the term of four years from and including the first Monday in January, two thousand nineteen;

Now, Therefore, I Brian Sandoval, Governor of the State of Nevada, by the authority vested in me by the Constitution and laws thereof, do hereby

### COMMISSION

her, the said BARBARA K. CEGAVSKE, as Secretary of State of the State of Nevada, and authorize her to discharge the duties of said office according to law, and to hold and enjoy the same, together with all powers, privileges and emoluments thereunto appertaining.



In Testimony Whereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol at Carson City, Nevada on this 4th day of December, two thousand eighteen.

*Brian Sandoval*  
Governor of the State of Nevada

*Barbara K. Cegavske*  
Secretary of the State of Nevada

I, BARBARA K. CEGAVSKE, do solemnly swear that I will support, protect and defend the constitution and government of the United States, and the constitution and government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of Secretary of State of the State of Nevada, on which I am about to enter; so help me God.

*Barbara K. Cegavske*  
BARBARA K. CEGAVSKE

Subscribed and sworn to before me this 7 day of January, A.D., two thousand nineteen.

*James W. Healy*  
Chief Justice of the Supreme Court

# **EXHIBIT**

3

Secretary of state Letter Dated  
2/27/19

# **EXHIBIT**

3

(12 of 19)

**BARBARA K. CEGAVSKE**  
*Secretary of State*

STATE OF NEVADA



**SCOTT ANDERSON**  
*Chief Deputy Secretary of State*

OFFICE OF THE  
SECRETARY OF STATE

*who was At Gen 1997*

February 27, 2019

Bryan Bonham # 60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

Mr. Bonham:

We are enclosing the following documents responsive to your records request: Certificate of Election for- Secretary of State Barbara Cegavske (2014) (2018), Attorney General Catherine Cortez Masto (2001) (2010), Attorney General Adam Laxalt (2014); Governor Kenny Guinn (1998) (2002); Governor Jim Gibbons (2006) Governor Brian Sandoval (2010) (2014). You are going to have to be more specific with regards to the various Judges and District Attorneys as we need to know jurisdiction and district and may not have these documents. We do not have Certificates of Election for Sheriff. You will need to provide the names of the Attorneys General from 1997-2002 as we may have already archived their Certificates of Election.

The Secretary of State is not in possession of Senate Bill 109 from 1949 nor Senate Bill 2 from 1957 – those records have been transferred to the Nevada State Library and Archives.

Thank you for contacting our office.

Sincerely,

The Office of the Nevada Secretary of State

NEVADA STATE CAPITOL  
101 N. Carson Street, Suite 3  
Carson City, Nevada 89701-3714

MEYERS ANNEX  
COMMERCIAL RECORDINGS  
202 N. Carson Street  
Carson City, Nevada 89701-4201

LAS VEGAS OFFICE  
555 E. Washington Avenue, Suite 5200  
Las Vegas, Nevada 89101-1090

NVSOS.ROY

(130F19)

# **EXHIBIT**

4

NU. CONST ART 5 Section 20  
Secretary of State Duties

# **EXHIBIT**

4

LCC: #001

# **The Constitution of the State of Nevada**

## **Article 5 Executive Department**

### **20. Secretary of state: Duties.**

The Secretary of State shall keep a true record of the Official Acts of the Legislative and Executive Departments of the Government, and shall when required, lay the same and all matters relative thereto, before either branch of the Legislature.

#### **Research References and Practice Aids**

##### **Cross references.**

As to custody and care of archives and records, see NRS 225.070.

# **EXHIBIT**

5

*NV CONST ART 16 Section 1*

# **EXHIBIT**

5

LCC #001

# **The Constitution of the State of Nevada**

## **Article 16 Amendments**

### **1. Constitutional amendments: Procedure; concurrent and consecutive amendments.**

1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a Majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the Yeas and Nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall, unless precluded by subsection 2 or section 2 of article 19 of this constitution, become a part of the Constitution.

2. If two or more amendments which affect the same section of the constitution are ratified by the people at the same election:

(a) If all can be given effect without contradiction in substance, each shall become a part of the constitution.

(b) If one or more contradict in substance the other or others, that amendment which received the largest favorable vote, and any other amendment or amendments compatible with it, shall become a part of the constitution.

3. If after the proposal of an amendment, another amendment is ratified which affects the same section of the constitution but is compatible with the proposed amendment, the next legislature if it agrees to the proposed amendment shall submit such proposal to the people as a further amendment to the amended section. If, after the proposal of an amendment, another amendment is ratified which contradicts in substance the proposed amendment, such proposed amendment shall not be submitted to the people.

# **EXHIBIT**

6

NU CONST ART 16 Section 2

# **EXHIBIT**

6

LCC : #001

(180F19)



# NEVADA STATUTES

## The Constitution of the State of Nevada

### Article 16 Amendments

#### 2. Convention for revision of constitution: Procedure.

If at any time the Legislature by a vote of two thirds of the Members elected to each house, shall determine that it is necessary to cause a revision of this entire Constitution they shall recommend to the electors at the next election for Members of the Legislature, to vote for or against a convention, and if it shall appear that a majority of the electors voting at such election, shall have voted in favor of calling a Convention, the Legislature shall, at its next session provide by law for calling a Convention to be holden within six months after the passage of such law, and such Convention shall consist of a number of Members not less than that of both branches of the Legislature. In determining what is a majority of the electors voting at such election, reference shall be had to the highest number of votes cast at such election for the candidates for any office or on any question.

CASE NO. 27CV-WR3-2019-0039

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**OPPOSITION TO PLAINTIFF'S MOTION  
FOR APPOINTMENT OF COUNSEL**

Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby oppose Plaintiff's Motion for Appointment of Counsel. This Opposition is made upon the attached Points and Authorities, the papers and pleadings on file, herein, and such other and further information as this Court may deem appropriate.

**I. NATURE OF THE ACTION**

This case is a *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff, Bryan Bonham (Bonham) alleges that the Secretary of State failed to maintain or produce records as required by the Nevada State Constitution.

Bonham is an inmate currently incarcerated within the Nevada Department of Corrections (NDOC) at Lovelock Correctional Center (LCC). On or about March 15, 2019, Bonham submitted his Complaint in this Court, alleging Secretary of State Cegavske "is in violation of her oath of office." *See* Compl. at 2.

Bonham alleges Secretary of State Cegavske is "not in possession of SB 109 from 1949 nor [SB] 2 from 1957." *See id.* The Nevada Constitution requires Secretary of State Cegavske to maintain legislative

///

1 records. *See id.* at 3. The Nevada Constitution has a procedure for amendment, but that procedure has not  
2 been followed. *See id.*

3 Bonham requests relief in the form of \$500,000 in compensatory damages, \$500,000 in punitive  
4 damages, and a copy of a “writ of habeas corpus in case of State of Nevada vs. Gary Walters[.]” *See id.* at  
5 4 (emphasis original). Plaintiff now moves this Court to appoint Counsel to assist him in his endeavors.

## 6 **II. LEGAL ARGUMENT**

### 7 **A. Standard For Appointment Of Counsel**

8 In Nevada, there is no right to appointed legal counsel in a civil case absent a statute requiring such  
9 appointment. *See Rodriguez v. Dist. Ct.*, 120 Nev. 798 (2004) (the Sixth Amendment right to counsel is  
10 inapplicable in civil contempt proceedings); *In re Parental Rights as to N.D.O.*, 121 Nev. 379, 383 (2005)  
11 (there is no absolute right to counsel in proceedings terminating parental rights, which the court has  
12 characterized as a "civil death penalty" case due to the severity of the action); *Bejarano v. Warden, State*  
13 *Prison*, 112 Nev. 1466, 1469 (1996) citing *Pennsylvania v. Finley*, 481 U.S. 551 (1987) (there is no right to  
14 counsel in state post-conviction relief proceedings as such actions are considered civil in nature); *Casper*  
15 *v. Huber*, 85 Nev. 474,476,456 P.2d 436,437 (1969).

16 Tellingly, since there is no Nevada statute supporting Plaintiffs request for appointment of legal  
17 counsel, Plaintiff fails to identify any Nevada statute or law authorizing the appointment of counsel for an  
18 indigent plaintiff in a civil action, and/or any legal authority supporting his legally unsupported assertion  
19 that NRS 34.750 allows this Court to appoint Counsel. Plaintiff’s motion at p. 1. *See also McKague v.*  
20 *Warden*, 112 Nev. 159, 163-164 (1996) ("It is true that under the Sixth Amendment to the United States  
21 Constitution there is no right to effective assistance of counsel, or to counsel at all, in post-conviction  
22 proceedings." "The Nevada Constitution also does not guarantee a right to counsel in post-conviction  
23 proceedings, as we interpret the Nevada Constitution's right to counsel provision as being coextensive with  
24 the Sixth Amendment to the United States Constitution."). Unfortunately, as this Court is aware, NRS 34.  
25 750 deals with appointment of Counsel for matters of post conviction relief, not a civil suit filed by an  
26 inmate.

27 In Federal Court, 28 U.S.C. § 1915(e)(1) states that “[t]he court may request an attorney to  
28 represent any person unable to afford counsel,” but a plaintiff does not have a constitutional right to court-

1 appointed counsel in a civil rights action. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981);  
2 *Caruth v. Pinkney*, 683 F.2d 1044, 1048 (7th Cir. 1982), *cert. denied*, 459 U.S. 1214 (1983). Further, the  
3 United States Supreme Court has ruled that a district trial court lacks the authority to require counsel to  
4 represent indigent prisoners in civil rights cases. *Mallard v. U.S. Dist. Court*, 490 U.S. 296, 301-02 (1989).  
5 A court will request counsel for an indigent civil litigant only when rare exceptional circumstances exist.  
6 *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood v. Housewright*, 900 F.2d 1332, 1335-1336  
7 (9th Cir. 1990). The difficulties which any litigant would face in proceeding *pro se* do not qualify as  
8 exceptional circumstances justifying the appointment of counsel. *Id.* at 1335-36; *Wilborn v. Escalderon*,  
9 789 F.2d 1328, 1331 (9th Cir. 1986).

10 A finding of "exceptional circumstances" requires an evaluation of both the ability of the petitioner  
11 to articulate his claims *pro se* in light of the complexity of the legal issues involved and the likelihood of  
12 success on the merits. *Terrell* at 1017. It is the Plaintiff's burden to demonstrate the existence of such  
13 exceptional circumstances. *Id.*, citing *Wilborn*, 789 F.2d at 1331. A court is given wide discretion in  
14 determining whether counsel is required in any given case, and such decisions are reviewed under the  
15 deferential abuse of discretion standard. Based on this standard, reversals of denials of motions for  
16 appointment of counsel are uncommon. *United States v. 30.64 Acres of Land*, 795 F.2d 796, 800 (9th Cir.  
17 1986). See also, *Rodriguez v Eighth Judicial District Court*, 120 Nev. 798, 102 P. 3d 41 (2004).

#### 18 **B. Plaintiff Has Failed To Establish Exceptional Circumstances**

19 Plaintiff states that counsel is needed in this case to help legally assist and represent him with  
20 this matter. Specifically, Plaintiff first claims counsel is needed due to his lack of legal training.  
21 Plaintiff's Motion at p. 3. Finally, he claims he is being held, illegally at High Desert State Prison. *Id.*  
22 While Plaintiff may have provided reasons as to why he wants an attorney, he has not met the burden to  
23 show that the Court is required to appoint one.

24 Plaintiff's claim that he lacks the ability to litigate this matter while incarcerated does not rise to  
25 the level of requiring the appointment of counsel. For persuasive authority, see *Garcia v. Smith*, No.  
26 10CV1187 AJB RBB, 2012 WL 2499003, at \*4 (S.D. Cal. June 27, 2012) ("most lawsuits require the  
27 development of facts over the course of the litigation, and *pro se* plaintiffs are typically not in the  
28 position to easily investigate the facts . . . [a]lthough the investigation may be difficult, it does not rise

1 to the level of an ‘exceptional circumstance’ that would entitle [the inmate] to appointed counsel.”)  
2 (quotations omitted).

3 Moreover, Plaintiff fails to establish exceptional circumstances by specifically articulating (1)  
4 the likelihood of success on the merits, and (2) the complexity of his legal claims such that Plaintiff  
5 lacks the ability to articulate the same with respect to this case. *Terrell* at 1017. The only facts Plaintiff  
6 relies on is that he will attempt to conduct discovery. This is not sufficient. Second, Plaintiff’s claims  
7 are not complex, and certainly not complex enough that he could not articulate them without the  
8 assistance of counsel. Plaintiff has failed to establish that this case involves complex issues of law or  
9 fact. The claims in this case are simple, straightforward, and do not rise to a level of complexity  
10 contemplated by the Court when appointing counsel. *See Terrell*.

11 Ultimately, the difficulties which any inmate litigant would have in proceeding *pro se* do not  
12 qualify as exceptional circumstances for the appointment of counsel. *See Wood*, 900 F.2d at 1335–36;  
13 *Wilborn*, 789 F.2d at 1331. In short, the only shortcomings Plaintiff may have in this case are those that  
14 are present in nearly every inmate 42 U.S.C. § 1983 lawsuit. *See Bell v. Peery*, No. 3:11-CV-00745-  
15 RCJ, 2012 WL 4764120, at \*10 (D. Nev. Oct. 5, 2012) (The shortcomings that affect almost every  
16 inmate's section 1983 lawsuit includes a plaintiff not being able to afford counsel, plaintiff's  
17 imprisonment limits his ability to litigate, plaintiff is of limited education, plaintiff is denied library  
18 access, that a trial will involve conflicting testimony, etc.). In this case, Plaintiff has prosecuted a  
19 successful appeal, responded to a motion for summary judgment, participated in a settlement  
20 conference, participated in pretrial discovery, filed at least two petitions for mandamus, and filed  
21 numerous motions and responses. Clearly, there is no necessity for appointment of counsel in this  
22 matter.

23 ///

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25 ///

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28 ///

1   **III.   CONCLUSION**

2           Plaintiff’s request for the appointment of counsel fails to establish exceptional circumstances  
3   which would warrant such appointment. Therefore, his request should be denied.

4           DATED this 11th day of January, 2021.

5                                   AARON D. FORD  
6                                   Attorney General

7                                   By:     /s/ Douglas R. Rands  
8   DOUGLAS R. RANDS, Bar No. 3572  
9   Senior Deputy Attorney General  
10    100 N. Carson Street  
  Carson City, NV 89701  
  (775) 684-1150  
  drands@ag.nv.gov

11                                   *Attorneys for Defendants*

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 11th of January 2021, I caused to be deposited for mailing a true and correct copy of the  
4 foregoing, **OPPOSITION TO PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL**, to  
5 the following:

6 Bryan Bonham, #60575  
7 High Desert State Prison  
8 P.O. Box 650  
Indian Springs, NV 89070

9  
10 /s/ Roberta W. Bibee  
11 An employee of the  
12 Office of the Attorney General  
13  
14  
15  
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CASE NO. 27CV-WR3-2019-0039

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**OPPOSITION TO MOTION FOR SUMMARY  
JUDGMENT**

Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby submits her Opposition to Plaintiff's Motion for Summary Judgment pursuant to Nevada Rule of Civil Procedure (NRCP) 56. This Opposition is based on the following Memorandum of Points and Authorities and all pleadings and papers on file in this action.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. NOTICE OF THE MOTION**

No hearing is requested on this matter.

**II. INTRODUCTION**

Inmate-Plaintiff Bryan Bonham (Bonham) filed a lawsuit wherein he alleges the Secretary of State failed to maintain or produce records as required by the Nevada Constitution.

The "Civil Rights Complaint pursuant to 42 U.S.C. § 1983" (Complaint) is procedurally deficient for at least three separate and distinct reasons, set forth in the Motion to Dismiss, filed on June 24, 2019. Plaintiff's opposition was filed on July 8, 2019. Defendant's reply was filed on July 12, 2019. The motion was submitted to the Court for decision on October 8, 2019.



1 Plaintiff filed a Motion for Summary Judgment on January 5, 2021. This is the Defendant's  
2 Opposition.

### 3 **III. PROCEDURAL HISTORY AND STATEMENT OF ALLEGED FACTS<sup>1</sup>**

4 Bonham is an inmate currently incarcerated within the Nevada Department of Corrections (NDOC)  
5 at High Desert State Prison (HDSP). On or about March 3, 2019, Bonham submitted his Complaint in this  
6 Court, alleging "violation of [Secretary of State Cegavske's] oath of office . . . for the records of office not  
7 in her possession." *See* Compl. at 2. His First Amended Complaint is similar. *See* First Amended  
8 Complaint at 2.

9 Bonham alleges Secretary of State Cegavske is the "constitutional record keeper" for the State of  
10 Nevada. *See id.* at 4. The Nevada Constitution has a procedure for amendment, but that procedure has not  
11 been followed. *See id.* Secretary of State Cegavske "has no copies of the senate bills that have been  
12 passed since the creation of the State, [she] tells you to contact the Legislative Counsel Bureau for the  
13 requested records." *See id.* Bonham tried "to obtain a copy of Senate Bill No. 2 (1957)[,]" but Secretary  
14 of State Cegavske's office sent him a letter explaining that he should contact the Legislative Counsel  
15 Bureau. *See id.*; *see also id.* at 10.

16 Bonham requests relief in the form of "compensatory and punitive damages in total of  
17 \$1,000,000[,]" and injunctive relief ordering Secretary of Cegavske to provide him with copies of the  
18 Senate Bills, *See id.* at 4.

19 Secretary of State Cegavske now moves this Court to deny Plaintiff's Motion for Summary  
20 Judgment.

### 21 **IV. LEGAL STANDARD**

22 Summary judgment should be granted where a party fails "to make a showing sufficient to  
23 establish the existence of an element essential to that party's case, and on which that party will bear the  
24 burden of proof at trial." *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). The court shall consider  
25 all admissible affidavits and supplemental documents attached to a motion for summary judgment. *See*

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26  
27 <sup>1</sup> The Statement of Alleged Facts is based on the allegations in Bonham's Complaint. None of  
28 the statements or arguments in this brief, which are based on these allegations, should be construed as admissions of fact.

1 *Connick v. Teachers Ins. & Annuity Ass'n*, 784 F.2d 1018, 1020 (9th Cir. 1986). The moving party has  
2 the initial burden of demonstrating that summary judgment is proper, *Adickes v. S.H. Kress & Co.*, 398  
3 U.S. 144, 152 (1970), and factual inferences should be drawn viewed in the light most favorable to the  
4 nonmoving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986); *see also*, *Wood v.*  
5 *Safeway, Inc.*, 121 Nev. 724, 729 (2005).

6 To defeat summary judgment, the non-movant must present “specific facts showing there is a  
7 genuine issue for trial.” *Anderson*, 477 U.S. at 256. The non-movant’s evidence should be such that a  
8 “fair minded jury could return a verdict for [him or her] on the evidence presented.” *Id.* at 255. The  
9 opposing party is not required to establish a material issue of fact conclusively as it is enough that “the  
10 claimed factual dispute be shown to require a jury or judge to resolve the parties’ differing versions of  
11 the truth at trial.” *T.W. Elec. Serv., Inc. v. Pacific Elec. Contractors Ass’n*, 809 F.2d 626, 631 (9th Cir.  
12 1987). The evidence of the non-moving party is to be believed, and all reasonable inferences that may  
13 be drawn from the facts placed before the Court must be drawn in favor of the opposing party.  
14 *Anderson*, 477 U.S. at 255.

## 15 **V. LEGAL ARGUMENT**

### 16 **A. Plaintiff Has Failed to Support His Motion with Points and Authorities.**

17 All motions must be supported by a memorandum of points and authorities. LR 7.2 (d) states  
18 that the failure of a moving party to file points and authorities in support of the motion constitutes a  
19 consent to the denial of the motion. The NRCP provides the person, filing a Motion for Summary  
20 Judgment must support that motion by materials on the record. This Plaintiff has not complied. The  
21 rule states as follows:

22 NRCP 56 (C) (1) Supporting Factual Positions. A party asserting that a fact cannot be  
23 or is genuinely disputed must support the assertion by:

24 (A) citing to particular parts of materials in the record, including depositions,  
25 documents, electronically stored information, affidavits or declarations,  
26 stipulations (including those made for purposes of the motion only), admissions,  
interrogatory answers, or other materials;

27 ///

28 ///

1 While Plaintiff's Motion designates a memorandum of points and authorities, his motion is  
2 devoid of any authority in support of his propositions. The Federal District Court, for the District of  
3 Nevada stated in *Blankenship v. Cox*, 2007 WL 844891, (D. Nev. 2007), (Copy attached as Exhibit 1):

4 "[a]ll motions ... shall be supported by a memorandum of points and authorities." D.  
5 Nev. R. 7-2(a) (motions). "The failure of a moving party to file points and authorities  
6 in support of the motion shall constitute a consent to the denial of the motion." D. Nev.  
7 R. 7-2(d) (motions). Here, Defendants failure to provide any points and authorities  
regarding the Nevada state law governing battery claims makes the pleadings an  
insufficient basis on which to grant the motion. Defendants have not met their burden.  
Accordingly, the motion for summary judgment on the battery claim is DENIED."

8 *Id.* at 12.

9 Plaintiff, in this matter, has completely failed to show that any authority supports his position.  
10 He argues that the Secretary has violated her oath of office but has not shown any evidence of that  
11 violation. Failure to respond to his letter his hardly a violation of Plaintiff's constitutional or civil  
12 rights. He argues that Secretary Cegavske has violated her office by not maintaining a paper copy of  
13 every Senate bill in her office filing cabinet. The letter, he attaches as exhibit 3 to his motion merely  
14 refers him to the State Archives where the records have been transferred. It does not prove a violation  
15 of her Oath of Office. More importantly, however, the Statutes of the State of Nevada provide that the  
16 Archives are responsible for maintaining the records of State Agencies. *See* NRS 378.255, below.

17 **NRS 378.255 Management and retention of records; provision of microfilming**  
18 **and digital imaging services; inspection of confidential or privileged governmental**  
19 **records; recovery of records.** The State Library, Archives and Public Records  
20 Administrator may:

- 21 1. Adopt regulations and establish standards, procedures and techniques for the  
22 effective management of records.
- 23 2. Make continuing surveys of current practices for the management of records and  
24 recommend improvements in those practices, including the use of space, equipment and  
25 supplies to create, maintain and store records.
- 26 3. **Establish standards for the preparation of schedules providing for the**  
27 **retention of state records of continuing value and for the prompt and orderly**  
28 **disposition of state records which no longer possess sufficient administrative, fiscal,**  
**legal or research value to warrant their further retention.**
4. **Establish, maintain and operate a center for storing and retrieving records**  
**for state agencies pending the acceptance of the records by the Division or the**  
**disposition of the records in any other manner prescribed by law.**
5. Establish a program for providing microfilming and digital imaging services for  
the records of the Legislative and Judicial Branches of State Government, upon request.

...

(Emphasis Added)

///

1           Additionally, Bonham has not shown or proven any personal damages. He has not cited to any  
2 case law in support of his position. He only argues that, from the evidence, there is no need for a trial,  
3 and it would be a waste of time. That may be true, but only because Plaintiff has no case, as set forth in  
4 the Motion to Dismiss. Therefore, his Motion for Summary Judgment must be denied.

5           **B.       Bonham Failed to Complete Dual Service as Required by Law**

6           The State of Nevada has waived its sovereign immunity only under limited circumstances. *See*  
7 NRS 41.031; *see also* NRS 41.0337. In order to invoke a waiver of sovereign immunity, an “action  
8 must be brought in the name of the State of Nevada on relation of the particular department . . . of the  
9 State whose actions are the basis for the suit.” NRS 41.031(2). Failure by a plaintiff to invoke a waiver  
10 of sovereign immunity deprives a court of subject matter jurisdiction. *See Jiminez v. State*, 98 Nev. 204,  
11 205 (1982) (assuming that failure to name the State of Nevada as a defendant under NRS 41.031 deprived  
12 the trial court of subject matter jurisdiction). NRCP 12(b)(1) requires this Court to dismiss an action in the  
13 absence of subject matter jurisdiction. *See also* NRCP 12(h)(3) (stating if it appears “that the court lacks  
14 jurisdiction of the subject matter, the court shall dismiss the action”). Plaintiff named the State of Nevada  
15 in his First Amended Complaint but did not accomplish personal service upon both the actual named  
16 defendant as well as the Nevada Attorney General’s office. *See* NRS 41.031(2)(a)–(b).

17           Bonham’s failure to personally serve Secretary of State Cegavske of the original Complaint  
18 deprives the Court of personal jurisdiction. “Personal service or a legally provided substitute must . . .  
19 occur in order to obtain jurisdiction over a party.” *C.H.A. Venture v. G.C. Wallace Consulting Eng’rs,*  
20 *Inc.*, 106 Nev. 381, 384 (1990).

21           Because Bonham deprived the Court of subject matter jurisdiction and personal jurisdiction over  
22 this case by failing to comply with statutory requirements and failing to personally serve Secretary of State  
23 Cegavske, the Court should dismiss this case in its entirety as a matter of law, and deny the Motion for  
24 Summary Judgment.

25           **C.       There May be Material Issues of Fact for the Jury**

26           NRCP 56(c)(1) states: “a party asserting that a fact cannot be or is genuinely disputed must  
27 support the assertion by: A) citing to particular parts of materials in the record, including depositions,

28 ///

documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials.

Plaintiff, in his Motion for Summary Judgment argues that the Secretary of State took an oath to support the Constitution. *See* Motion at 3:11. He then argues that the Secretary of State is the Legislative Record keeper. *Id.* at 3:2. However, he does not set forth any statute, rule or code that describes how this function must be accomplished. Plaintiff seems to think Secretary Cegavske has 100 years of legislative history in a box behind her desk. As he was told in the February 27, 2019 letter from the office of the Secretary of State, the documents he requires have been transferred to the State Archives. *Id.* at Exhibit 3. He has not shown that this procedure is a violation of the Constitution or the law. Therefore, he is not entitled to Summary Judgment.

Finally, Plaintiff has no evidence of personal damages. Even if he is correct, he has no standing to bring this action. In Nevada, standing is discussed as “... the legal right to set judicial machinery in motion.” *Heller v Legislature of the State of Nevada*, 120 Nev. 456 (2004). The *Heller* Court further held that to establish standing in a mandamus proceeding, the petitioner must demonstrate a “beneficial interest” in obtaining writ relief. Although the court has not defined “beneficial interest,” the California courts have: “To demonstrate a beneficial interest sufficient to pursue a mandamus action, a party must show a direct and substantial interest that falls within the zone of interests to be protected by the legal duty asserted.” *Lindelli v. Town of San Anselmo*, 111 Cal.App.4th 1099, 4 Cal.Rptr.3d 453, 461 (2003). Although this is not a Mandamus action, the standing issue is the same. Plaintiff does not have standing to bring this action and has proven no damages. He does not even allege damages in his Motion for Summary Judgment. Therefore, his motion should be denied.

## **VI. CONCLUSION**

In this case, Bonham, a prison inmate, alleges a breach of oath of office by the Secretary of State for failing to maintain or send him copies of “senate bills.” However, Bonham fails to identify any injury he has sustained, a private right of action that would allow him to pursue a claim, or even a known claim that would arise from his allegations. Bonham’s vague citations to constitutional provisions are insufficient for him to pursue any form of relief, under either tort or civil rights theory.

///

1 For these reasons, Secretary of State Cegavske respectfully requests that the Court deny Plaintiff's  
2 Motion for Summary Judgment.

3 **VII. EXHIBITS**

4 1. *Blankenship v. Cox*

5 DATED this 19th day of January, 2021.

6 AARON D. FORD  
7 Attorney General

8 By: /s/ Douglas R. Rands  
9 DOUGLAS R. RANDS, Bar No. 3572  
10 Senior Deputy Attorney General  
11 100 N. Carson Street  
12 Carson City, NV 89701  
13 (775) 684-1150  
14 drands@ag.nv.gov

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 Nevada, and that  
3 on the 19th of January 2021, I caused to be deposited for mailing a true and correct copy of the  
4 foregoing, **OPPOSITION TO MOTION FOR SUMMARY JUDGMENT**, to the following:

5 Bryan Bonham, #60575  
6 High Desert State Prison  
7 P.O. Box 650  
8 Indian Springs, NV 89070


9 /s/ Roberta W. Bibee  
10 An employee of the  
11 Office of the Attorney General  
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# EXHIBIT 1

Blakenship v. Cox

# EXHIBIT 1



 KeyCite Yellow Flag - Negative Treatment  
Distinguished by [Estate of Saucedo v. City of North Las Vegas](#), D.Nev.,  
March 30, 2019

2007 WL 844891

Only the Westlaw citation is currently available.  
United States District Court, D. Nevada.

Debi BLANKENSHIP, et al., Plaintiffs,  
v.  
Carl W. COX, et al., Defendants.

No. 3:05-CV-00357-RAM.

|  
March 19, 2007.

#### Attorneys and Law Firms

[Jeffrey A. Dickerson](#), Reno, NV, for Plaintiffs.

[Brent Ryman](#), [Thomas P. Beko](#), Erickson, Thorpe &  
Swainston, Ltd., Reno, NV, for Defendants.

#### ORDER

[ROBERT A. McQUAID, JR.](#), United States Magistrate  
Judge.

\*1 Before the court is Defendants' Motion for Summary  
Judgment. (Doc. # 16). Plaintiffs opposed the motion  
(Doc. # 30), and Defendants replied (Doc. # 34).

#### BACKGROUND

On September 5, 2003, around 6:48 in the evening,  
Defendant Carl. W. Cox, Jr. allegedly observed five  
juveniles seated in a circle on Spring Creek High School  
property. (Doc. # 16). As Defendant approached, the  
juveniles scattered and ran around the corner of the school  
building. (*Id.*) Defendant Cox asserts in his affidavit that

he observed smoke rising from the place from which the  
juveniles fled. (*Id.* at Exh. 16). He pursued them. (Doc. #  
16). There has been no evidence that Defendant yelled  
“stop, police!” or anything similar. (*See, Id.*). Defendant  
Cox allegedly “caught” two of the fleeing juveniles,  
Ashlee Odle and Talisa Thiele, who then allegedly  
informed Defendant Cox of the identities of the other  
three youths and pointed out Plaintiff Peevers and Sean  
Matthews, another youth. (*Id.*). By this time, Plaintiff  
Staci Blankenship had apparently escaped into a crowd of  
students. (*Id.*). Ms. Blankenship was not apprehended at  
that time but was later issued a notice to appear upon  
request. (*Id.*)

According to the account of events given by Plaintiff  
Peevers at her deposition, after questioning Plaintiff  
Peevers, Ms. Odle, and Ms. Thiele regarding who started  
the fire, and apparently unsatisfied with the “not me”  
answers that all three girls allegedly gave, Defendant Cox  
allegedly told the three girls to get in the back of his  
patrol car. (Doc. # 16, Exh. 2). Apparently the youths  
complied. (*Id.*). A short while later, when Defendant Cox  
returned to the car, Ms. Thiele allegedly informed  
Defendant Cox that Mr. Matthews was the one who  
started the fire. (*Id.*)<sup>1</sup> Defendant Cox then instructed  
Plaintiff Peevers and the other girls to get out of the  
vehicle. (*Id.*) Defendant Cox and another deputy then  
questioned Mr. Matthews and then Defendant Cox  
allegedly returned to where the girls were waiting and  
advised them that they were being placed under arrest for  
fourth degree arson. (*Id.*) The juveniles, according to  
Plaintiff Peevers, were handcuffed and placed in the  
cruiser. (*Id.*) However, it is not clear when the detained  
juveniles were handcuffed. Another deputy allegedly  
transported them to the juvenile detention center. (*Id.*)  
Plaintiffs allege that Defendant Cox did not investigate  
the scene and discover the burnt matter until after Plaintiff  
Peevers was arrested. (Doc. # 30).

Defendant Cox's version differs in some important  
respects. Most notably, in his affidavit he states that he  
went over to investigate the area where the juveniles had  
been gathered *before* they were placed in the cruiser and  
transported to the juvenile detention facility. (Doc. # 16,  
Exh. 1). He also denies ever handcuffing the juveniles.  
(*Id.*)

Defendant Deputy District Attorney Michelle Rodriguez  
filed a Delinquent Act Juvenile Petition against Plaintiff  
Peevers on November 11, 2003, alleging that Peevers  
committed an act of delinquency by violating  
[Nev.Rev.Stat. 205.020](#) (fourth degree arson). (Doc. # 16).  
On December 29, 2003, Defendant Rodriguez filed an

Amended Delinquent Act Juvenile Petition, amending the charges to a violation of [Nev.Rev.Stat. 475.010](#) (“Willful or negligent failure to guard or extinguish fire”). (*Id.*) Plaintiff Peevers was present for her initial appearance on those charges and denied the allegations. (*Id.*) The charges were later dismissed without further proceedings.

\*2 Plaintiff Debra Blankenship, mother of Staci Blankenship, first heard that her daughter might be in trouble when her sons arrived home from the football game and relayed a message from the police: the authorities were looking for Staci. (Doc. # 16). Mrs. Blankenship then apparently went to retrieve Staci from the friend’s house where she had planned to stay the night. (Doc. # 16, Exh. 12). Mrs. Blankenship alleges that that night she stayed up all night crying. (Doc. # 16, Exh.13). In her deposition Mrs. Blankenship testified regarding numerous contacts she made with the authorities, including taking her daughter to the Juvenile Detention Center the next morning. (*Id.*). Finally, Mrs. Blankenship was put in contact with Defendant Cox, who allegedly assured her that her daughter would not be arrested at school (apparently a fear of Mrs. Blankenship’s) and made an appointment to come to the Blankenship home to discuss the incident with Staci Blankenship. (*Id.*) At that meeting, Defendant Cox issued Staci Blankenship a “Notice of Juvenile Violation.” (Doc. # 16, Exh. 15). Later, on December 22, 2003 a juvenile petition was filed against Staci Blankenship, charging her with commission of a delinquent act for violation of [Nev.Rev.Stat. 475.010](#) (“Willful or negligent failure to guard or extinguish a fire”). (Doc. # 16). Ms. Blankenship appeared at the initial hearing on January 20, 2003 and denied the allegations. (*Id.*). The charges were later dismissed without further proceedings. (*Id.*).

#### *Claims in the Peevers/Noland Suit*

Plaintiff Peevers, her mother, Plaintiff Lana Noland, and her stepfather, Plaintiff Jeffrey Noland, filed suit on November 10, 2005 alleging in the first claim for relief that Defendant Elko County violated the Plaintiff’s Fourth Amendment rights in violation of [42 U.S.C. § 1983](#) because its custom or policy proximately caused damages to Plaintiff, in the second claim for relief that Defendant Cox violated Plaintiff’s Fourth Amendment rights, in the third claim for relief that the Defendant Cox is liable to Plaintiff Peevers for the tort of outrage (intentional infliction of emotional distress), in the fourth claim for relief that Defendant Cox is liable to Plaintiffs Jeffrey and Lana Noland for negligent infliction of emotional distress, in the fifth claim for relief that Defendant Cox committed

battery against Plaintiff Peevers, in the sixth claim for relief that Elko County Assistant District Attorney Michelle Rodriguez maliciously prosecuted Plaintiff Peevers and that Elko County is liable for Ms. Rodriguez’s actions, in the seventh claim for relief that Defendant Cox made a false arrest of Plaintiff Peevers in violation of Nevada State Law, in the eighth claim for relief that Defendant Cox falsely imprisoned Plaintiff Peevers in violation of Nevada State Law, in the ninth claim for relief that Defendant Cox maliciously prosecuted Plaintiff Peevers in violation of Nevada State Law, in the tenth claim for relief that Defendant Elko County is liable to Plaintiffs (not specific as to which Plaintiffs) for negligent infliction of emotional distress, and in the eleventh claim for relief that Defendant Elko County is liable for malicious prosecution for the conduct of its Deputy District Attorney, Michelle Rodriguez. (Doc. # 2 in 3:04-cv-00643-RAM). The defendants made a motion to dismiss the sixth and eleventh claims for relief. (Doc. # 9 in 3:04-cv-00643-RAM). The court denied the motion as to the sixth claim for relief and granted it as to the eleventh claim. (Doc. # 13 in 3:04-cv-00643-RAM).

#### *Claims in the Blankenship Suit*

\*3 Plaintiff Staci Blankenship and her parents, Plaintiffs Debi and Rick Blankenship, filed suit on July 13, 2005 alleging in the first claim for relief that Defendant Elko County had a custom or policy that violated Plaintiff Staci Blankenship’s Fourth Amendment rights in violation of [42 U.S.C. § 1983](#), in the second claim for relief that Defendant Cox violated Plaintiff Staci Blankenship’s Fourth Amendment rights in violation of [section 1983](#),<sup>2</sup> in the third claim for relief that Defendant Cox is liable to Plaintiff Staci Blankenship for the tort of outrage (intentional infliction of emotional distress) and that Defendant Elko County is also liable because it ratified Defendant’s actions, in the fourth claim for relief that Defendant Cox is liable to Plaintiffs for negligent infliction of emotional distress (not specific as to which Plaintiffs), in the fifth claim for relief that Elko County Assistant District Attorney Michelle Rodriguez maliciously prosecuted Plaintiff Staci Blankenship and that the malicious prosecution was engaged in pursuant to a custom or policy of Elko County and as such Elko County violated Plaintiff Staci Blankenship’s rights under [section 1983](#), in the sixth claim for relief that Defendant Cox is liable for malicious prosecution of Plaintiff Staci Blankenship under Nevada State law, and in the seventh claim for relief that Defendant Elko County is liable for the (1) negligent infliction of emotional distress, (2) false

arrest, (3) false imprisonment, and (4) malicious prosecution. (Doc. # 2).

The two cases were later consolidated on July 21, 2005. (Doc. # 10)\_

## DISCUSSION

### I. Standard for Summary Judgment

The purpose of summary judgment is to avoid unnecessary trials when there is no dispute as to the facts before the court. *Northwest Motorcycle Ass'n v. U.S. Dep't of Agric.*, 18 F.3d 1468, 1471 (9th Cir.1994). The moving party is entitled to summary judgment where, viewing the evidence and the inferences arising therefrom in favor of the nonmovant, there are no genuine issues of material fact in dispute and the moving party is entitled to judgment as a matter of law. Fed.R.Civ.P. 56©; *Bagdadi v. Nazar*, 84 F.3d 1194, 1197 (9th Cir.1996). Judgment as a matter of law is appropriate where there is no legally sufficient evidentiary basis for a reasonable jury to find for the nonmoving party. Fed.R.Civ.P. 50(a). Where reasonable minds could differ on the material facts at issue, however, summary judgment is not appropriate. *Warren v. City of Carlsbad*, 58 F.3d 439, 441 (9th Cir.1995), cert. denied, 516 U.S. 1171 (1996).

The moving party bears the burden of informing the court of the basis for its motion, together with evidence demonstrating the absence of any genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Once the moving party has met its burden, the party opposing the motion may not rest upon mere allegations or denials of the pleadings, but must set forth specific facts showing that there is a genuine issue for trial. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). Although the parties may submit evidence in an inadmissible form, only evidence which might be admissible at trial may be considered by a trial court in ruling on a motion for summary judgment. Fed.R.Civ.P. 56(c); *Beyene v. Coleman Sec. Serv., Inc.*, 854 F.2d 1179, 1181 (9th Cir.1988).

\*4 In evaluating the appropriateness of summary judgment, three steps are necessary: (1) determining whether a fact is material; (2) determining whether there is a genuine issue for the trier of fact, as determined by

the documents submitted to the court; and (3) considering that evidence in light of the appropriate standard of proof. *Anderson*, 477 U.S. at 248. As to materiality, only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment. Factual disputes which are irrelevant or unnecessary will not be considered. *Id.* Where there is a complete failure of proof concerning an essential element of the nonmoving party's case, all other facts are rendered immaterial, and the moving party is entitled to judgment as a matter of law. *Celotex*, 477 U.S. at 323. Summary judgment is not a disfavored procedural shortcut, but an integral part of the federal rules as a whole. *Id.*

### II. Probable Cause to Arrest under the Fourth Amendment

The Peevers/Noland complaint alleges that Plaintiff Peevers has a cause of action under the Fourth Amendment against Defendant Elko County in the first claim for relief and against Defendant Cox in the second claim for relief. Although the complaint does not explicitly say so, the implication is that these claims relate to the alleged wrongful arrest of Plaintiff Peevers.<sup>3</sup> The Blankenship complaint alleges that Plaintiff Staci Blankenship has a cause of action under the Fourth Amendment against Defendant Elko County in the first claim for relief and against Defendant Cox in the second claim for relief. Again, although the complaint does not explicitly say so, the implication is that these claims relate to an alleged wrongful arrest of Plaintiff Staci Blankenship.

The Fourth Amendment protects "[t]he right of people to be secure in their persons, houses, papers, and effects, against unreasonable search and seizure." U.S. Const. Amend. IV.

An arrest made without a warrant requires a showing of probable cause. *Gilker v. Baker*, 576 F.2d 245, 246 (9th Cir.2001). An arrest made without probable cause or other justification provides the basis for a claim of unlawful arrest under § 1983 as a violation of the Fourth Amendment. *Dubner v. City of San Francisco*, 266 F.3d 959 (9th Cir.2001). A warrantless arrest is reasonable where the officer has probable cause to believe a crime has been or is being committed. *Devenpeck v. Alford*, 543 U.S. 146, 152 (2004). "If an officer has probable cause to believe that an individual has committed even a very minor criminal offense in his presence, he may, without violating the Fourth Amendment, arrest the offender."

*Atwater v. City of Lago Vista*, 532 U.S. 318, 354 (2001). Whether a police officer has probable cause to arrest is ascertained by looking at the facts known to the officer at the time of the arrest. *Turner v. County of Washoe*, 759 F.Supp. 630, 634 (D.Nev.1991). Probable cause exists if the facts and circumstances within the person's knowledge and of which they have reasonably trustworthy information are sufficient to warrant a prudent man in believing that the person had committed a crime. *Id.*

\*5 The existence of probable cause vitiates any claim of unlawful arrest. *Pierson v. Ray*, 386 U.S. 547 (1967); *Wyatt v. Cole*, 504 U.S. 158, 165 (1992); *Turner*, 759 F.Supp. at 633 ("It has long been established that a police officer who arrests with probable cause is immune from suit in a civil rights action."). Whether charges are later dismissed does not affect the determination of whether probable cause existed to support the arrest. *Beauregard v. Wingard*, 362 F.2d 901, 903 (9th Cir.1996).

In a section of Defendants' motion dealing with probable cause to arrest, Defendants cite a number of cases, such as *Dutt v. Kremp*, 108 Nev. 1076, 1080, 844 P.2d 786, 789 (1992), dealing with probable cause to prosecute. Appearing where it does in Defendants' argument, this section of the motion appears to assert that the standard applicable for probable cause to prosecute also applies when evaluating probable cause to arrest. (Doc. # 16). This is incorrect. Probable cause to arrest and probable cause to prosecute are separate inquiries.<sup>4</sup> Although it is for the trial court to determine the issue of probable cause, as a matter of law, in a criminal prosecution, in a [section 1983](#) action, conflicts in the evidence must be resolved by the jury. *McKenzie v. Lamb*, 738 F.2d 1005, 1008 (9th Cir.1984) (holding that "summary judgment is appropriate only if no reasonable jury could find that the officers did or did not have probable cause to arrest.")

First, although the Blankenship complaint alleges that Defendant Cox "failed to exercise reasonable care as to avoid false arrest" only the seventh claim for relief (against Elko County) directly claims that Plaintiff was arrested without probable cause. (Doc. # 2). Plaintiffs' first and second claims for relief are vague as to how the Defendants (Defendant Elko County, in claim one, and Defendant Cox in claim two) violated Plaintiffs' rights. (Doc. # 2). The undisputed facts before this court indicate that Plaintiff Staci Blankenship was not, in fact, arrested at all, but merely issued an order to appear. (Doc. # 18, Exh. 15). Plaintiffs' reply (Doc. # 30) does not address Plaintiff Staci Blankenship's alleged unlawful arrest and the court is unaware of any evidence showing that Plaintiff Staci Blankenship was actually arrested. As such,

insofar as Plaintiff Staci Blankenship's first and second claims for relief are based on an alleged unlawful arrest, the motion for summary judgment is **GRANTED**. Defendants' motion for summary judgment is also **GRANTED** as to the unlawful arrest claim in Plaintiff Blankenship's seventh claim for relief.

Defendants also suggest that Plaintiff Peevers was not arrested, but merely detained. (Doc. # 16, # 34). However, it is well settled that a detention ripens into arrest where a reasonable person would believe he is not free to leave after brief questioning. *United States v. Del Vizo*, 918 F.2d 821 (9th Cir.1990) (holding use of handcuffs an important factor in determining that an arrest occurred). Whether or not the person is "free to leave" is evaluated from the perspective of the person seized. *United States v. Delgadillo-Vasquez*, 856 F.2d 1292 (9th Cir.1988). In *Benitez-Mendez v. INS*, 760 F.2d 907, 909 (9th Cir.1983), the Ninth Circuit found that the Plaintiff was seized once he was placed in the police cruiser and that he reasonably "would have believed he was not free to leave. [citation omitted]."

\*6 Here, Plaintiff Peevers was handcuffed, placed in the back of the police car, and transported to the juvenile detention facility. Although a dispute exists regarding when Plaintiff was handcuffed, the court finds that the incident in question exceeded a mere detention and ripened into an arrest when Plaintiff was placed in the back of the cruiser. No teenager would think they were free to get out of a police vehicle and leave without permission from the officer. Thus, Defendant Cox needed probable cause to arrest, not just reasonable suspicion to stop and question.

Here, Defendants present various theories regarding the offense for which Defendant allegedly had probable cause to arrest Plaintiff Peevers: (1) obstructing an officer in his legal duty in violation of [Nev.Rev.Stat. 197.190](#), (2) arson in the fourth degree in violation of [Nev.Rev.Stat. 205.025](#), and (3) juveniles in need of supervision under [Nev.Rev.Stat. 62C.010\(1\)\(b\)](#).<sup>5</sup>

Defendants claim that, as a matter of law, unprovoked headlong flight constitutes obstructing a public officer in his legal duty in violation of [Nev.Rev.Stat. 197.190](#). (Doc. # 16). The court, however, does not find the cases cited by Defendant to be persuasive or conclusive on this matter. The portion of *State v. Lisenbee*, 116 Nev. 1124, 1130, 13 P.3d 947, 951 (2000), that Defendants cite is vague as to what "public policy" was violated by Mr. Lisenbee's flight from the officers, and, moreover, is dicta. At best, the "public policy" mentioned in *Lisenbee* permits third parties to exercise force against a police officer where the



third party has witnessed the police using unlawful or excessive force on another, see *Batson v. State*, 113 Nev 669, 676 (1997). Moreover, Defendants' citations refer to cases dealing with violation of Nev.Rev.Stat. 199.280 (resisting public officer), not 197.190 (obstructing public officer). Flight does not, per se, constitute a violation of Nev.Rev.Stat. 197.190. There are many reasons why an individual might flee from the police, many of them unrelated to a desire to obstruct the police in their duties. The court does not find juveniles fleeing from the police indicative of wrongdoing. While unprovoked flight combined with other circumstances might give the police reason to stop and question a fleeing individual, see *Illinois v. Wardlow*, 528 U.S. 119 (2000) (where police had reasonable suspicion to stop and question a suspect who fled from a high-narcotics area after noticing police), unprovoked flight does not, by itself, give probable cause to arrest. As stated earlier, whether Defendant Cox had reasonable suspicion to stop and question the juveniles is not the issue in this case. Further, there remains a dispute of material fact regarding whether the statements Plaintiff Peevers made in response to Defendant Cox's question were "willfully untrue, misleading or exaggerated" or whether Peevers, by making the statements, "willfully hinder[ed], delay[ed] or obstruct[ed]" Defendant Cox in the discharge of his duties. The evidence before the court shows that Peevers answered "not me" when asked who started the fire. Further, before they were arrested Peevers and her juvenile companions informed Defendant of the identity of the juvenile who started the fire. The plain language of the statute requires that the offender act willfully. The facts before the court are such that a reasonable jury could find that Defendant Cox did not have probable cause to arrest Peevers for the offense of "obstructing public officer." Nev.Rev.Stat. 197.190.

\*7 Defendants also argue that summary judgment should be granted as to Plaintiff's claim of false arrest because the Plaintiff Peevers' presence around the fire "fully supported" the arrest. (Doc. # 16). Defendants cite many cases as examples of situations in which law enforcement was justified in arresting more than one individual because it could not be determined precisely who was responsible for the criminal conduct at issue. See, e.g., *Maryland v. Pringle*, 530 U.S. 366 (2003) (where all three passengers of a car denied ownership of a bag of cocaine discovered therein). The evidence before the court at this time indicates that the juveniles jumped up and fled when they noticed Defendant Cox and that he observed some smoke rising from the area they had just abandoned. (Doc. # 16). Defendant Cox then pursued the fleeing juveniles around the corner of the high school. (*Id.*). After Defendant Cox placed Plaintiff Peevers and her juvenile companion in his patrol car, thereby arresting them, he

went back to examine the area from which the juveniles had fled. Defendant Cox asserts in his affidavit that it was when he returned to this scene that he discovered the "burnt grass, several smoked cigarettes, and a burnt piece of wood." (*Id.*). This subsequently discovered evidence could not have contributed to the probable cause that Defendant Cox allegedly had when he arrested Plaintiff Peevers because he did not discover it until after Plaintiff had already been placed in the patrol car.<sup>6</sup> Thus, the analysis applied above to Defendants' argument regarding probable cause to arrest for obstructing also applies here to Defendants' claim that summary judgment should be granted as to whether Defendant had probable cause to arrest Peevers. It is for a jury to decide whether Defendant had probable cause at the time of the arrest, based on the smoke observed and the flight of the juveniles, to arrest Plaintiff Peevers for fourth degree arson. The facts before the court indicate that the burnt items were not discovered until *after* Peevers was arrested. Thus, those facts could not contribute to probable cause to arrest. We think a reasonable jury could find that the flight and smoke, without more, did not give rise to probable cause to arrest.

In Defendants' reply brief they assert that Plaintiff Peevers was never arrested, but rather that she was simply taken into custody because she was "in need of supervision" and as such her detention was justified and lawful even if there was no probable cause to arrest her for the offenses discussed above. (Doc. # 34). First, as the court explained above, Peevers' detention ripened into an arrest when she was placed in the police cruiser. *Supra*. Next, the facts before the court do not permit us to find that Plaintiff Peevers was, as a matter of law, in need of supervision. If this were so, then the police could conceivably claim that every unattended minor is in need of supervision and so could be detained without probable cause. We think that a reasonable jury could find that the facts of this case did not indicate that Plaintiff Peevers was in need of supervision.

\*8 For the foregoing reasons, Defendants' motion for summary judgment on Plaintiff Peevers' claim of violation of her Fourth Amendment rights by false arrest is ***DENIED***.

### III. Malicious Prosecution/Probable Cause to Prosecute under the Fourth Amendment

The Peevers/Noland complaints alleges causes of action for malicious prosecution in the sixth claim for relief against Defendant Elko County for the actions of its Deputy District Attorney, Michelle Rodriguez, and in the

ninth claim for relief against Defendant Cox. The Blankenship complaint alleges causes of action for malicious prosecution in the fifth claim for relief against Defendant Elko County for the actions of its Deputy District Attorney, Michelle Rodriguez, and in the sixth claim for relief against Defendant Cox.

Under Nevada law, the Plaintiff must satisfy four elements to make out a prima facie case for malicious prosecution: (1) want of probable cause to initiate the prior criminal proceeding; (2) malice; (3) termination of the prior criminal proceedings; and (4) damage. *Chapman v. City of Reno*, 455 P.2d 619, 620, 85 Nev. 365, 369 (1969); see also *Jordan v. Bailey*, 994 P.2d 828, 834, 113 Nev. 1038, 1047 (1997). In this motion, Defendants contend only that there did exist probable cause to institute the proceedings against the minor Plaintiffs; they do not attack the other elements of Plaintiffs' claims or contend that the Defendants did not actually initiate any proceedings against the Plaintiffs.<sup>7</sup> Thus, for purposes of this order, we need only consider whether there exist any disputes of material fact regarding whether there was probable cause to prosecute.

Under Nevada law, want of probable cause is judged by an objective test. *Jordan v. Bailey*, 994 P.2d at 834, 113 Nev. at 1047. Defendants are incorrect, however, that determination of probable cause is a purely legal question. The cases to which Defendants cite all support the proposition that where there exists no dispute as to the material facts relied upon in filing the previous action, the issue is one of pure law. See, e.g., *Dutt v. Kremp*, 844 P.2d 786, 789, 108 Nev. 1076, 1080 (1992), *Bonamy v. Zenoff*, 362 P.2d 445, 447, 77 Nev. 250, 252 (1961). Here, however, Defendants have not shown that no disputes of material fact remain.<sup>8</sup>

Although Defendants cite to law relevant to the malicious prosecution issues, they do not apply the facts of this case to the law. The citations they do provide appear in the section devoted to arguments regarding probable cause to arrest, where, logically, the analysis is devoted to probable cause to arrest, not probable cause to prosecute. In the section purporting to address the issue of probable cause to prosecute (beginning at Doc. # 16, p. 25), Defendants' argument that "it was plainly obvious that these juveniles were jointly participating in an [sic] wrongful and illegal act" does not direct the court's attention to any admissible evidence supporting that assertion. Further, it quickly devolves into arguments regarding probable cause to arrest, concluding the fourth paragraph of the section with the assertion that "[t]herefore, all of the youth were properly taken into custody under Nevada law," even though the issue is

probable cause to prosecute, not arrest or detention. (Doc. # 16, p. 26). The remaining five and one half pages of this section discuss cases dealing with probable cause to arrest suspects where it cannot be determined with certainty which, of several individuals present, was responsible for the alleged criminal conduct.

\*9 Given the conflation of the issues, at best the court is left with Defendants' argument that the filing of charges against Plaintiff Peevers for Fourth Degree Arson (Nev.Rev.Stat. 205.025) and the subsequent filing of charges against both minor Plaintiffs for Willful or Negligent Failure to Guard or Extinguish Fire (Nev.Rev.Stat. 475.010) was supported by the Plaintiffs' presence around the fire. Thus, the question is whether the Plaintiffs' presence around the fire (such presence being undisputed) gives rise to probable cause to prosecute for (1) Fourth Degree Arson, and (2) Willful or Negligent Failure to Guard or Extinguish Fire as a matter of law.

#### *Fourth Degree Arson*

Nev.Rev.Stat. 205.025 provides:

1. A person who willfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in NRS 205.010; 205.015; and 205.020, or who commits any act preliminary thereto or in furtherance thereof, is guilty of arson in the fourth degree [sic] which is a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$5,000.

2. In any prosecution under this section [sic] the placing or distributing of any inflammable, explosive or combustible material or substance, or any device in any building or property mentioned in NRS 205.010; [sic], 205.015; and 205.020, in an arrangement or preparation eventually to set fire to or burn the building or property, or to procure the setting fire to or burning of the building or property, is prima facie evidence of a willful attempt to burn or set on fire the property.

The court reads "willfully or maliciously" to be an essential element of the crime. The defendants have not presented any evidence showing that Defendant Rodriguez had probable cause to believe that Plaintiff Peevers had the requisite mental state. Mere presence around the fire does not give rise to probable cause to prosecute for Fourth Degree Arson.

The court notes that although their briefs never cite to it,

the Defendants attached exhibit 22, the affidavit of Deputy District Attorney Michelle Rodriguez, to the instant motion. In it, she admits that “It appeared clear to me that someone had intentionally set a small fire ... I could not determine from the materials presented [to me by the Juvenile Division of the Fourth Judicial District Court] who started the fire, but I felt that if Ms. Peevers did not actually start the fire she would have been an accomplice in the process.” The affidavit attaches the documents Defendant Rodriguez relied upon in making her determination, which includes (1) a Sheriff’s Office Offense Report from Defendant Cox, (2) an Elko County Juvenile Probation Police Synopsis Report (providing Defendant Cox’s report), (3) an Elko County Sheriff’s witness statement form from Plaintiff Staci Blankenship, and (4) copies of photos of the area where the incident allegedly occurred. (Doc. # 19, Exh. 22). None of these documents indicates willfulness or maliciousness on the part of Plaintiff Peevers. At best, it provides the hearsay statement of Plaintiff Blankenship that Plaintiff Peevers smoked a cigarette.

**\*10** Given the above, the court finds that the undisputed fact that Defendants have provided (Plaintiff Peevers’ presence around the fire) does not, by itself, provide probable cause to prosecute for Fourth Degree Arson. As such, Defendants’ motion for summary judgment on Plaintiffs’ claim of malicious prosecution (in the sixth claim for relief against Elko county for the actions of Deputy District Attorney Rodriguez and in the ninth claim for the relief against Defendant Cox) is **DENIED**.

*Willful or Negligent Failure to Guard or Extinguish Fire* Nev.Rev.Stat. 475.010 provides:

Every person who willfully or negligently sets or fails to guard carefully or extinguish any fire, whether on his own land or the land of another, whereby the timber or property of another is endangered is guilty of a misdemeanor.

Like the statute above, the court reads “willfully or negligently” to be an essential element of the crime. Likewise, the Defendants have not here presented any evidence showing that Ms. Rodriguez had probable cause to believe that Plaintiff Peevers and Plaintiff Staci Blankenship had the requisite mental state. Mere presence around the fire does not give rise to probable cause showing that the Plaintiffs were willful or negligent in their guarding of the fire. At minimum, Defendants must show that Defendant Rodriguez had probable cause to believe that the Plaintiffs had not exercised due care in

guarding the fire. Rather, the undisputed fact that the two minors were standing around the fire gives rise to an inference that they *were* guarding the fire, at least until they retreated around the corner of the building. Without more, such evidence is insufficient to support a charge of Willful or Negligent Failure to Guard or Extinguish Fire under Nev.Rev.Stat. 475.010. As such, Defendants’ motion for summary judgment on Plaintiffs’ claims of malicious prosecution (in the sixth and ninth claims for the relief in the Peevers complaint and in the fifth and sixth claims for relief in the Blankenship complaint) is **DENIED**.

#### IV. Qualified Immunity Standard

Under certain circumstances state officials are entitled to qualified immunity when sued in their personal capacities. *Carey v. Nevada Gaming Control Board*, 279 F.3d 873, 879 (9th Cir.2002). When a state official reasonably believes his or her acts were lawful in light of clearly established law and the information they possessed, the official may claim qualified immunity. *Kennedy v. Los Angeles Police Dept.*, 901 F.2d 702, 706 (9th Cir.1985). Where “the law did not put the officer on notice that his conduct would be clearly unlawful, summary judgment based on qualified immunity is appropriate.” *Saucier v. Katz*, 533 U.S. 194, 202 (2001).

In analyzing whether the defendant is entitled to qualified immunity, the court must consider two issues. First, the court must make a threshold inquiry into whether the plaintiff alleges deprivation of a constitutional right. *Hope v. Pelzer*, 536 U.S. 730, 736 (2000); *Saucier*, 533 U.S. at 201. If no constitutional violation occurred, the court need not inquire further. *Saucier*, 533 U.S. at 201. If a constitutional violation did occur then the court must next establish whether the right was clearly established at the times of the alleged violation such that the official could have reasonably, but mistakenly, believed that his or her conduct did not violate a clearly established right. *Saucier*, 533 U.S. at 202.

**\*11** Here, Defendants argue that Defendant Cox is entitled to qualified immunity in regards to Plaintiffs’ claims of Fourth Amendment violations. First, Plaintiff Peevers has alleged deprivation of her Fourth Amendment right to be free from unreasonable search and seizure, since she has alleged that Defendant Cox lacked probable cause when he placed her under arrest. If he did lack probable cause then her rights have been violated. Because summary judgment has already been granted as to Plaintiff Blankenship’s Fourth Amendment claims, the



court need not reach the question of qualified immunity as it pertains to her claims.

Next, we turn our inquiry to whether this right was clearly established such that a reasonable officer in Defendant Cox's position could reasonably, but mistakenly, believe that his conduct did not violate the Plaintiff Peevers' constitutional rights. It was clearly established at the time of the alleged events that a detention ripens into an arrest where a reasonable person would believe he is not free to leave after brief questioning. *United States v. Del Vizo*, 918 F.2d 821. Further, as stated above, whether or not the person is "free to leave" is evaluated from the perspective of the person seized. *United States v. Delgadillo-Vasquez*, 856 F.2d 1292. As explained above, in this case Plaintiff Peevers was handcuffed, placed in the back of the police car, and transported to the juvenile detention facility. The court finds that this exceeded a mere detention and ripened into an arrest. Further, the court finds that it ripened into an arrest at the moment the Plaintiff was placed in the back of the police car, regardless of whether she was handcuffed then or whether it was not until later that she was handcuffed. The facts before this court indicate that Plaintiff was placed in the police car before he went over to examine the burnt grass, etc. Given the chronology, no reasonable officer in Defendant Cox's position could have thought that he had probable cause to arrest Plaintiff Peevers at that time. While he may have had reasonable suspicion such that he would be justified in stopping Plaintiff and her companions and questioning them about their involvement in the incident, he needed additional facts before he could have reasonably be said to have had probable cause to arrest. As such, under these circumstances Defendant is not entitled to qualified immunity.

### III. Emotional Distress claims

Defendants ask the court to find that Plaintiffs' cause of action for intentional infliction of emotional distress "fails to state a viable claim for relief." This is essentially a motion to dismiss, under Fed.R.Civ.P. 12(b)(6). "A dismissal under Fed.R.Civ.P. 12(b)(6) is essentially a ruling on a question of law." *North Star Int'l v. Ariz. Corp. Comm.*, 720 F.2d 578, 580 (9th Cir.1983) (citation omitted). In considering a motion to dismiss for failure to state a claim upon which relief may be granted, all material allegations in the complaint are accepted as true and are to be construed in a light most favorable to the non-moving party. *Cahill v. Liberty Mut. Ins. Co.*, 80 F.3d 336, 337–38 (9th Cir.1996) (citation omitted). For a defendant-movant to succeed, it must appear to a certainty

that a plaintiff will not be entitled to relief under any set of facts that could be proven under the allegations of the complaint. *Id.* at 338. A complaint may be dismissed as a matter of law for, "(1) lack of a cognizable legal theory or (2) insufficient facts under a cognizable legal claim." *Smilecare Dental Group v. Delta Dental Plan*, 88 F.3d 780, 783 (9th Cir.1996) (quoting *Robertson v. Dean Witter Reynolds, Inc.*, 749 F.2d 530, 534 (9th Cir.1984)).

\*12 Under Nevada law the tort of outrage, or intentional infliction of emotional distress (IIED), consists of four elements: "(1) extreme and outrageous conduct on the part of the defendant; (2) intent to cause emotional distress or reckless disregard for causing emotional distress; (3) that the plaintiff actually suffered extreme or severe emotional distress; and (4) causation." *Miller v. Jones*, 114 Nev. 1291, 1300, 970 P.2d 571, 577 (1998).

Here, Plaintiff Peevers makes a claim against Defendant Cox for the tort of outrage in her third claim for relief. The third claim for relief also makes a claim against Defendant Elko County on the basis that they ratified the allegedly tortious action of Defendant Cox. Plaintiff Blankenship's third claim for relief also makes a claim against Defendant Cox for the tort of outrage and against Defendant Elko County for ratifying his allegedly tortious conduct. The facts that Plaintiffs allege support these claims are set forth above. The conduct complained of by Plaintiffs does not rise to the level of extreme and outrageous and Plaintiffs have not alleged that they have suffered severe emotional distress. (Doc. # 2 in 05–00357 and Doc. # 2 in 04–00643). Rather, they both allege that the minors experienced simple "emotional distress." (*Id.*). The only "severe emotional distress" alleged in the complaints is that of the parent Plaintiffs. Thus, Plaintiffs have failed to state a claim for IIED. Defendant's motion to dismiss Plaintiff's claims of intentional infliction of emotional distress is **GRANTED**.

Next, Defendants claim that the parental claims for negligent infliction of emotional distress also fail as a matter of law because they are derivative of the minors' claims and thus the infirmities in those claims are fatal to these claims as well. Defendants provide the court with absolutely no authority for this proposition, nor any analysis besides the conclusory statement recounted in this paragraph.<sup>9</sup> In fact, negligent infliction of emotional distress is a completely separate tort from IIED. Under the local rules, "[a]ll motions ... shall be supported by a memorandum of points and authorities." D. Nev. R. 7–2(a) (motions). "The failure of a moving party to file points and authorities in support of the motion shall constitute a consent to the denial of the motion." D. Nev. R. 7–2(d) (motions). Thus, the briefing before the court



does not provide sufficient grounds on which the court can grant the motion as to the negligent infliction of emotional distress claims. As such, the motion to dismiss Plaintiffs' claims of negligent infliction of emotional distress is **DENIED**.

#### IV. Battery claims

Plaintiff Peevers asserts a claim of battery against Defendant Cox in her fifth claim for relief. The Blankenship complaint does not include any causes of action for battery. Defendants argue that the battery claim should be dismissed because the arrest was lawful and thus there can be no battery claim based on the arrest. First, as we indicated above, the arrest of Plaintiff Peevers was not clearly lawful. Thus, Defendants argument on this ground must fail. Second, Defendants have not provided a single citation to any authority in the section of their motion requesting summary judgment on the battery claim. It is not the court's duty to do Defendants' legal research. A motion for summary judgment should be granted only where "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." [Fed.R.Civ.P. 56\(c\)](#). Further, as stated above, under the local rules, "[a]ll motions ... shall be supported by a memorandum of points and authorities." D. Nev. R. 7-2(a) (motions). "The failure of a moving party to file points and authorities in support of the motion shall constitute a consent to the denial of the motion." D. Nev. R. 7-2(d) (motions). Here, Defendants failure to provide any points and authorities regarding the Nevada state law governing battery claims makes the pleadings an insufficient basis on which to grant the motion. Defendants have not met their burden. Accordingly, the motion for summary judgment on the battery claim is **DENIED**.

#### VI. Policy or Custom of Elko County claim and claims that Deputy District Attorney Michelle Rodriguez was a policy maker for Elko County

\*13 Both complaints assert a claim against Elko County for violations of Plaintiffs' constitutional rights: the Blankenship complaint for violation of the minor Blankenship's Fourth Amendment rights under [section 1983](#) and the Noland/Peevers complaint for violation of Peevers's Fourth Amendment rights under [section 1983](#).

(Doc. # 16). Defendants argue that there is no evidence of any custom or practice which caused the deprivation of the Plaintiffs' Constitutional rights. (*Id.*). Defendants also argue that claims arising from the actions of Deputy District Attorney Michelle Rodriguez also must fail because she was not a "policy maker." (*Id.*). Again, Defendants fail to cite to any legal authority in the sections of their motion in which they raise these arguments. As stated above, the local rules require that the motion be supported by points and authorities. D. Nev. R. 7-2(a) (motions). Failure to provide such authority constitutes consent to a denial of the motion. D. Nev. R. 7-2(d) (motions). Accordingly, because Defendants motion fails to provide points and authorities on the issue of Elko County's liability, either for any custom or policy it allegedly had that violated the Plaintiffs' rights under the Fourth Amendments or for any liability it might have incurred based on the actions of Ms. Rodriguez, the motion is **DENIED**.

#### ORDER

**IT IS HEREBY ORDERED** that the Defendant's motion for summary judgment (Doc # 16) be **GRANTED** as to Plaintiff Staci Blankenship's first and second claims for relief (related to violation of her Fourth Amendment rights), **GRANTED** as to Plaintiff Blankenship's unlawful arrest claims from her seventh claim for relief, and **GRANTED** as to Plaintiffs Peevers and Staci Blankenship's claims of intentional infliction of emotional distress. The motion for summary judgment on Plaintiff Peevers' claim of violation her Fourth Amendment rights by false arrest is **DENIED**. The motion for summary judgment on Plaintiffs' claims of malicious prosecution (in the sixth and ninth claims for the relief in the Peevers complaint and in the fifth and sixth claims for relief in the Blankenship complaint) is **DENIED** as to the prosecutions for both Fourth Degree Arson and Willful or Negligent Failure to Guard Fire. The motion to dismiss Plaintiffs' claims of negligent infliction of emotion distress is **DENIED**. The motion for summary judgment on the battery claim is **DENIED**. Finally, the motion for summary judgment on the issue of Elko County's liability is also **DENIED**.

#### All Citations

Not Reported in F.Supp.2d, 2007 WL 844891

Footnotes

- 1 Further, Mr. Matthews, in his deposition, testified that Defendant Cox “singled [him] out” as the responsible party after smelling his fingers, thus giving rise to an inference that Defendant Cox knew that Plaintiff Peevers and Plaintiff Staci Blankenship were not responsible at the time he arrested them. (Doc. # 19, Exh. 22). Further, the Defendants admit in their brief that Mr. Matthews admitted to starting the fire at his delinquency hearing, which was sometime in December (although the portion of his deposition that would likely include the date this occurred in December has not been provided to the court). Thus, it is unclear whether Defendant Rodriguez knew that Mr. Matthews was responsible for the fire but pursued the charges against Plaintiffs Peevers and Blankenship anyway.
- 2 The first and second claims for relief in the Blankenship complaint actually allege that Plaintiff’s “Fourteenth Amendment” rights were violated. The court assumes counsel actually meant to assert that Plaintiff’s “Fourth Amendment” rights were violated and so considers the present motion accordingly. Plaintiffs’ counsel is reminded to be more careful in future filings.
- 3 The Peevers/Noland complaint also includes a cause of action by Plaintiff Peevers against Defendant Cox for the tort of false arrest under Nevada State Law. The Defendants have not raised any arguments about this claim and so it is not addressed along with the other claims relating to the arrest.
- 4 Defendants motion also discusses at some length the standard governing sufficient cause for a “stop”. This also confuses the issues. Plaintiffs here do not claim that Defendants did not have sufficient cause to stop and question the juveniles regarding the fire; Plaintiffs’ claims relate to the arrest and subsequent charges filed against the minor Plaintiffs and the subsequent alleged emotional distress experienced by the minor Plaintiffs’ parents and the minor Plaintiffs themselves.
- 5 The parties should take note that Defendants’ citation to “NRS 62C.0110” seems to be a mistake as there is no such statute. The court assumes that Defendants meant to cite to [Nevada Revised Statutes 62C.010](#) (Captioned: “Grounds for taking child into custody; notification of parent or guardian of child and probation officer; release or further detention of child.”).
- 6 The evidence currently before the court does not make clear when, exactly, Plaintiff Peevers was handcuffed.
- 7 Although it is not clear on what theory the Plaintiffs hope to proceed against Defendant Cox, since the evidence before the court indicates that it was Ms. Rodriguez, not Defendant Cox, who initiated the proceedings, the Defendants arguments do not address this issue and the court reserves it for another day.
- 8 Instead, they argue at one point that the Plaintiffs were never charged with any crime: “... the juveniles in this case were not charged with any crime, let alone a felony.” (Doc. # 16, p. 18). Then, a few pages later, Defendants argue that “Plaintiffs’ presence around the fire fully supported the charge of fourth degree arson.” (Doc. # 16, p. 25). Fourth Degree Arson is a felony. [Nev.Rev.Stat. 205.025](#).
- 9 In their reply brief (Doc. # 34) Defendants cite to [State v. Eaton](#), 101 Nev. 705, 718, 710 P.2d 1370, 1379 (1985), for the proposition that the parents must have been bystanders in order to have a claim for infliction of emotion distress. *Eaton*, however, deals with intentional infliction of emotional distress. The parent Plaintiffs in this case both make claims for negligent infliction of emotion distress. (Plaintiffs Noland in their fourth claim for relief and the Plaintiffs Blankenship in the fourth claim for relief). Further, the court interprets the fourth claim for relief in the Blankenship complaint to be on behalf of all three Blankenship Plaintiffs since it says only “Plaintiffs,” and does not include any language specific to any of the three Plaintiffs.

1 Bryanp Bonham 60575  
2 po Box 650 (HOSP)  
3 Indian springs, NEV 89070  
4

5 11TH JUDICIAL DISTRICT COURT  
6 PERSHING COUNTY, NEVADA  
7


8 Bryanp Bonham case no 27-CV-WR3-2019-0039  
9 plaintiff Dept no 1  
10 -vs-

11 Barbara K Cegawski HEARING REQUESTED  
12 defendant. PLAINTIFFS ADDENDUM IN SUPPORT  
13 OF

14 SUMMARY JUDGMENT  
15 Comes now plaintiff Bryanp Bonham in propria persona and respectfully moves  
16 This Honorable court to enter an order granting His motion For Summary  
17 Judgment

18  
19 This motion is further made & based upon all files, papers, pleadings & documents  
20 on file with this court, and is supported by the attached points & authorities  
21 along with any oral argument that may be needed.

22  
23 Dated this 11th day of January, 2021

24   
25 Bryanp Bonham 60575

26 po Box 650 HOSP  
27 Indian springs, NEV 89070  
28



1 Bryan p Bonham 60575

2 po Box 650 HOSP

3 Indian springs, nev 89070

4

5 11TH JUDICIAL DISTRICT COURT

6 PERSHING COUNTY, NEVADA

7

8 Bryan p Bonham

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

9 Plaintiff

Dept No 1 \_\_\_\_\_

10 -vs-

11 Barbara K. Cegauske

NOTICE OF MOTION

12 Defendant

13

14

15 TO

16 Deputy Attorney General

17 Douglas R Rands

18 100 N Carson ST

19 Carson City, Nev 89701

20

21 please take notice That The undersigned will bring The above motion for hearing

22 as soon as possible for a decision based on courts docket will allow.

23 Dated This 11th day of January 2021

24 

25 Bryan p Bonham 60575

26 po Box 650 HOSP

27 Indian springs, nev 89070

28

POINTS AND AUTHORITIES.

ARGUMENT.

LEGAL STANDARD FOR SUMMARY JUDGMENT

Fed. Rule, Civ. P. 56(c) A motion for summary judgment SHALL be granted where <sup>66</sup>there is no genuine issue as to any material fact and... The moving party is entitled to judgment as a matter of Law<sup>79</sup>

The moving party bears the initial burden of informing the court of the basis for its motion and identifying those portions of the file that it believes demonstrates the absence of a genuine issue of material fact.

Celotex Corp v Catrett 477 U.S. 317, 323 106 S.Ct 2548; 91 LEd 2d 265 (1986)

Anderson v Liberty Lobby Inc. 477 U.S. 242, 248 (1986)

"A party faced with a motion for summary judgment... may not rest upon the mere allegations or denials of his/her pleadings, but must set forth specific facts showing there is a genuine issue for trial.

STATEMENT OF FACTS

Defence counsel has argued that this plaintiff erred in filing his original complaint against defendant Ceyanvke in her individual capacity, and that plaintiff has no private right of action. Counsel has also argued that plaintiff failed to name office of secretary of state, Lastly has claimed Amendment would be moot.

First plaintiff would put before this Honorable court the following facts & Argument.



1 on 10/02/2020 defence counsel argued that the defendant; and her office can  
2 not be expected to keep filing cabinets full of legislative records.

3 plaintiff would like to point out the following facts.

4 (1) Records of original documents can be kept on a computer.

5 (2) micro fish still works.

6 (3) The constitution is a written instrument, as such its meaning does  
7 not alter, that which it meant when adopted, it means now.

8 S. Carolina v U.S. 199 U.S. 437, 448 (1905)

9

10 THE CONSTITUTION IS

11 THE LAW

12 poindexter v Greenhow 114 U.S. 270, 303 (1875); Brady v U.S. 397 U.S.

13 742, 748 (1970) "waivers of constitutional rights, not only must

14 they be voluntary, they must be knowingly intelligent acts done

15 with sufficient awareness"

16 This plaintiff states that at no time has he ever waived this

17 right of due process, to be free from cruel and unusual punishment.

18 Cooper v Aaron 358 U.S. 1, 78 S.Ct. 1401 (1958) "no state

19 legislator or executive or judicial officer can war against the

20 constitution without violating his/her undertaking to support it"

21 This defendant is a state executive, as such she signed an oath

22 of office, swore she would support & defend the U.S constitution

23 & Nevada constitution. mattox v. U.S. 156 U.S. 237, 243 (1895)

24 "we are bound to interpret the constitution in the light of the law

25 as it existed at the time it was adopted" Dugan v Gustavenson 108

26 Nev 517, 835 p2d 797, 794 (1992) "Justice delayed is justice denied"

27 LIABILITY

28 Defendant Cegauske signed an oath of office which is in fact a



1 a contract with the citizens of the state of Nevada  
2 See ex rel Anderson v Brand 303 U.S. 95, 104, 58 S.Ct 443 (1938) "in  
3 addition the statutes governing interpretation and the enforcement of  
4 contracts such as NRS 0.025 "SHALL", "MUST" are part of their Aegis,  
5 as express terms, set by the legislature. also see NEVADA CONST.  
6 ART 5 § 20 The secretary of state SHALL keep a true record of the  
7 official acts of the legislative and executive departments of the  
8 Government, and SHALL when required lay the same and all matters  
9 relative thereto, before either branch of the legislature. see also  
10 Letter from Secretary of State, which states they do not have  
11 any of these documents, that they are in the possession of an entity  
12 who is not constitutionally required to have them, in violation of  
13 the NEVADA CONSTITUTION  
14 Redfield v Fisher 292 P.813 at 819 (1930) "... An officer may be held  
15 liable in damages to any person injured in consequence of a breach of  
16 any of the duties connected with his/her office.  
17 ... The liability of nonfeasance, misfeasance, and for malfeasance  
18 in office is in his/her INDIVIDUAL not his/her official  
19 capacity".  
20 The (LCB) Legislative Counsel Bureau has and allegedly maintains all  
21 of the legislative records in clear violation of the Nevada constitution  
22 Bill Resolution Journals and all other records were allegedly taken  
23 away from the Secretary of state and transferred to the LCB through  
24 the passage of NRS 225,070 A statute that was repealed on  
25 March 24, 1999. Furthermore the constitution must be effectuated  
26 by the Body politic, not legislating from the bench, nor amended by  
27 the passage of a statute "A statute cannot amend the constitution"  
28 Seminole Tribe of Florida v Florida 517 U.S. 44, 116 S.Ct 1114 (U.S. Fla 1996);



1 Pennsylvania v Union Gas Co. 491 U.S. 1, 24, 109 S.Ct. 2273, 2286, 105  
2 L.Ed 2d 2 (1989); Cousensman v Hitchcock 142 U.S. 547 12 S.Ct 195 (1982);  
3 "... can an unconstitutional statute is to be regarded as nonexistent and  
4 no defence to STATE OFFICERS acting under it..." Rockaway Pacific  
5 Corporation v Statesbury 255 F. 345 D.C. N.Y 1997 see also Cooper  
6 v Aaron 385 U.S. 1, 18, 78 S.Ct 1401, 1401, 1409-1410, 3 L.Ed 2d 5 (1958)  
7 "Holding That an Oath to support The Constitution is an Oath to support  
8 its interpretation by The United States Supreme Court" see also Baker  
9 v Carr 369 U.S. 189 215 82 S.Ct. 691, 709, 7 L.Ed 2d 663 (1962)  
10 "which The United States Bankruptcy Court relied upon in Re  
11 Jessier 190 B.R. 396 (1995) to make the following conclusion:

12  
13 Finally, in attempting to deny The Supreme Courts' determination of its  
14 own capacity to adjudicate. The Congress invades a province properly  
15 left to a coordinate Branch, and in so doing, impermissibly exceeds  
16 its legislative authority.

17  
18 Nevada's sister state, California has had some things to say about similar  
19 circumstances in Thier state "The Constitutional provision was a Law made  
20 directly by The people instead of The legislature, and such Laws are to  
21 be construed and enforced in all respects as though they were statutes"  
22 Winchester v Mabury 122 Cal 552, 55 P 393 "in effect, these  
23 constitutional provisions are but statutes, which the legislature  
24 cannot Repeal or Amend" Winchester v Howard 136 Cal 432,  
25 439, 64 P 692, 69 P 77, 79, 89 Am St. Rep 153

26 Currently The Secretary of State, i.e Defendant Cegavske states That  
27 Her Office she was elected to does not have The files/records That  
28 with plaintiff has requested from Defendant. This poses a serious



1 problem for two reasons:

2

3 (1) The loss or hiding of these records prevents plaintiffs story from being  
4 proven conclusively; and (2) losing or destroying, hiding these records  
5 constitutes a crime. see NRS 239.320. which discusses the crime  
6 of any public officer causing INJURY TO, CONCEALMENT OR  
7 FALSEIFICATION OF RECORDS OR PAPERS. to wit

8 "An officer who mutilates, destroys, conceals, erases, obliterates or  
9 falsifies any record or paper appertaining to his/her office is guilty  
10 of a category C felony and shall be punished as provided in NRS 193.130

11

12 we don't really know whether any of the records that can be retrieved  
13 from the LCB or the Nevada Archives are copies of the original Bill  
14 or records, because both produce what they say are copies, but do not  
15 match what the other has, we will never know which one is a true  
16 copy of the original because of the fact the records are not in their  
17 Constitutional Repository and, therefore, legally do not exist.

18

19 An examination of the records the engrossed Bill referred to shows  
20 that the documents in question shows that it was type written not  
21 printed. The LCB has even admitted as much.

22 in past plaintiff has requested a copy of a specific Bill, the (3) three  
23 copies marked "original", "duplicate", "triplicate" in response  
24 plaintiff was in fact sent a printed copy of the document, with  
25 no state seal attached to document. with letter from defendant's  
26 office admitting this document was obtained from the LCB  
27 an entity that legally is illegally in possession of records  
28 at issue in this case, ~~Donna J. Gustafson to 8 new~~



1 The procedural process for the passage of a state Law generally consist  
2 of the following flow chart:  
3 (1) The Law is passed by both Houses;  
4 (2) The Bill is sent to the Governor, who then signs or doesn't sign it;  
5 (3) If the Governor signs the Bill, then it goes to the Secretary of state;  
6 (4) In Nevada, the Secretary of state is the constitutional keeper of all  
7 legislative records;  
8 (5) The Secretary of state also possesses the official state seal and affixes  
9 them to laws that have been passed to certify that it is a true and  
10 valid document. NRS 239.330 discusses the penalties for submitting  
11 or offering false information for filing or for recording. The statute  
12 reads in pertinent part as follows:  
13 A person who knowingly procures or offers any false or forged instrument  
14 to be filed, registered or recorded in any public office, which instrument,  
15 if genuine, might be filed, registered or recorded in a public office  
16 under color of a Law of this state or of the United States, is guilty  
17 of a category C felony and SHALL be punished as provided in  
18 NRS 193.130  
19 The United States Constitution in Article 4 § 4 states that  
20 The United States Government SHALL guarantee to every state in  
21 this union a Republican form of Government. A Republican  
22 form of government is Rule of Law.  
23 Merritt v Welsh 104 U.S. 694, 702 (1881) "it has been said, with  
24 much truth, where the law ends, tyranny begins" Furthermore  
25 The Nevada constitution Article 16 § 1 and/or § 2 requires that  
26 the procedure set forth in this Art be followed to Amend  
27 the Nev. Const. These do not include Amendment by statute  
28 or Amendment by subterfuge and guise.



## CONCLUSION

1  
2 If words mean nothing, then our constitution means nothing. If our  
3 constitution means nothing then we have no rights, if we have  
4 no rights, then we only have privileges and immunities that  
5 are granted by the Government. we are then but subjects of  
6 a tyrannical Government "that which creates, has the power to  
7 destroy" Therefore, privileges are worthless because they can be  
8 legislated away, for any reason, whereas constitutional rights  
9 cannot be legislated away without the consent of the Body politic  
10 to deny plaintiff's motion for summary judgment is to take total  
11 power away from the constitution, the law of the Body politic,  
12 the citizens of the state. "A state constitution is binding on  
13 the courts of the state and on every OFFICER and every citizen.  
14 any attempt to do that which is prescribed in any manner than  
15 that prescribed or to do that which is prohibited is repugnant  
16 to the supreme and paramount Law, and invalid. porchu  
17 patterson. 39 new 251, 268, 156 p. 439, 445 (1916) The constitution  
18 nullifies sophisticated as well as simple-minded modes of infringing  
19 on constitutional protections. Lane v Wilson 307 U.S. 268,  
20 275, 59 S. Ct 872, 876, 83 L Ed 1281 (1939); Harmon v Forseman  
21 380 U.S. at 540, 85 S. Ct at 1185 cited in U.S. term limits Inc  
22 v Thorton 519 U.S. 779, 829, 115 S. Ct 1842 (1995) "like its  
23 counterpart in the Fifth Amendment, the due process clause of  
24 the fourteenth Amendment was intended to prevent the Government  
25 "from abusing [its] power, or employing it as an instrument of  
26 oppression" Davidson v Cannon 474 U.S. 344, 348 (1986)  
27 Lastly plaintiff would ask this honorable court to grant his  
28 motion for summary judgment. ylst v Nunnemaker (Silence is Acquiescence)



VERIFICATION

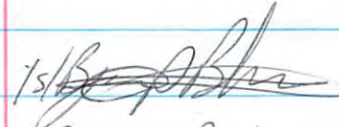
I Bryan P Bonham declare & verify that I have read the foregoing  
plaintiffs Addendum in support of Summary Judgment & to best  
of my belief & knowledge that the foregoing is true & correct under  
the pains & penalties of perjury pursuant to 28 U.S.C.A § 1746 & 18 U.S.C.A §  
1621

CERTIFICATE OF SERVICE

I Bryan P Bonham certify that I am attaching & have read the  
plaintiffs Addendum in support of Summary Judgment with  
special instructions for electronic filing & service to the clerk  
of the court to serve all my opponents pursuant to N.E.R.C.R 5(k),  
9 et seq (A-E) etc to the following

Deputy Attorney General  
Douglas R Rands  
100 N. Carson St  
Carson City, Nev 89401

Dated this 11th day of January, 2021

  
Bryan P Bonham 60575  
PO Box 650 HOSP  
Indian Springs, Nev 89470

1 Bryan p Bonham 60575  
2 po Box 650 HDSP  
3 Indian Springs, Nev 89070  
4

5 ELEVENTH JUDICIAL DISTRICT COURT  
6 PERSHING COUNTY, NEVADA  
7

8 Bryan p Bonham Case No 27-CV-WR3 2019-0039  
9 plaintiff

10 -VS- PLAINTIFFS SECOND AMENDED CIVIL  
11 STATE OF NEVADA et al RIGHTS COMPLAINT PURSUANT TO 42  
12 Barbara K. Cegauske U.S.C. § 1983 & 28 U.S.C. § 1343 (a)  
13 Defendants JURY TRIAL DEMANDED.  
14

15 comes now plaintiff Bryan p Bonham, in proper form for his cause of action complains  
16 of Defendants as follows.

17 A) JURISDICTION

18 this complaint alleges that the civil rights of plaintiff Bryan p Bonham who  
19 presently resides at High Desert State Prison, Clark County, Nevada were violated  
20 by the actions of the Defendants in this action from 02/27/2019 to present.  
21

22 Dated this 15th day of February 2021

23 

24 Bryan p Bonham 60575  
25 po Box 650 HDSP  
26 Indian Springs, Nev 89070  
27  
28



1 DEFENDANT STATE OF NEVADA ex rel This defendant IS sued in ITS OFFICIAL capacity  
2 only. This defendant has acted in violation of Nevada constitution, US CONST  
3 while acting under color of Law.

4 DEFENDANT Barbara K. Cegauske This defendant IS sued in HER individual  
5 capacity only. This defendant has acted in violation of HER oath of office, &  
6 The Nevada constitution, US constitution, while acting under color of Law

#### 7 NATURE OF CASE

8 on 02/19/2019 plaintiff sent a Request for certificates of oaths of office for various  
9 elected officials & also requested senate Bill 109 (1949); senate Bill no 2 1957. in Her  
10 Response Cegauske stated she is NOT in possession of legislative acts passed in Nevada.  
11 That she is constitutionally mandated to be in physical possession of, of which  
12 said Documents would prove plaintiffs current, past convictions are in fact  
13 unconstitutional, void.

#### 14 CAUSE OF ACTION

##### 15 COUNT ONE

16 The following civil rights have been violated 1st Amendment; Right to  
17 contract, Right to access the courts, & present grievances to court/  
18 Government.

19  
20 As indicated in plaintiffs motion for summary Judgment defendant Cegauske  
21 ran for office as a private citizen, & won. she therefore signed an  
22 oath of office which is a CONTRACT with each and every citizen  
23 of the State of Nevada. she signed this oath for the first time  
24 on 01/05/2015 & again upon reelection on 01/07/2019.  
25 where she took the following oath; has failed to uphold this  
26 oath.

27

28



1 I Barbara K Cegauske, do solemnly swear that I will support protect and  
2 defend the CONSTITUTION AND GOVERNMENT OF THE UNITED STATES, and  
3 the CONSTITUTION AND GOVERNMENT OF THE STATE OF NEVADA, against  
4 all enemies whether domestic or foreign and that I will bear  
5 true faith, allegiance and loyalty to the same, any ordinance,  
6 resolution or law of any state notwithstanding, and that I will  
7 well and faithfully perform all the duties of the office of Secretary  
8 of state of the state of Nevada, on which I am about to enter;  
9 so help me God.

10 Etherton v City of Rainsville (2015) U.S. Dist Lexis 141650 "A  
11 Federal private right of action for a state officials actions contrary  
12 to his/her oath of office unless that action otherwise violated a  
13 statute affording the plaintiff a private right of action or violated  
14 the plaintiffs constitutional rights forming the basis of a § 1983  
15 action.

16 Saver v Prudential Ins Co. U.S. Dist Lexis 125205 C. Dist (Cal 2011)  
17 "to claim a breach of contract the pleading party must allege (1)  
18 the existence of a contract; (2) Defendants performance or excuse  
19 for non performance; (3) Defendants breach; and (4) Damages.

20 also see Ronald D Reichert v General Ins Co. et al 68 Cal 2d 822, 422  
21 p2d 337, 69 Cal Rpt 321 (1968) "the essential elements of a cause of  
22 action for damages for breach of contract are (1) the contract (2)  
23 Defendants performance or excuse for non performance (3) defendants  
24 breach, and (4) the resulting damage to plaintiff " Bounds v  
25 Smith 430 U.S. 817, 821-22 (1977) "it is clear that the fourteenth  
26 Amendment right to access the courts survives detention" also Bounds  
27 U Smith 430 U.S. 817, 821-25 (1977) "The right of inmates to have access  
28 to the courts is well established... this right means that inmates



1 must have a Reasonably Adequate opportunity to present claimed violations  
2 of fundamental constitutional rights to the courts" calif motor transco  
3 v trucking untd 404 U.S. 508, 510 (1972) "The right of access to the  
4 courts is subsumed under the First Amendment right to petition the  
5 Government for redress of Grievances."  
6  
7 The fact that this defendant is not in possession of legislative acts  
8 passed in Nevada in fact hinders plaintiffs access to the courts due  
9 to the fact that Senate Bill no 2 of 1957, Senate Bill 182 of  
10 1951 show some very interesting facts, or information if true.  
11 For instance Senate Bill 182, 1951 indicates that three (3)  
12 Justices of the Supreme court were appointed to the then statute  
13 Revision Commission, that their job was to basically re write the Laws  
14 of Nevada to create the Revised Laws of Nevada, at some point  
15 (plaintiff is unclear as to when) it was later renamed to NEVADA  
16 REVISED STATUTES. Senate Bill no 2 1957 indicates the NRS  
17 consisting of NRS 1.010 to 710.590 inclusive, were "adopted  
18 and enacted as law of the state of Nevada, while using a  
19 Joint Resolution that states/provides that the official engrossed copy of SB-2  
20 may be used as an enrolled bill. The problem is that there is no enactment  
21 clause in this Resolution. AGO 85 07/25/1951 This constitutional  
22 provision is mandatory and an act not in proper form is void and  
23 unenforceable state ex rel Chase v Rogers 10, Nev 250 (1875); it is also  
24 not a proper vehicle to pass legislation.  
25 Why is this all a problem? well if this is all true then plaintiff has  
26 a legitimate argument as to his conviction(s) being unlawful. only he  
27 bears the burden of showing that a statute is unconstitutional. see  
28 Halverson v secretary of state 124 Nev 484, 487 186 p. 3cl at 896 (2008)



## CAUSE OF ACTION

### COUNT TWO

1 The following civil rights have been violated. 8th Amendment to U.S.  
2 CONSTITUTION. ~~the~~ cruel & unusual punishment; & Deliberate Indifference.  
3 Hudson v. McMillian 503 U.S. 1, 5 (1992) "The unnecessary and wanton  
4 infliction of pain <sup>upon</sup> incarcerated individuals under color of Law constitutes  
5 a violation of the eighth amendment and is actionable under 42 U.S.C. § 1983  
6 Smith v. Carpenter 316 F.3d 178, 189 n.15 (2nd Cir 2003) "As the Supreme Court  
7 has held, the test for Deliberate Indifference is whether there exists a  
8 substantial risk of serious harm" (plaintiffs unlawful conviction)  
9 Parratt v. Taylor 451 U.S. 527, 535, 68 L. ed 2d 420, 101 S. Ct 1908 (1981)  
10 "To successfully establish a prima facie case under 42 U.S.C. § 1983 a  
11 plaintiff must prove the following two elements (1) The defendant  
12 § 1983 U.S. App. lexis 8 { must be acting under color of state Law and  
13 (2) The offending conduct must deprive the plaintiff of rights secured  
14 by Federal Law.

## CAUSE OF ACTION

### COUNT THREE

14 The following civil rights have been violated. 5th & 14th  
15 Amendments to U.S. Constitution.  
16 U.S. Constitution Amendment 5 Due process does apply to the  
17 state, state officials, state entities as it is enforced through  
18 U.S. Const Art 6 clause 2 (the supremacy clause) which is enforced  
19 through the Fourteenth Amendment.

### FOURTEENTH AMENDMENT.

20 XIV States in pertinent part. No state shall make or enforce any law  
21 which shall abridge the privileges or immunities of citizens of the  
22 United States; nor shall any state deprive any person of Life, Liberty



1 or property, without due process of Law; nor deny to any person within its  
2 Jurisdiction the equal protections of the Law.  
3 As stated above, the NRS was created in 1950's How, by who should  
4 be Documented as legislative acts, these legislative acts are in fact.  
5 Constitutionally mandated to be in possession of Defendant, as indicated  
6 in other documents filed by plaintiff, this defendant admits  
7 she is not in possession of these documents, refers you to the  
8 LEB or Nevada Archives two entities who have no Authority to  
9 have possession & control of said documents.  
10 Defence counsel is attempting to use the reasoning or excuse that  
11 defendant can not be expected to keep hundreds or even thousands  
12 of documents in a filing cabinet in her office, However (1) yes He can!  
13 (2) a room or office can be dedicated to this function. (3) micro film (4) A  
14 true & correct certified copy of the original scanned into a computer  
15 There is only one problem with this. An entity who is not constitutionally  
16 mandated has custody of all legislative acts. see Mattox v U.S. 156 U.S.  
17 237, 243 (1895) "we are bound to interpret the constitution in the light  
18 of the Law as it existed at time it was adopted"  
19 Johnson v Duffy 588 F2d 740, 743 (9th Cir 1978) "A person deprives  
20 another of a constitutional right within the meaning of section 1983,  
21 if He/she does an affirmative act, participates in another's affirmative  
22 acts or omits to perform an act which He/she is legally required to do  
23 that causes the deprivation of which plaintiff complains."  
24 This can be rectified by defendant cegauske providing what plaintiff  
25 has requested on more than one occasion. A type written copy of  
26 Senate Bill no 2 in all forms meaning one marked "Engrossed copy"  
27 one shall be marked "Duplicate" one shall be marked "Triplicate" one marked  
28 "original"



1 This kind of issue plaintiff believes has been dealt with in Nevada  
2 at least to some degree see Chase v Rogers 10 Nev 250 (1875) This  
3 case had to do with the enacting clause in or not in a document the court  
4 held that it could only look at the enrolled bill in the office of  
5 the secretary of state, to ascertain the terms of the law. The defendant  
6 in this case Cegauske cannot produce a thing by her own admission,  
7 which plaintiff contends hinders his ability to challenge his  
8 conviction with irrefutable evidence to support his position  
9 The LCB, or Nevada Archives produce what they claim are true &  
10 correct copies of bills. only they do not match, cannot be certified by  
11 either as being a true & correct copy of original, of which is a  
12 clear violation of plaintiff's procedural due process

#### 13 CAUSE OF ACTION

#### 14 COUNT FOUR

15 The following civil rights have been violated  
16 First Amendment; Fifth Amendment, Eighth Amendment;  
17 Fourteenth Amendment DEFENDANT STATE OF NEVADA has  
18 allowed defendant Barbara K Cegauske who is an elected official  
19 to violate the Nevada constitution ARTS SEC 20, & the U.S.  
20 constitution Amend 14 Zinerman v Branch 494 U.S. 113 123 100 S.Ct  
21 975 108 Fed 2d 100 (1990) "A procedural due process violation is not  
22 complete unless and until the state fails to provide due process, in  
23 other words the state may cure a procedural deprivation by providing  
24 a later procedural remedy, only when the state refuses to provide  
25 a process sufficient to remedy the procedural deprivation does a  
26 constitutional violation action under section 1983 arise.  
27 Board of Regents v Roth 408 U.S. 564 (1972); Wright v Venomoto  
28 462 F Supp 397 401-02 (W.D Cal 1976) "The concept of



1 Substantial due process semantically awkward as it may be, forbids  
2 The Government from depriving a person of life, liberty or property (5th;  
3 14th Amendments), in such away that shocks the conscience 'or interferes  
4 with rights implicit in the concept of ordered liberty" Wolf v U  
5 McDonnell 418 U.S. 539, 558 (1974) quoting Dent v West Va 129 U.S. 114  
6 123 (1889) "The touch stone of due process is protection of the  
7 individual against arbitrary actions of Government... False charges  
8 are an abuse of power which equals malicious prosecution... a  
9 malicious prosecution claim does not in general relate to a  
10 persons interest in being free from official custody; rather it  
11 pertains to a persons interest in not being the subject of arbitrary  
12 authority. This kind of official conduct <sup>involves</sup> ~~includes~~ the willfully illegal  
13 exercise of discretion and it implicates the substantive due process  
14 because it effects the individuals right to be free of the abuse of  
15 power" Defence counsel will insist on presuming rather than  
16 proving she has not violated Her Oath of office Segawski; That  
17 The <sup>State</sup> ~~Nevada~~ of Nevada did not allow this to happen. solely become  
18 it is more convenient to presume than to prove under the due process  
19 clause that advantage is sufficient to justify, "An opportunity to be  
20 heard means that some one must be listening." City of Auburn v West  
21 Corp 260 F 3d 1160 (9th Cir 2001) under the supremacy clause state courts  
22 are obligated to apply and adjudicate federal claims fairly presented  
23 to them" Brown v Oregon Dept of corrections 751 F3d 983 987  
24 (9th Cir 2014) "If a protected liberty interest is at stake, then the court  
25 must determine whether the procedure used to deprive the prisoner that  
26 liberty violated due process."

#### NEVADA CONSTITUTION

#### ARTICLE 5 § 20



1 mandates that defendant Cegawske be in possession of all  
2 legislative acts passed in Nevada, Defendant STATE OF NEVADA ex rel  
3 has failed to ensure Cegawske fulfill her duties. In the past the  
4 state has allowed Cegawske to let said legislative acts be  
5 transferred to the LCB through NRS 225.070 which was Repealed  
6 March 24th, 1999, now defence counsel is attempting to use NRS  
7 378.255 there is a huge problem with this... THE NEVADA CONSTITUTION  
8 requires that the procedures set forth in Article 16 § 1 and/or § 2 be  
9 followed to amend the constitution, these do not include amendment  
10 by STATUTE or amended by subterfuge and guise. Holding  
11 that a statute can amend the state constitution violates every  
12 citizens' constitutional right to procedural and substantive  
13 due process under the NEVADA CONSTITUTION ART 1 § 8(5); under the  
14 UNITED STATES CONSTITUTION FIRST, FIFTH, FOURTEENTH AMENDMENTS  
15 see S. Carolina v U.S., 199 U.S. 437, 448 (1905) "The constitution  
16 is a written instrument, as such its meaning does not alter,  
17 that which it meant when it was adopted, it means now. Dorch v  
18 Patterson 39 Nev 251, 268, 156 p 439, 445 (1916)" "A state  
19 constitution is binding on the courts of the state and on every  
20 officer and every citizen, any attempt to do that which is  
21 prohibited is repugnant to the supreme and paramount law and void"<sup>99</sup>  
22 The use of NRS 378.255, 41.031, 41.0337 which are constitutionally  
23 void statutes, pursuant to Heck v Humphrey 512 U.S. 477, 114 S. Ct 2364  
24 129 L ed 2d 383 (1994) so long as the challenged statute does not effect  
25 plaintiff's sentence or conviction He can challenge said statute see  
26 Norton v Shelby County 118 U.S. 425 p. 442 "An unconstitutional act  
27 is not law; it confers no rights; it imposes no duties; it affords no protection  
28 it creates no office; it is in legal contemplation, as inoperative <sup>as</sup> and



1 though it had never been passed "Bennett v. Boggess 1 Bald no 60 "statutes  
2 that violate the plain and obvious principles of common right and  
3 common reason are null and void" would we not say that these  
4 judicial decisions are straight to the point, that there is no lawful  
5 method for Government to put restrictions or limitations on rights belonging to  
6 the people, other cases are even more straight forward "The assertion of  
7 Federal rights, when plainly and reasonably made is not to be defeated  
8 under the name of practice" Bivens v. Six Unknown Agents 403 U.S. 388  
9 29 L Ed 2d 619 91 S. Ct 1949 (1970) when a government agent acts  
10 in an unconstitutional manner He/she becomes liable for money damages.  
11 As to state implementing policies in violation of the constitution Defendant  
12 Cegauske following suit plaintiff asserts "A policy so deficient that  
13 the policy itself is a repudiation of constitutional rights and is  
14 the moving force of the constitutional violation" Redman v. County  
15 of San Diego 942 F.2d 1435 (9th Cir 1991) punitive damages may  
16 be awarded for conduct that is outrageous because of the defendant's  
17 evil motive or his/her reckless indifference to the rights of others.

#### FRAUD UPON THE COURT

19 Defence ~~Defendant~~ counsel contends plaintiff failed to serve both Cegauske & STATE OF NEVADA  
20 with Filing of First Amended complaint, this is simply not true & is 100%  
21 fraud upon the court. This can be verified by an examination of plaintiff's  
22 Reply to motion to dismiss filed on November 4th, 2019 plaintiff has  
23 put before this court irrefutable proof that Defendant Cegauske is in violation  
24 of Her oath of office, Nevada constitution, U.S. constitution

#### CONSPIRACY

26 The plaintiff contends that the challenge of the NRS as a whole was  
27 recently argued in STATE OF NEVADA v. Gary W. Walters case no. 05CZ17569  
28 in front of Judge Doug Herndon Dept 3 8th Judicial District Court



1 on February 9th, 2016, plaintiff contends He should be afforded the same  
2 opportunity see Cleburne v Cleburne Living Center 87 L Ed 2d 1313, 437  
3 U.S (1985); Plyer v Doe 457 U.S. 202, 72 L Ed 2d 786 102 S.Ct  
4 2382 (1982). The equal protection clause of the fourteenth Amendment commands  
5 that no state shall deny to any person within its jurisdiction the equal  
6 protection of the laws which is essentially a direction that persons similarly  
7 situated should be treated alike, ~~plaintiff should have same opportunity as walters.~~  
8 At some point along the way Mr Walters claims to have sent then Governor  
9 Brian Sandoval a package outlining this issue that was now before  
10 the Governor. It's alleged that shortly thereafter a bill was drafted &  
11 thereby signed by Sandoval which blocks inmates from gaining  
12 access to public records, & it's also alleged that on page 14 of ~~the~~ document that this  
13 Bill ~~is~~ said that the question of whether this bill violated the  
14 FOIA was questioned. Augborne v Filson 3:17-cv-00393 (2019)  
15 U.S. DIST CT / Lexis Nexis 78495 to state a claim for conspiracy to  
16 violate one's constitutional rights under section 1983 the plaintiff  
17 must state specific acts to support the existence of the claimed  
18 conspiracy.

### 19 CONCLUSION

20 Both defendants are acting in clear violations of U.S. Const Amend 1, 5, 8, 14 &  
21 Oath of Office i.e. Cegauske and Degredation of the aforementioned, Nevada  
22 Const. Art 5 Sec 20. As court can see in plaintiff's response to motion to  
23 Dismiss Amended Complaint. SB-2 1957 confirms that it enacted NRS 1.010  
24 to 710.590 inclusive; were in fact enacted in violation of NEVADA  
25 CONSTITUTION ART 4 § 17, requiring that each act embrace only one  
26 subject; title; amendment; to wit "Each law enacted by the legislature  
27 shall embrace but one subject, and matter. currently counsel is trying to use  
28 or argue NRS 378.255, 41.031, 41.033 unconstitutional statutes. As well as



1 on March 24, 1999 NRS 225.070 being repealed so why is Defendant Cegauske  
2 still in violation of Nev CONST. Art 5 Sec 20, U.S. CONST.?

3 RELIEF REQUESTED

4 1) copy of each writ of Habeas corpus filed in State of Nevada v Gary W Walters

5 case no 05C217569

6 2) copy of Court Recorders transcript of Evidentiary Hearing on Feb 9, 2016 in

7 case of State of Nevada v Gary W. Walters 05C217569 filed on 9/16/16

8 3) All documents argued in evidentiary hearing of above case.

9 4) AS to State of Nevada ex rel an order from court that State of Nevada

10 order secretary of state to come into compliance with Her oath of office

11 and Nev CONST, U.S. CONST.

12 5) AS to Defendant Cegauske compensatory Damages \$2,500,000.00

13 punitive Damages \$2,500,000.00

14 6) declaratory relief. That court declare NRS 378.255, 41.031, 41.0337

15 unconstitutional and void as a matter of Law.

16 VERIFICATION

17 I Bryan P Bonham declare & verify that I have read the foregoing second Amended

18 complaint pursuant to 42 U.S.C. § 1983 & 28 U.S.C. § 1343(A) to best of my belief

19 & knowledge that the foregoing is true & correct under the pains & penalties

20 of perjury pursuant to 28 U.S.C. A § 1746 & 18 U.S.C. A § 1621

21

22 CERTIFICATE OF SERVICE

23 I Bryan P Bonham certify that I am attaching a true & correct copy of

24 the foregoing second Amended complaint, with special instructions to clerk

25 of the court to all my opponents pursuant to N.E.F.C.R 5.1(c) 9,

26 e + seq (A-E) to the following.

27

28



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Deputy Attorney General  
Douglas R Rands  
100 N carson street  
carson city, nev 89701

Dated This 15th day of february, 2021

~~15/Bryan Bonham~~

Bryan Bonham 60575  
po Box 650 HOSP  
Indian spring, nev 89070

Case No. 27CV-WR3-2019-0039

*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

BRYAN PHILLIP BONHAM,

Appellant,

vs.

BARBARA K. CEGASVKE,

Respondent.

**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 2<sup>nd</sup> day of February 2023.

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

February 2, 2023

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

Re: Notice of Appeal / 27CV-WR3-2019-0039  
Bryan P. Bonham, Appellant vs Barbara K. Cegavske, Respondent

Enclosed, please find the Record on Appeal for the above-entitled matter as ordered by the Supreme Court on January 4, 2023.

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: *Adrienne Rausch*  
Deputy Clerk

/km  
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-WR3-2019-0039

*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

BRYAN PHILLIP BONHAM,

Appellant,

vs.

BARBARA K. CEGASVKE,

Respondent.

**RECORD ON APPEAL**

**PLEADINGS**

VOLUME 3

Bryan P. Bonham  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070  
Appellant, In Pro Per

Douglas Rands  
Nevada Attorney General's Office  
100 N. Carson St.  
Carson City, NV 89701  
Attorney for Respondents

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6	Motion to Request Leave to Amend to Add State of Nevada to Complaint Pursuant to Fed Rule CIV p 15	08/20/2019	060-062	1
7	Motion to Strike Plaintiff's Second Amended Complaint	03/03/2021		3
8	Notice of Appeal	11/27/2019	094	1
9	Notice of Appeal	07/14/2020	112	1
10	Notice of Appeal	08/22/2022	525	4
11	Notice of Change of Address	02/06/2020	102	1
12	Notice of Change of Deputy Attorney General	08/14/2019	052-053	1
13	Notice of Entry of Order	11/14/2019	088-091	1
14	Notice of Entry of Order	07/01/2020	107-111	1
15	Notice of Entry of Order	08/28/2020	122-1126	1
16	Notice of Entry of Order	06/27/2022	471-481	4
17	Notice of Entry of Order	06/29/2022	489-499	4
18	Notice of Entry of Order	06/29/2022	500-505	4
19	Notice of Entry of Order	06/30/2022	506-516	4
20	Notice of Motion	06/10/2019	024-026	1
21	Notice of Motion	08/21/2019	063	1
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Notice of Motion Motion to Request Leave to Amend, to Add State of Nevada to Complaint Pursuant to Fed. Rule. CIV.P.15	08/20/2019	059	1
Notice of Motion Opposition to Defendant's Motion to Dismiss	08/20/2019	054	1
Notice of Transfer to Court of Appeals	02/21/2020	103	1
Opposition to Motion for Summary Judgment	01/19/2021	212-230	2
Opposition to Plaintiff's Motion for Appointment of Counsel	01/11/2021	206-211	2
Opposition to Plaintiff's Motion for Default Order and Order of Fraud Upon the Court	05/17/2021	339-348	3
Opposition to Plaintiff's Motion to Move Case to U.S. District Court	12/13/2021	449-453	4
Order Amendment to Complaint	06/24/2022	454-460	4
Order Amendment to Complaint; Plaintiff's Summary Judgment Order; Appointment of Counsel; Filings of Second Amended Complaint; Motion to Move to US District Court	06/27/2022	461-463	4
Order Directing Transmission of Record	12/13/2019	099	1
Order Directing Transmission of Record	01/30/2023	529-530	4
Oder Directing That a Hearing Be Held on the Motion to Dismiss Amended Complaint	09/10/2020	127-128	1
Order Directing That Clerk Set the Matter of Hearing on the Motion to Dismiss After Remittitur	01/27/2020	100-101	1
Order Dismissing Appeal	06/25/2020	104-106	1
Order Dismissing Appeal	08/26/2020	119-121	1
Order Re: Motion to Dismiss the Complaint	06/27/2022	482-488	4
Order Setting Hearing on Defendant's Motion to Dismiss	11/12/2019	086-087	1
Order to Proceed in Forma Pauperis	03/15/2019	011	1
Order to Produce Prisoner	09/16/2020	129-130	1
Plaintiff's Addendum to His 42 U.S.C. 1983 & Request for Inspection of Fraud Upon the Court	10/20/2020	135-170	2

1	Plaintiff's Motion for Default Order & Order of Fraud Upon the Court "Hearing Requested"	05/03/2021	333-338	3
2	Plaintiff's Motion for Discovery and Order to Show Cause as to Why Summary Judgment for the Plaintiff Should Not Be Granted in Camera Hearing or in Person Hearing Requested	10/25/2021	361-403	4
3				
4	Plaintiff's Motion/Reply to Defendant's Reply	08/13/2019	046-051	1
5	Plaintiff's Opposition to Defendant's Motion to Dismiss	08/20/2019	055-058	1
6	Plaintiff's Reply to Defendant's Motion to Dismiss	11/04/2019	076-085	1
7	Plaintiff's Reply to Defendant's Opposition to Plaintiff's Addendum	11/25/2020	176-182	2
8	Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Discovery and Order to Show Cause	11/30/2021	415-448	4
9	Plaintiff's Response to Defendant's Opposition to Plaintiff's Motion for Default Order and Order of Fraud Upon the Court Hearing Requested	06/10/2021	349-360	3
10				
11	Plaintiff's Response to Defendant's Opposition to Plaintiff's Motion for Summary Judgment & Request for Fraud Upon the Court & Perjury	03/01/2021	254-328	3
12	Plaintiff's Second Amended Civil Rights Complaint Pursuant to 42 USC 1983 R8 USC 1342(a) Jury Trial Demanded	02/22/2021	241-253	2
13	Receipt for Documents	12/05/2019	098	1
14	Remittitur	07/21/2020	116	1
15	Remittitur	09/22/2020	131-132	1
16	Reply in Support of Defendant's Motion to Dismiss	07/15/2019	038-041	1
17	Request for Judicial Action	11/04/2019	073-075	1
18	Request for Submission	11/16/2021	407-408	4
19	Request for Submission: Defendant's Motion to Dismiss	10/08/2019	064-065	1
20	Request for Submission: Defendant's Motion to Dismiss Plaintiff's Amended Complaint	11/14/2019	092-093	1
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Request for Submission of Defendant's Motion to Dismiss	07/24/2019	044-045	1
Request for Submission of Defendant's Motion to Dismiss	07/23/2020	117-118	1
Summons	05/23/2019	022-023	1

1 Bryan p Bonham 60575  
2 po Box 650 HOSP  
3 Indian springs, nev 89070

4  
5 11TH JUDICIAL DISTRICT COURT  
6 PERSHING COUNTY, NEVADA  
7

8 Bryan p Bonham  
9 plaintiff

case no. 27-CV-WR3-2019-0039

DEPT no. 1

10 -vs-

plaintiffs Response to Defendants

11 Barbara K. CEGAVASKE et al.

opposition to plaintiffs motion

12 Defendants.

for summary Judgment & Request

13

for fraud upon the court & perjury.

14 comes now plaintiff, Bryan p Bonham in prose to file this motion

15 in response to Defendants opposition to plaintiffs motion for

16 summary Judgment, & Request for fraud upon the court & perjury.

17

18 The foregoing motion is made and based upon files, papers

19 and pleadings and documents on file with the court along

20 with the attached points & authorities

21

22 

23 Bryan p Bonham 60575

24 po Box 650 HOSP

25 Indian springs, Nev 89070

26

27 dated this 30th day of January 2021

28

1 Bryan Bonham 605.75  
2 PO Box 650 HDSP  
3 Indian Springs, Nev 89070

4

5

11TH JUDICIAL DISTRICT COURT

6

PERSHING COUNTY, NEVADA

7

8 Bryan Bonham

CASE NO.

9 plaintiff

DEPT NO

10 -VS-

11 Barbara K Cegavaste

NOTICE OF MOTION.

12 Defendant

13

14 to

15 Douglas R Rands

16 Deputy Attorney General

17 100 N. Carson City, Nev <sup>89701</sup> ~~89070~~

18 Dated this 30th day of January, 2021

19 please take notice that the undersigned will bring

20 the above motion for hearing as soon as possible

21 for a decision based on the courts Rcket

22 Availability,

23

24

25

26

27

28

## POINTS AND AUTHORITIES

### ARGUMENT

1 The facts of this case are as follows:

2 The plaintiff is in fact incarcerated in the state of Nevada at HOSP  
3 and within the NDOC.

4 until 2018 He believed that the statutes He was convicted under/  
5 pursuant to were valid. He in fact learned of STATE OF NEVADA VS

6 Gary W. Walters case NO 05217564. However plaintiff can only  
7 challenge a statute in a civil action pursuant to Heck v Humphrey 512

8 U.S. 477, 114 S. CT 2364 124 L ed 2d 383 (1994), is said statute

9 has nothing to do with his conviction or sentence.

10 Defendant Cegawski was elected in 2015 & 2019 she signed an

11 oath of office swearing to uphold the UNITED STATES CONSTITUTION

12 & THE NEVADA CONSTITUTION

13 plaintiff's position is very clear, & is supported by the following.

14 TITLE 42, U.S.C. SEC 1983. "when Law suits are brought against

15 federal officials, they must be brought against them in their

16 'individual' capacity not their official capacity. when federal

17 officials perpetrate constitutional torts. They do so. ultra

18 vires beyond the powers and lose the shield of immunity.

19 parrott v Taylor 451 U.S. 527, 535, 68 L ed 2d 420, 101 S. CT

20 1908 (1981) to successfully establish a prima facie case under

21 42 U.S.C. § 1983, a plaintiff must prove the following two elements

22 (1) The defendant. § 1998 U.S. App lexis 83 must be acting under the

23 color of state Law. and (2) The offending conduct must deprive

24 the plaintiff of rights secured by federal Law. Johnson v Ouffy

25 588 F.2d 740, 743 (9th Cir 1978) "A person deprives another

26 of a constitutional right within the meaning of SEC 1983

1 if He/she does an affirmative act, participates in another's affirmative  
2 acts or omits to perform an act which He/she is legally required to  
3 do that causes the deprivation of which plaintiff complains"  
4 Defendant through counsel is now arguing two specific statutes  
5 i.e. NRS. 41.031; § 41.0337 and NRS 378.255  
6

7 UNITED STATES CONSTITUTION

8 FOURTEENTH AMENDMENT

9 no state shall make or enforce any law which shall abridge the  
10 privileges or immunities of citizens of the United States; nor SHALL  
11 any state deprive any person of LIFE, LIBERTY, OR PROPERTY  
12 without due process of Law; nor deny to any person within its  
13 jurisdiction the equal protection of the laws.

14 NEVADA CONSTITUTION

15 ARTICLE 5 SECTION 20

16 Secretary of State Duties.  
17 The Secretary of State SHALL keep a true record of the official Acts  
18 of the Legislature and Executive Departments of the Government,  
19 and SHALL when required, lay the same and all matters relative  
20 thereto, before either branch of the legislature.  
21

22 The defence counsel makes the valent, yet false argument that  
23 plaintiff cannot expect the defendant to keep a true & correct copy  
24 of all acts passed in Nevada in filing cabinets. when in fact plaintiff  
25 can, doe's. it is not plaintiff's job to facilitate a way for the  
26 defendant to do her job, be within the meaning of the const.  
27 in fact copies can be produced from this office, printed out.  
28 However this is not the case. her office admits

to not being in possession of any. As court can see in the records.

S. Carolina v. U.S. 199 U.S. 437, 448 (1905) "The constitution

is a written instrument, as such its meaning does not alter, that which it meant when it was adopted, it means now.

Bivens v. Six Unknown Agents 403 U.S. 388 29 L. Ed 2d 619, 91 S. Ct

1949 (1970) when a Government agent acts in an unconstitutional manner he/she becomes liable for money damages.

Danels v. Williams 474 U.S. 327, 338 (1986) "If a state

infringes on a substantive constitutional right, the mere presence of procedural protections or state law remedies can not defeat a claim under Section 1983

The defendant cannot produce a true & correct copy of the senate Bill that was used to enact the NRS. which was a type written document. what they have done is produce with the help of the legislative counsel Bureau documents that would & or will infer to a reasonable juror that this plaintiffs

II, VI, VIII, XIV Amendment rights. even the so called valid documents that are produced by the legislative counsel Bureau or the Nevada Archives. reveal some very interesting information that will be brought to light further in this motion.

on page 4 of defendant's opposition to plaintiff's motion for Summary Judgment line 12 through 16 first by not being in possession of Legislative Acts she is in full violation of her Oath of office, both the U.S. CONSTITUTION & NEVADA CONST. The defence counsel argues that the statutes of Nevada

1 provide That The Archives are responsible for maintaining The  
2 records of State Agencies. see NRS 378.255 Again plaintiff  
3 will direct court Respectfully to Article 16 section 1 & 2 of  
4 the NEVADA CONST.

5  
6 which will be argued further in This motion. AS with NRS  
7 225.070

8 AS TO THE word SHALL on page 4 of This motion. SHALL IS  
9 mandatory. marbury v madison 5. U.S. 2 cranch 137, 180 1803  
10 "... The particular phraseology of The constitution of The united  
11 States confirms and strengthens The principle, supposed to be  
12 essential to all written constitutions, That a Law repugnant to  
13 The constitution IS void, and That courts, as well as other  
14 departments, are bound by That instrument." in declaring what  
15 SHALL be The Supreme Law OF The Land, The constitution itself  
16 IS first mentioned; and not The laws of The united states generally,  
17 but Those only which SHALL be made in pursuance of The constitution,  
18 have That rank" "All law (Rules & practices) which are repugnant  
19 to The constitution are void since The fourteenth Amendment to The  
20 constitution states no state (Jurisdiction) SHALL make or  
21 enforce any law which SHALL abridge The rights, privileges or  
22 immunities of citizens of The united state nor deprive ~~any~~  
23 any citizen of life, liberty or property without due process  
24 of Law... or Equal protection under The Law" This renders  
25 Judicial immunity unconstitutional.



STATUTES OF NEVADA LACK OF  
AUTHORITY IN VIOLATION OF U.S.  
CONSTITUTION AMENDMENTS  
V VI VII XIV

5 The procedural process for the passage of a state law generally consist of

6 The following flow chart:

7 (1) The Law is passed by both houses;

8 (2) The Bill is sent to the Governor, who then signs or doesn't sign it;

9 (3) If the Governor signs the Bill, then it goes to the secretary of state

10 (4) In Nevada, the secretary of state is the constitutional keeper of  
11 all legislative records.

12 (5) The secretary of state also possesses the official seal and affixes them to  
13 laws that have been passed to certify that it is a true and valid document.

14 The laws that are passed by the state legislature are prima facie evidence that  
15 it has been passed, but the laws that are issued and published by the

16 secretary of state are irrefutable proof that the law exists. statutes

17 are presumed to be valid, and the challenger bears the burden of showing

18 that a statute is unconstitutional. Hulverson v Secretary of State 124 Nev

19 484, 487, 186 p. 31 at 896 (2008) therefore this plaintiff presents/proceeds

20 with his challenge to the passage, use of the statutes mentioned by defence

21 counsel. NEVADA REVISED STATUTES NRS 41.031, 41.0337, NRS. 378.

22 255 which are alleged to have been legislatively passed en mass with

23 all other statutes by Senate Bill No. 2.

24

25 The mode of a statute depends on constitutional moed v Arnell

26 791 p. 2d 410, 117 Idaho 960 (1990) and statutory requirements.

27 Harris v Shanahan 387 p. 2d 771 192 Kan 183 (1963)

28 The Nevada Revised statutes argued by defence and

1 at issue in this case is alleged to have been passed into Law on May 1, 1951  
2 in the form of a copy of an "engrossed Bill" - commonly known as Senate  
3 Bill No. 2 [herein SB-2] this Bill was, in fact not a bill at all. further,  
4 there were so many constitutional and other mandatory protocols that were  
5 violated as to the manner and method of the passage of SB-2, which  
6 voided the entire act. The passage of any Law in NEVADA must meet  
7 certain criteria for its "LAWFUL" passage.  
8 The first set of issues are related to "mode, style and identification"  
9 of a Bill. The purpose of prescribing an ENACTING CLAUSE "the style of the  
10 acts" - is to establish it, to give it permanence, uniformity, and certainty;  
11 to identify the act of legislation as of the general assembly; to afford  
12 evidence of its legislative statutory nature; and to secure uniformity of  
13 identification, and thus prevent inadvertence, possibly mistake and fraud  
14 State v Patterson, 4 S.E. 350, 352, 98 N.C. 660 (1887); 82 C.J.S. "statute,"  
15 §65 p. 104; Jones v State 15 S.E. 2d 8, 233 GA 367 (1967)  
16 The mode, style and identification issues are as follows:  
17 The Nevada Law mandates that each bill that is passed contains the following  
18 language "The people of the state of Nevada, Represented in Senate and Assembly  
19 do enact as follows:"  
20 The Joint Resolution used as a bandaid to pass SB-2 into law does not  
21 contain the enactment clause. The NEVADA CONSTITUTION ARTICLE 4 §17  
22 requires that each act embrace only one subject; title; Amendment:  
23 to wit: "each law enacted by the legislature shall embrace but  
24 one subject, and matter, properly connected therewith, which  
25 subject shall be briefly expressed in the title and no law  
26 shall be revised or amended by reference to its title only; but,  
27 in such case, the act as revised or section as amended, shall be  
28 re-enacted and published at length.

1 SB-2, which embraced the passage of the NRS, en masse; embraced every  
2 subject in Nevada Law. SB-2 violated the Nevada Constitution, placing  
3 all the subjects of the laws of Nevada under the penumbra of the  
4 NRS does not meet the requirements that the bill embrace only one  
5 subject. This constitutional provision is mandatory state, ex. rel  
6 Chase v Rogers 10 Nev 250 (1875); State v Ah Sum 15 Nev 27 (1880)  
7 Compliance with this section is essential to the validity of every  
8 law enacted by the legislature. state, ex. rel. Wilson v Stone 24 Nev  
9 308, 53 p 497 (1898); Bell v. First Judicial Dist Ct 28 Nev 280  
10 81 p 875 (1905). Any Act passed in disregard of the letter and  
11 spirit of this provision is pro tanto void. State v Ah Sum 15 Nev  
12 27 (1880)

13 Authentication procedures, Senate Bill No 109, sponsored by Whitacre,  
14 Brown and Seevers in chapters 385 and again as referenced in  
15 the Joint Resolution, which states in § 2. All bills or  
16 resolution shall be introduced in triplicate, and one copy of each  
17 bill or resolution shall be marked "original" one shall be marked  
18 "Duplicate" one shall be marked "triplicate" The copy marked  
19 "Duplicate" shall be sent to the state printer for the purpose of  
20 printing and the copy marked "triplicate" shall be referred to the  
21 amendment clerk.

22 In § 3 it states that the printer shall immediately after receipt of  
23 the copy of any Bill or Resolution print, in addition to the regular number  
24 herein before authorized, one copy thereof upon heavy buff paper, which  
25 copy shall be delivered to the secretary of the Senate or chief clerk  
26 of the Assembly. The Amendment clerk shall then certify to the  
27 correctness of the bound copy. In § 4 it states, That, the official  
28 and engrossed copy may by Resolution be used as the enrolled bill.

1 SB-2 was passed using a Joint Resolution. The severity of the problem  
2 with the Joint Resolution used in connection with the copy of the  
3 engrossed Bill [SB-2] is that it does not contain the mandatory enactment  
4 language. The state senate's committee on Judiciary, File No. 1 passed  
5 Senate Concurrent Resolution No. 1 [attached as exhibit 1 ~~2~~ 3] which  
6 provides that the official engrossed copy of SB-2 may be used as an  
7 enrolled bill. The enacting clause is mandatory and cannot be cured  
8 by a Joint Resolution. The Joint Resolution adopted by both houses  
9 cannot become a valid law if it does not contain the enacting  
10 clause required by this section.  
11 AGO 85 (07/25/1951) This constitutional provision is mandatory and an act not  
12 in proper form is void and unenforceable. State, ex rel Chase v Rogers 10  
13 Nev 250 (1875) The words "represented in senate and Assembly" expressive  
14 of the authority which passed the law are as necessary as the words "The  
15 people" or any of the other words of the enacting clause. State, ex rel  
16 Chase v Rogers 10 Nev 250 (1875) See also Nevada Highway Patrol Ass'n  
17 v State 107 Nev 547 815 p.2d 508 (1991)  
18 In state ex rel Chase v Rogers 10 Nev 250 (1875) the court held that  
19 where the enacting words were prescribed, it was mandatory they be included  
20 in the act. without the words required by the constitution, an without  
21 the concurrence of the senate, the people had no power to enact any  
22 law. The county recorder contended that when the bill was  
23 presented to the legislature the words were in the enacting clause. The  
24 court ruled that it could only look at the enrolled bill in the office of  
25 the secretary of state in order to ascertain the terms of the law  
26 pursuant to RULE 7 of the Joint Rules of the Nevada Senate  
27 and Assembly a Joint Resolution can only be used for the  
28 purposes set forth therein, as follows

- 1 (1) propose an amendment to the Nevada constitution;
- 2 (2) Ratify a proposed amendment to the United States constitution
- 3 (3) Address the president of the United States, Congress, either House or committee
- 4 or member of Congress, any department or agency of the Federal Government,
- 5 or any State of the Union.
- 6 A Concurrent Resolution must be used for:
- 7 (1) Amendment for these Joint standing Rules, which require a majority vote
- 8 of each House for adoption;
- 9 (2) Request the return from the Governor of an enrolled bill for further
- 10 consideration;
- 11 (3) Request the return from the Secretary of State an enrolled Joint or
- 12 Concurrent Resolution for further consideration;
- 13 (4) Resolve the return of a Bill from one House to the other House if
- 14 necessary and appropriate;
- 15 (5) Express facts, principles, opinions and purposes of the Senate and
- 16 Assembly
- 17 (6) Establish a Joint Committee of the Houses;
- 18 (7) Direct the legislature commission to conduct an interim study.
- 19 A CONCURRENT RESOLUTION or a RESOLUTION OF ONE HOUSE may be used
- 20 to memorialize a former member of the legislature or other notable or
- 21 distinguished person upon his or her death. A Resolution of one House
- 22 may be used to request the return from the Secretary of State of an
- 23 enrolled resolution of the same House for further consideration,
- 24 which was not done in this case. See Exhibit 2, 3 See
- 25 also Nevada Highway Patrol Ass'n v State 107 Nev 547, 815 p2d
- 26 608 (1991) which states as follows:
- 27 First by its nature, an assembly concurrent Resolution is not
- 28 intended to have the force and effect of LAW, pursuant to

1 RULE 7 of The Joint Rules of The Nevada senate and Assembly, The purpose  
2 of a concurrent resolution is to direct The legislative commission to  
3 conduct interm studies, to request The return of a bill from the  
4 other House, and to request an enrolled bill from The Governor. on  
5 occasion a concurrent Resolution is also used to memorialize a former  
6 member of the legislature or other distinguished person upon death, or to  
7 congratulate or to commend any person or organization for a significant  
8 and meritorious accomplishment.  
9 Second Query bill which may have passed The legislature shall, before it becomes  
10 a law, be presented to the Governor... NEV. CONST. ART. IV § 35 A review of  
11 The legislative History of The legislature aforementioned Assembly Concurrent  
12 Resolution No 29, indicates that this resolution, like other concurrent  
13 Resolutions passed by The legislature during The same time period, was  
14 never presented to The Governor for approval or disapproval. see generally  
15 FINAL VOLUME ASSEMBLY HISTORY, 1969 at 218-288. Accordingly,  
16 This assembly Concurrent Resolution cannot be construed as The Law of  
17 This state.  
18 Finally [r]he enacting clause of every Law shall be as follows:  
19 The people of The state of Nevada, represented in senate and Assembly,  
20 do enact as follows. and no law shall be enacted except by bill.  
21 NEV. CONST. ART. IV § 23 (Emphasis added) we have previously ruled  
22 that this enacting clause is mandatory and must be included in every  
23 Law created by The legislature. see State v Rogers 10 Nev 250 (1875)  
24 Since concurrent Resolution No. 29 and other similar resolutions do  
25 not contain The requisite enactment Language, They cannot represent  
26 The Law of This state.  
27 The Illegally operated legislative commission:  
28 According to The legislative Counsel Bureau [LCB] The Nevada Revised

1 statute(s) at issue herein was/were created in 1951 by a enigmatic member of  
2 The Statute Revision Commission. Currently, The LCB illegally maintains  
3 The History of all Nevada legislation.  
4 It is unknown as to whether or not The LCB is a state agency or department.  
5 The LCB appears as a common thread that is ever present as we wind down  
6 this rabbit hole to legislative fraud and lawlessness. It appears that The  
7 LCB has been slowly and illegally absorbing state government functions, some  
8 of which are constitutionally mandated.  
9 This has been surprisingly accomplished in part, by amending the state  
10 Constitution through the use of newly created state statute, which  
11 have been used to illegally transfer the power from an elected office  
12 with constitutional duties, to The LCB.  
13 According to The LCB their predecessor, The Statute Revision  
14 Commission, was originally created by The Nevada Supreme Court  
15 in 1951. However, Senate Bill No. 182 Attached as exhibit 4, 5  
16 approved March 9, 1951 created The Statute Review Commission.  
17 This Commission consisted of three Nevada Supreme Court Justices:  
18 (1) Milton Badt  
19 (2) Edgar Eather  
20 (3) Charles Merrill  
21 Later a rather mysterious man named RUSSELL WEST McDONALD  
22 would be appointed by these Justices as "The Director" This  
23 Commission became increasingly involved in bill drafting as an  
24 adjunct to its Statute Revision work.  
25 The origin of The Statute Revision Commission is somewhat of a  
26 mystery as well, providing conflicting and multiple representations  
27 from various sources making it unclear as to its actual origin. The  
28 Legislative Counsel Bureau states in their literature that the



1 Supreme court formed this commission. Regardless of its origin, the  
2 entire commission was CONSTITUTIONALLY compromised from the start.  
3 The commission was unlawful for several reasons, the most obvious  
4 being its very operation, the justices who served on it did so in  
5 violation of the NEVADA CONSTITUTION AND THE SEPERATION OF  
6 POWERS DOCTRINE. which is discussed as follows: constitutional  
7 violations: The placement of the three Nevada supreme court  
8 justices on the statute revision commission violated nevada  
9 constitution Article VI § 11, which states in pertinent part, the justices  
10 of the supreme court and the district judges shall be ineligible to any  
11 office, other than a judicial office, during the term for which they  
12 shall have been elected or appointed and all elections or appointments  
13 of any such judges by the people, legislature, or otherwise, during  
14 said period, to any office other than judicial shall be void.  
15 The statute review commission inherently involved legislative  
16 functions and generated other income for these justices. for instance  
17 Justice Budt was paid an additional \$6,500 more a year to sit on the  
18 commission. Therefore, the placement of three members of the Nevada  
19 supreme court on the statute review commission clearly violated  
20 ART VI, § 11 of the NEV CONST. This also violated the nevada  
21 constitution separation of powers prohibition in ART III § 1  
22 which states in pertinent part, three separate departments;  
23 legislative review of Regulations, the power of the Government  
24 of the state of Nevada shall be divided into three separate  
25 departments, The Legislative, The Executive and The Judicial:  
26 and NO PERSON CHARGED WITH THE EXERCISE OF POWERS PROPERLY  
27 BELONGING TO ONE OF THESE DEPARTMENTS SHALL EXERCISE ANY  
28 FUNCTIONS, APPERTAINING TO EITHER OF THE OTHERS, except in

1 cases expressly directed or permitted in this constitution.  
2 Thus the separation of powers doctrine was violated as three (3) justices  
3 were involved in the drafting of legislation and the passage of Bills in  
4 the legislature, a purely legislative function. Further, the Statute  
5 Revision Commission was completely responsible for the generation  
6 of the NEVADA REVISED STATUTES (NRS) at issue herein. The generation  
7 of these Revised Statutes specifically state that there were actual  
8 changes in the statement of the law as they were compiled into the  
9 NRS. changes were made to the existing statutes, entire words  
10 were deleted as being redundant, grammar was changed, sentence  
11 structures were altered, all in the name of progress. changing even (1)  
12 lot or title was a legislative act and the Statute Revision Commission's  
13 members were constitutionally prohibited from this conduct. it is  
14 important to note here that the Statute Revision Commission was not  
15 legally created until 1955. on APRIL 26, 1963 the legislature  
16 committed an illegal act by backdating the appointment of the  
17 Statute Revision Commission and revisor of statutes to 1951 to cover up  
18 their pre-existing criminal fraud. See APRIL 26, 1963 ACT BILL NO  
19 24, chapter 403, Reading the forward providing by the Statute  
20 Revision Commission reveals some interesting facts (if true), to  
21 wit: exhibit 8

22 FOREWORD see exhibit 9, 9A

23 By the provisions of CHAPTER 304, STATUTES OF NEVADA 1951,  
24 amended by CHAPTER 280, STATUTES OF NEVADA 1953 and CHAPTER  
25 248, STATUTES OF NEVADA 1955. The legislature of the state of  
26 Nevada created the Statute Revision Commission, comprised of three  
27 Justices of the Supreme Court, authorized such Commission to  
28 appoint a revisor of the statutes to be known as the Director

1 OF THE STATUTE REVISION COMMISSION and charged THE COMMISSION to  
2 commence the preparation of a complete revision and compilation of  
3 the laws of the state of Nevada to be known as NEVADA REVISED  
4 STATUTES for further duties and Authority of The statute Revision  
5 Commission relating to the preparation of Nevada Revised Statutes, the  
6 numbering of sections, bindings, printing, classification, Revision  
7 and sale thereof.  
8  
9  
10 The Commission employed as Director RUSSELL W. McDonald. a  
11 member of the state bar of Nevada, who with HIS STAFF under  
12 took and performed this monumental task, with such method, care,  
13 precision, completeness, accuracy and safe guarded against error  
14 as to evoke the Highest Praise of the Commission and the  
15 commendation of the bench and bar of the state.  
16  
17 AS the work progressed, MR McDonald submitted drafts of chapter  
18 after chapter as recompiled and revised, and the members of the  
19 Commission individually and in conference meticulously checked  
20 all revisions. In the vast majority of cases these revisions  
21 were promptly approved. many required further conferences  
22 with the Director. Some were modified and redrafted, as the  
23 several chapters were returned with approval to the Director,  
24 They were in turn delivered to the Superintendent of State printing  
25 for printing, to the end that upon the convening of the 1957  
26 legislature The Nevada Revised Statutes were ready to present  
27 for approval, by the provisions of chapter 2, STATUTES OF  
28 NEVADA 1957

1 Nevada Revised Statutes consisting of NRS 1.010 to 710,590 inclusive,  
2 was "adopted and enacted as law of the state of Nevada."<sup>99</sup>

3 STATUTE REVISION COMMISSION

4 Milton B. Burt

5 Edgar Ether

6 Charles M. Merrill

7 The supreme court says that the statute revision commission was created by  
8 the legislature. However the LCB states the statute revision commission  
9 was created by the Nevada supreme court in 1951 and became  
10 involved in bill drafting as an adjunct to its statute revision work  
11 and, further the 1945 law establishing the bureau [LCB] charged it  
12 with assisting the legislature to find facts concerning government  
13 proposal, legislation, and various other public matters. The LCB goes  
14 on further to state that, during the next several years, the duties of  
15 the bureau and its staff were modified and expanded.

16 In 1963, the new legislature reorganized the legislative counsel  
17 Bureau, giving it structure and responsibilities similar to those it has  
18 today, one part of this change was the incorporation of the statute  
19 revision commission [via legislative counsel, Russell W. McDonald] into  
20 the legislative counsel Bureau as the legal division... The 1963  
21 legislation also added a fiscal and auditing division and a research  
22 division.

23 In 1956-57 the committee on judiciary in the senate passed  
24 concurrent Resolution no 2 attached as exhibit 1, 2, 3 this  
25 legislation was an attempt to boot strap the illegal passage  
26 of the NRS by SB-2. The senate attempted to do so by using  
27 a joint Resolution to provide that the "official  
28

1 engrossed copy of SB-2 may be used as the enrolled bill<sup>79</sup> As set forth  
2 above Resolutions cannot be used to pass any bill into Law, rendering  
3 any law using this legislative vehicle as void.  
4 Even The LCB's preface to The NRS describing The work done by The  
5 Statute Revision Commission as a delegation of The legislature's own  
6 duties, Russell McDonald was engaged in "revising" which The LCB  
7 states in their preface as follows:

8  
9 "Revising" The statutes, on the other hand, involves these additional and  
10 distinguishing operations: (1) The collection into chapters of all sections  
11 and part of sections that relate to the same subject and the orderly  
12 arrangement into sections of the material assembled in each chapter.  
13 (2) The elimination of inoperative or obsolete, duplicated, impliedly  
14 repealed and unconstitutional (as declared by the supreme court of the  
15 state of Nevada) sections and parts of sections. (3) The elimination  
16 of unnecessary words and the improvement of the grammatical  
17 structure and physical form of sections. The revision, instead of the  
18 recompilation of the statutes was undertaken, therefore, first, to eliminate  
19 sections or parts of sections which, though not specifically repealed,  
20 were never the less ineffective and, second to clarify, simplify, classify  
21 and generally make more accessible, understandable and usable the  
22 remaining effective sections or part of sections.

23  
24 changing any word, whether it is redundant, unnecessary, ineffective,  
25 simply clarifying, or just simply an improvement of the grammatical  
26 structure is a Legislative ~~is~~ function, not a judicial function, lest  
27 we forget these corrections were being approved first by three (3)  
28 State Supreme Court Justices. This is a blatant violation of the

1 Separation of powers doctrine. However we don't really know whether  
2 any of the records that can be retrieved from the LCB or the Nevada  
3 archives are copies of the original bill or records, both produce what  
4 they claim are copies, yet do not match what the other has.  
5 We will never know which one is a true copy of the original  
6 because of the fact that the records are not in their constitutional  
7 repository and, therefore, legally do not exist. Literally, the statute  
8 Revision Commission was passing (or attempting to pass) laws in  
9 complete derogation of the three justices oath of office and blatant  
10 violation of constitutionally prohibited practices. Effectively the  
11 predecessor to the LCB and then later the LCB took over the  
12 official duties of Nevada's elected officials and ran the entire  
13 state legislative system through one guy - Russell West McDonald a  
14 character who the legislature was told was an attorney who  
15 graduated from Stanford's Law School, was a Rhodes scholar, was  
16 educated in Nevada's public schools, and was a native-born Nevadan,  
17 none of it verifiable. Russell West McDonald was a mystery man,  
18 who obtained almost unlimited & certainly unchecked power, see  
19 EXHIBIT 6

20 The harsh reality of both of the amorously hollow resolutions that  
21 are alleged to have caused the passage of SB-2, while at the same  
22 time revoking Nevada's existing statutes and replacing them with  
23 the NRS, is that the entire program is legally and legislatively  
24 bankrupt. that means that the entire process was void by the  
25 plethora of constitutional violations, but included acts of a criminal  
26 nature, not to mention the passage of SB-2 violated the  
27 legislature's own rules. The passing of legislation is not like  
28 horseshoes and hand grenades. close does not count, the

1 NEVADA CONSTITUTION prohibits the passage of bills in the manner that  
2 was done for the passage of the NRS at issue. This NRS is/was void  
3 ab initio, meaning from its inception.

4 The Joint House Rules of the Nevada legislature were clearly violated  
5 on the method of the passage of Bills into law which also prevented  
6 the NRS at issue herein's passage through these violations as well.

7 How many constitutional provisions or legislative rules need to be  
8 violated in order to negate it's passage? The answer should be

9 ONLY ONE! There are other revealing constitutional violations as well

10 as the violations of the legislature's own rules which are egregious,  
11 for instance NRS at issue here's very passage violates Senate Bill 109  
12 Sec. 4, section 8 being chapter 3, statute of Nevada 1949, at page 4.

13 Literally, the term "enrolled" Bill means a "printed and  
14 signed" Bill. An examination of the engrossed Bill referred to or,  
15 more succinctly, SB-2; which was used to pass the NRS at  
16 issue herein shows that it was type-written - not printed.

17 The LCB even admits this.

18

19 other errors were committed, for instance the requirement for the  
20 passage of a Bill is that it be read three times over three separate  
21 days as required by Nevada constitution; Article 4 § 17 there  
22 is no evidence that this was ever accomplished and this

23 information cannot be obtained from the constitutional Records  
24 keeper. That being the Secretary of state. See Nevada constitution

25 Article 5 § 20, which requires the legislative Records to be  
26 maintained by the Secretary of state. Furthermore the Nevada

27 constitution requires that the procedures set forth in Article  
28 16 § 18 or § 2 be followed to amend the constitution.



1 These do not include Amendment by statute or amendment by subterfuge and  
2 guise. Holding that a statute can amend the state constitution violates  
3 every citizen's constitutional right to procedural and substantive due  
4 process under the Nevada constitution Art. 1 § 8(5) and under the  
5 under the United States constitution XIV Amendments. However  
6 the LCB has once again taken action to cover up their fraud by  
7 bringing the Nevada legislature into the fold, and getting them to  
8 become co-conspirators in their criminal enterprise, this was  
9 accomplished by the Nevada legislature amending the constitution  
10 through the passage of a statute; this was done through NRS 225.  
11 070 which transfers all authority of record keeping from the Secretary of  
12 State to the LCB, yet a search shows that this statute was repealed on  
13 03/24/1999, now the Deputy Attorney General wants to use  
14 another false statute to bring fraud upon this court.  
15 Holding that a statute can diminish or negate the constitutional  
16 Authority mandated in the constitution violates the separation  
17 of powers doctrine (amending the constitution must be  
18 effectuated by the Body politic, not legislating from the  
19 Bench, ~~not~~ nor amended by the passage of a statute) "A  
20 statute cannot amend the constitution" Seminole Tribe of  
21 Florida v Florida 517 U.S. 44 116 S.Ct. 1114 (U.S. Fla. 1996);  
22 Pennsylvania v. Union Gas Co. 491 U.S. 1, 24, 109 S. Ct. 1273, 1286, 105 L ed 2d  
23 (1989) Counselman v. Hitchcock 142 U.S. 547, 12 S. Ct 195 (1982) "[4] n  
24 unconstitutional statute is to be regarded as nonexistent and no  
25 defence to state officers acting under it..." Rockaway  
26 Pacific Corporation v. Statebury 255 P. 345 (D.C. N. Y. 1917) see  
27 also Cooper v. Aaron 385 U.S. 118, 78 S. Ct 1401, 1409-1410, 3  
28 L ed 2d 5 1958 (holding that an oath to support the

1 constitution is an oath to support its interpretation by the United States  
2 Supreme Court.) See also Baker v Carr 369 U.S. 189 215 82 S. Ct 691, 709  
3 7 L Ed 2d 663 (1962) which the United States Bankruptcy Court relied upon  
4 in In Re Tessier 190 B.R. 396 (1995) to make the following conclusion:

5  
6 Finally, in attempting to deny the Supreme Court's determination of  
7 its own capacity to adjudicate, the Congress invades a province  
8 properly left to a coordinate Branch, and in so doing, impermissibly  
9 exceeds its legislative authority.

10  
11 Nevada's sister state California has had some things to say about similar  
12 circumstances in their state. "The constitutional provision was a law  
13 made directly by the people instead of the legislature, and such laws  
14 are to be construed and enforced in all respects as though they were  
15 statutes." Winchester v Mabury 122 Cal 552, 55 p 393 "in  
16 effect these constitutional provisions are but statutes, which the  
17 legislature cannot repeal or amend." Winchester v Howard 136 Cal.  
18 432, 439, 64 p 692, 64 p. 77, 79, 89 Am St Rep 153

19 The LCB has and allegedly maintains all of the legislative records in  
20 clear violation of the Nevada Constitution Art 5 § 20 Resolution  
21 Journals and all other records were allegedly taken away from the  
22 Secretary of State and transferred to the LCB through the passage of  
23 NRS 225.070 A statute that does not exist, or in this case  
24 no longer exists.

25 Even if the legislature did every thing lawfully by following the  
26 correct rules and guidelines, we still will never know if the  
27 NRS at issue here were properly passed into law because there  
28 are no records at the Secretary of State's office. see letter

1 from Secretary of state stating that they do not have these records exhibit  
2 ~~7~~ (as the Nevada constitution Art 5 § 20, commands the Secretary of  
3 state to maintain and protect) Even the proofs of the unconstitutional  
4 NRS's at issue here passed off as law, has been unconstitutionally hidden by an  
5 entity that may deny access to the information to anyone  
6 Furthermore there exists even more disturbing information regarding the  
7 legality of the issue of the NRS's herein is that there are no records  
8 even showing that the Governor ever signed SB-2 into law.  
9 Interestingly although the Secretary of state is constitutionally  
10 mandated to maintain the legal custody and control of this information  
11 and provide it to any party seeking the information. The Secretary  
12 of state overs that it does not have legal custody and control of  
13 it. The Secretary of state tells you to ask the LCB for it, this is  
14 absurd!  
15 The Attorney General's office has addressed a similar issue before and  
16 stated that, A Joint Resolution appropriating money from the  
17 Highway Fund, adopted by both, but never presented to the Governor for  
18 his signature does not become Law. Thus an appropriation is  
19 invalid under this section. Attorney General Opinion 85 (AGO 7-25-1950)  
20 Currently the Secretary of state (as pointed out above) states that their  
21 office does not have that would prove this plaintiff's argument.  
22 This poses a serious problem for two reasons: (1) The loss or hiding of  
23 these records prevents the petitioners story from being proven conclusively!  
24 and (2) losing or destroying or hiding these records constitutes a crime.  
25 See NRS 239.320 which discusses the crime of any public officer  
26 causing injury to concealment or falsification of records or papers  
27 to wit:  
28 An officer who mutilates, destroys, conceals, erases, obliterates or

1 falsifies any record or paper appertaining to His office, is guilty of a  
2 category c felony and shall be punished as provided in NRS 193.130  
3  
4 further The documents which were submitted for the passage of SB-2  
5 do not conform to The constitutional requirements or The Joint Rules  
6 of The senate and Assembly. Since This document was submitted  
7 by The LCB, The senate and The Assembly, This unqualified  
8 document was not a true Bill, since it was not a true Bill it was  
9 false or fraudulent Bill. NRS 239.330 discusses the penalties  
10 for submitting or offering false information for filing or for  
11 recording. The statute reads in pertinent part as follows:  
12 A person who knowingly procures or offers any false or forged  
13 instrument to be filed, registered or recorded in any public office, which  
14 instrument, if genuine might be filed, registered or recorded in a public  
15 office under any law of This state or of The united states, is guilty  
16 of a category C felony and shall be punished as provided in NRS  
17 193.130 also see 18 U.S.C. title 18 crimes & criminal procedures § 241;  
18 § 242; 18 U.S.C. 47 § 1002, § 1017, § 1018, § 1021  
19 there is no question that SB-2, was passed off as a legitimate document,  
20 when it was not. Therefore This constituted the offering of a false  
21 instrument and caused it to be filed, registered or recorded in a public office.  
22 Currently The secretary of state who is The constitutionally mandated  
23 office to have The records, does not have The documents or at least not  
24 willing to admit that they do. But since The secretary of state is required  
25 to maintain these legislative and Executive Records, but tells you to  
26 request them from The LCB, it is assumed, that This office will  
27 continue to maintain This position because it has been ordered to  
28 do so. The probable explanation is that if we don't maintain

1 that the NRS's at issue here are ~~the~~ The Law in Nevada it could cause  
2 complete and total chaos, even anarchy, however, The United  
3 States Constitution in ARTICLE 4 § 4 states that The United States  
4 Government SHALL guarantee to every state in this Union a Republican  
5 form of Government. Everybody these days are told that our soldiers are  
6 fighting for Democracy, but this is not true. They fight to  
7 maintain the rule of law, which is what a Republic ~~is~~ is based upon.  
8 So, even our politicians and educators don't know what kind  
9 of Government we have. It is rather interesting that the Constitution  
10 does not guarantee every state a "Democratic form of Government" But it does  
11 guarantee each state a Republican form of Government.

12  
13 So what is the answer to all of these problems. The plaintiffs' assessment  
14 is that what is good for the goose should be good for the gander. In other  
15 words, we need to or should follow the same protocols that the gaming  
16 industry does when it enforces gaming rules on the citizens of the  
17 state and that is ZERO tolerance for any kind of non-conformance  
18 with the rules the gaming industry calls any ~~non~~ non-conformance  
19 with the gaming rules CHEATING! cheating is a criminal act.

20 So why does the Government think they can get away with something that  
21 is much, much more egregious than cheating at gaming.

22 SB-2 is literally, nothing more than a Bill of Attainder by the United  
23 States Constitution, Article 1 § 10 and it has been executed against  
24 the entire populace of the state.

25  
26 What will the Government have to say about all of this?

27 The answer is nothing because they have already brought the Secretary  
28 of State into the fold, and instructed her/him not to release any

1 documents, in fact, the office is denying that the office even has  
2 or maintains them. what would happen if the Secretary of State  
3 produced these documents, as the office is required to do, and  
4 it shows that everything this plaintiff claims is true?  
5 well most certainly they will say we cannot set aside the  
6 NRS's at issue or any other NRS because when they passed the  
7 NRS into law they voided all the general statutes, so they are  
8 gone as well, which would be untrue because within SB-2  
9 it states in the case that this is found to be unconstitutional  
10 then they would revert back to all the original statutes. The  
11 absurdity of the legal view point is that if we have  
12 laws that were never properly passed and they are null and  
13 void - don't we already have no law? The United States Supreme  
14 court has addressed this issue in Merritt v. Welsh 104 U.S. 694,  
15 702 (1881) stating "it has been said, with much truth where  
16 the law ends, tyranny begins" so let's call what defendant  
17 is doing what it is, TYRANNY  
18 If words mean nothing, then our CONSTITUTION MEANS  
19 nothing, if our constitution means nothing then we have no  
20 rights, if we have no rights, then we have only privileges  
21 and immunities that are granted by the Government, we are then  
22 but subjects of a tyrannical Government. it is a maxim of Law  
23 "that which creates, has the power to destroy" therefore,  
24 privileges are worthless because they can be legislated away  
25 for any reason, whereas constitutional rights cannot be  
26 legislated away without the consent of the Body politic this  
27 destroys the sovereignty of the state and its citizens. The  
28 legislature has taken upon themselves to take total power

1 away from the state constitution. The Law of The Body politic,  
2 the citizens of the state.  
3 However <sup>66</sup> A state constitution is binding on the courts of the  
4 state and on every officer and every citizen. Any attempt to do that  
5 which is prescribed in any manner than that prescribed or to do that  
6 which is prohibited is ~~o~~ repugnant to the supreme and paramount law,  
7 and invalid <sup>99</sup> Porch v Patterson 39 Nev 251, 268, 156 p. 439, 445.  
8 (1916) The constitution nullifies sophisticated as well as simple-  
9 minded modes of infringing on constitutional protections. Lane v  
10 Wilson 307 U.S. 268, 275, 59 S.Ct 872, 876, 83 L Ed 1281 (1939);  
11 Harmon v Forsee 380 U.S. at 540, 541 85 S.Ct at 1185.  
12 cited in U.S. term limits Inc v Thorton 514 U.S. 779, 829, 115 S.Ct  
13 1842 (1995)  
14 Like its counterpart in the Fifth Amendment, the due process clause of the  
15 Fourteenth Amendment was intended to prevent the Government <sup>66</sup> from  
16 abusing [its] power, or employing it as an instrument of oppression <sup>99</sup>  
17 Davidson v Cannon 474 U.S. 344, 348 (1986)  
18 The constitution of the United States guarantees each state a  
19 Republican form of Government. A Republican form of Government means  
20 that we have the rule of law. Currently we have no rule of law in  
21 NEVADA, in fact we have nothing but lawlessness. we have an oligarchy,  
22 a nation-state where our representatives have become rulers who are  
23 a law unto themselves and are rulers who are lying to us in order  
24 to maintain the facade that we are in an orderly, free society ~  
25 ~ when the truth is we are living under an oppressive and tyrannical  
26 Government. No state legislation or executive or judicial officer  
27 can war against the constitution without violating his/her under  
28 taking to support it <sup>99</sup>



1 Copper v Aaron 385 U.S. 1, 78 S.Ct 1401 (1985) the United States  
2 Supreme Court has spoken "we [Judges] have no more right to decline  
3 The exercise of Jurisdiction which is given, than to US or which is  
4 not given. The one or the other would be treason to The Constitution."  
5 U.S. v Will 449 U.S. 200, 216, 101 S.Ct. 471 66 L ed 2d 392, 406 (1980);  
6 Cohens v Virginia 19 U.S. 60 Wheat 264, 404 S L ed 257 (1821)  
7 The [illegality] of The [NRS], more to point [NRSS] argued by defence  
8 counsel in their response to plaintiff's motion for summary denies this  
9 Court its Jurisdiction to act.  
10 The legislative ~~the~~ Counsel Bureau [LCB] is an illegally created private  
11 corporate entity, which maintains all of the public records in violation  
12 of the Nevada Constitution. This Corporation has obtained untold powers  
13 over the years and controls many aspects of the State Government  
14 including the writing and drafting of all Bills in the legislature.  
15 The state mail room, the Senate printing, office and the ownership  
16 of the copyrights on the NEVADA REVISED STATUTES [NRS], which  
17 have brought millions of dollars of profit to the private corporation.  
18 A "DEMOCRACY" is mob rule, directed and controlled by an  
19 oligarchy. Currently in this country we have a nation ~ state type  
20 of Government that operates as a democratic 'welfare state,  
21 where laws are not obeyed or enforced because they might offend  
22 someone. Where as a REPUBLICAN form of Government is a Government  
23 of Laws, where laws are enforced regardless of whether we will offend  
24 somebody or not - simply because it is the Law.  
25 Simply put [the state of Nevada has been, is levying fines, putting its  
26 citizens, citizens of other states, of other countries in jail or prison  
27 and putting them to death based upon statutes/Laws that are  
28 completely void] This must be seen for what it is, a criminal

1 act. Arresting, fining, and incarcerating someone pursuant to a fraudulent  
2 Law is <sup>"1966"</sup> Extortion, <sup>"1966"</sup> Deceit, <sup>"1966"</sup> Fraud, <sup>"1966"</sup> Kidnapping, and even <sup>"1966"</sup> False Imprisonment<sup>"1966"</sup>  
3 putting someone to death, even if they deserve it, for a Law that  
4 doesn't exist is "murder"  
5 "[T]he court's statutory... power to adjudicate" is defined as  
6 subject matter jurisdiction. Cotton v United States 535 U.S. 625,  
7 630 (2005) It logically follows that an unconstitutional Law deprives  
8 a court of subject matter jurisdiction rendering judgments void.  
9 see Wright v. West 505 U.S. 277, 285 (1992) "Court without  
10 jurisdiction to impose sentence under unconstitutional statute"  
11 citing Ex parte Siebold 100 U.S. 271-377 (1880); Ex parte Smith  
12 126 p 655, 669 (Nev 1912) an unconstitutional Law "is a  
13 jurisdictional defect." Ex parte Rosenblatt 14 p 298, 299 (Nev 1887)  
14 (holding that an unconstitutional Law is void and insufficient to  
15 give jurisdiction to the court) (citing Ex parte Siebold supra).  
16 A sentence based upon an unconstitutional Law not only deprives  
17 a court of jurisdiction to impose the sentence at all, the sentence  
18 would also be illegal. see Edwards v State 418 p.2d 321-324 (Nev 1996)  
19 holding that a sentence is illegal if the court goes beyond its authority  
20 by acting without jurisdiction.  
21 Sentencing Laws are enacted by the legislature through statutes  
22 and confer the court with jurisdiction to adjudicate within  
23 the scope of the statute's provision. "A court does not have  
24 the power by judicial fiat, to extend its jurisdiction over  
25 matters beyond the scope of the authority granted to it by its  
26 creators" Stoll v Gotlieb 305 U.S. 165, 171 (1938); Ex parte  
27 Smith, 126 p at 671 An unconstitutional Law is no Law at all  
28 and cannot legitimately confer a court with jurisdiction

1 Such laws are without force and effect. There is nothing anyone  
2 can provide to rebut the facts of this argument, for the NRS's  
3 i.e. NRS 378.255, 41.031, 41.033 being unconstitutional, anyone  
4 who attempts to argue against the cold hard facts does not care  
5 about justice and is against this state's constitution.  
6 (1) Harmless Beyond reasonable doubt standard presumes prejudice and  
7 burden on beneficiary of errors to prove beyond reasonable doubt that  
8 errors did not contribute to verdict.  
9 (2) Harmless plain error does not exist, all plain errors are harmful;  
10 (3) Harmless constitutional error test is stringently applied, resolving all  
11 reasonable doubts against government. "where court is in grave  
12 doubt as to harmlessness of state court error habeas petitioner, or  
13 in this case plaintiff must win/prevail." Crespin v. State of N.M.  
14 144 F3d 641 (10th Cir 1998) There is no way for the state or in  
15 this case defence counsel, defendant that the use of unconstitutional  
16 laws were not, are not harmful to plaintiff.  
17 The subject matter embodied in a legislative act must be expressed  
18 in the title. AGO 17 (2-17-1923) all legislative power is vested  
19 in the legislature by the constitution, and the legislature cannot  
20 delegate this power to any officer or board AGO 257 (5-26-1938)  
21 This section requires that each law enacted by the legislature  
22 embrace only one subject and that the subject matter of a  
23 bill appear in the title, that part of a statute which provided  
24 for the payment of salary to an official reporter of the  
25 supreme court was void because not embraced in the title  
26 AGO (3-30-1929), State ex rel Stevenson v. Tully 19 New  
27 391, 12 p 835 1887 New lexis 4 (New 1887) "According Amendments  
28 to the constitution can be made only in the mode provided by

1 The constitution itself. see NEV CONST ART 16 Sect 1, or 2  
2 ~~the~~ The provisions providing the mode for amending the constitution  
3 were intended to secure care and deliberation on the part of  
4 the legislature and people, and are exclusive and controlling."  
5 State ex rel Norcross v Board of Comm'r 22 Nev 399 41 p. 145  
6 1895 Nev Lexis 20 (Nev 1895) "If the title is restricted to a certain  
7 purpose, the purview or body of the act must also be restricted  
8 to that subject, the act can be no broader than the subject  
9 expressed in the title." State ex rel Abelman v Douglas 46 Nev  
10 121, 208 p 422, 1922 Nev Lexis 10 (Nev 1922) "If a statute is  
11 broader than its title, the part expressed in the title is valid,  
12 while the parts not indicated thereby are void." Pacific Live Stock Co.  
13 v. Ellison Ranching Co. 46 Nev 351 213 p. 700 1923 Nev Lexis  
14 14 (1923) "A district court has authority to declare an act of  
15 the legislature unconstitutional." The state can say they were  
16 repealed and don't exist, but if you read SB-2 in its entry you'll  
17 notice the section that states if found to be unconstitutional  
18 the laws shall revert back to the old statutes. so there is  
19 no excuse. The courts are bound to enforce the constitution  
20 The challenge to the NRS or in the case at bar NRS 41.031, 41.0337,  
21 378.255 is a challenge to the jurisdiction of the lower courts,  
22 a jurisdictional challenge cannot be waived at any time. A  
23 jurisdiction challenge is the same as a challenge to an illegal  
24 sentence which can be challenged years down the road. See  
25 Edwards v State 918 p. 2d 321, 324 (Nev 1996); Pussanisi v State  
26 Also a judge is a judge, they are judicial officials which means  
27 they can only perform judicial duties nothing else. The LCB  
28 was a quasi legislative officer. Judges are elected to be a

1 Judicial official. The LCB did legislative work which is forbidden  
2 for a Judicial official to do, you cannot change the definition  
3 of something as a Judicial official by statute. A Judge will  
4 always be a Judicial officer, and a senator or congressman will  
5 always be a legislator and neither can perform the duties of  
6 another under the separation of powers

### 8 CONCLUSION

9 The vastness of this conspiracy goes all the way to the top.  
10 After all, Governor Sandovol signed into Law a bill that prohibits  
11 inmates from having access to public records. This can't be just  
12 a coincidence, can it? Sandovol is a former Federal Judge,  
13 prior to signing this bill of Attainder into Law He received  
14 a package from Gary W. Walters outlining the illegality of the  
15 NRS as a whole. The prosecutors, D.A.G's have gone so far  
16 as to say that one NRS backs this NRS as prima facie  
17 evidence, but prima facie means from the beginning. you can't  
18 use one unconstitutional Law to support another unconstitutional  
19 Law i.e. 41.031; 41.0337 two wrongs don't make it right  
20 Before this defence counsel even begins to argue that these  
21 NRS He has chosen to use in His clients defence are not  
22 Laws of Nevada. well then if they are not Laws/statutes  
23 They are NOT enforceable. proof of this issue can be found at Clark  
24 county.us/Anonymous/default.aspx STATE OF NEVADA vs Gary W Walters 05211569  
25 plaintiff has asserted He unintentionally sent complaint in original  
26 complaint to AG's office when He meant to serve defendant as  
27 a private person, in Her individual capacity NOT Her official  
28 capacity.

1 prior to this court's order dismissing original complaint, plaintiffs  
2 appeal. He submitted His Amended complaint. see Lopez v. Smith  
3 203 F.3d 1122, 1130 (9th Cir 2000) en banc quoting Doe v. U.S., 58  
4 F.3d 494, 497 (9th Cir 1995) "A district court should grant leave  
5 to amend even if no request to amend the pleadings was made  
6 unless it determines that the pleading could not possibly be  
7 cured by the allegations of other facts." also see Cook v. Kiss  
8 & Liebe v. N. Cal. Collection Serv., 911 F.2d 242, 247 (9th Cir 1990);  
9 Lacey v. Maricopa County, 693 F.3d 896, 926 (9th Cir 2012) "we  
10 have adopted a generous standard for granting leave to amend  
11 from a dismissal for failure to state a claim. Such that a  
12 district court should grant leave to amend even if no request  
13 to amend the pleading was made, unless it determines that the  
14 pleading could not possibly be cured by the allegation of other  
15 facts. AS plaintiff stated in telephonic hearing on 10/2/20  
16 these original & true documents would prove plaintiffs  
17 conviction is void & invalid. further the letter from the  
18 Secretary of state admits plaintiffs claim. she is not  
19 doing her job as prescribed by the Nev. Const. the facts are  
20 simple. she was elected to do a job, has failed. at best or  
21 worst the original complaint could be dismissed even though  
22 the mix up on effecting service was not intentional. service  
23 was effected properly before a decision was made in this case.  
24 at worst plaintiff would ask that if original is dismissed  
25 for that reason. He would ask/request opportunity to  
26 amend the original, or stand on Amended Filed although he  
27 only intends to sue defendant in her private individual  
28 capacity.

1 attached as exhibit 10 is another response by Defendant's office  
2 dated 01/07/2020 admitting they got the attached Senate Bill  
3 from LCB website. This is a clear violation of Her Oath of  
4 Office; The Nevada Constitution and United States Constitution.  
5 AS TO THE DAMAGES.

6 The true & correct documents can, or would show what this  
7 plaintiff is saying is true, are other exhibits listed in  
8 this motion true & correct copies. They are documents  
9 received from either the LCB or Nevada Archives  
10 Page four (4) of Defendant's opposition to summary judgment. Line  
11 9-16. Defense counsel claims plaintiff failed to use any authority  
12 to support his position, counsel further claims plaintiff has  
13 failed to produce any evidence to support the claim that defendant  
14 failed to uphold her oath of office. plaintiff would point out  
15 to Appendix/exhibit (1) oath of office (2015) exhibit (2) her  
16 oath of office (2019) ~~now~~ exhibit (3) secretary of state letter  
17 dated 2/27/2019, NEVADA CONSTITUTION ARTICLE 5 SEC  
18 20. line 13 the letter is admittance that she is in violation  
19 of her oath of office, A violation of Nevada Constitution.  
20 Like plaintiff has stated. The constitution is the supreme  
21 Law of Nevada, The U.S. CONST is supreme Law of United  
22 States. NRS 378.255 cannot amend the Nevada constitution  
23 Art 5 Sec 20. ~~para~~

#### 24 PERSONAL DAMAGES

25 being incarcerated pursuant to a statute that is 100%  
26 unconstitutional, by the defendant not being in possession  
27 of the true & correct documents that would prove his  
28 claims violates his due process rights, his Eighth Amendment



1 right to be free from cruel & unusual punishment. This defendant swore an  
2 oath to uphold the U.S. Constitution & the Nevada Constitution; she has  
3 failed. For counsel to claim plaintiff's motion for summary judgment  
4 is devoid of any authority is fraud upon the court.  
5 To state the letters admitting to not having possession of legislative  
6 acts is not proof of a violation of both the U.S. & Nev Const and  
7 proof of her breaking her oath which is also a contract with the  
8 citizens of Nevada.

9 First of all the Constitution is the supreme authority.  
10 second there is plenty of case law, to support plaintiff's position  
11  
12

13 defense counsel is attempting to cloud or muck up the waters as it  
14 were to defraud this court.  
15

16 plaintiff would ask this court to not only enter an order for  
17 summary judgment for plaintiff, but to also levy sanctions  
18 on counsel for an attempt to bring fraud upon this court  
19 & for perjury  
20  
21  
22  
23  
24  
25  
26  
27  
28

VERIFICATION

I Bryan P Bonham, plaintiff declare & verify That I have read the foregoing motion and to the best of my belief & knowledge that the foregoing is true & correct under the pains & penalties of perjury pursuant to 28 U.S.C.A § 1746 & 18 U.S.C.A § 1621

CERTIFICATE OF SERVICE

I Bryan P Bonham certify That I am attaching a true & correct copy of the foregoing motion with special instructions for electronic filing & service to the clerk of the court to serve all of my opponents pursuant to N.E.R.C.R. 5(K) 9, et seq A-E etc to the following.

Deputy Attorney General

Douglas R Rands

100 N. Carson St.

Carson City, Nev 89701

Dated This 30th day of January, 2021



Bryan P Bonham 60575

PO Box 650 (HDSPI)

Indian Springs, Nev 89070

EXHIBIT 1

Senate concurrent Resolution <sup>File</sup>~~version~~ NO 1

EXHIBIT 1

Version 3

## Resolutions and Memorials

Senate Concurrent Resolution No. 1—Committee on Judiciary

### FILE NO. 1

SENATE CONCURRENT RESOLUTION—Providing that the official engrossed copy of Senate Bill No. 2 may be used as the enrolled bill.

WHEREAS, The provisions of sec. 8 of chapter 3, Statutes of Nevada 1949, as amended by chapter 385, Statutes of Nevada 1955, provide that the official engrossed copy of a bill may by resolution be used as the enrolled bill; now, therefore, be it

*Resolved by the Senate of the State of Nevada, the Assembly concurring,* That the official engrossed copy of Senate Bill No. 2 shall be used as the enrolled bill as provided by law.

380825

**EXHIBIT 2**

Senate concurrent Resolution  
version 2

**EXHIBIT 1a**

39 of 25

SENATE CONCURRENT RESOLUTION--Providing that the official engrossed copy of Senate Bill No. 2 may be used as the enrolled bill.

WHEREAS, The provisions of sec. 8 of chapter 3, Statutes of Nevada 1949, as amended by chapter 385, Statutes of Nevada 1955, provide that the official engrossed copy of a bill may by resolution be used as the enrolled bill; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the official engrossed copy of Senate Bill No. 2 shall be used as the enrolled bill as provided by law.

*Real copy found version #2*

**EXHIBIT 3**

Senate Concurrent Resolution ~~101~~

version ~~1~~

**EXHIBIT 16**



Real copy found Version 1

SUMMARY--Provides that official engrossed copy of Senate Bill No. 2 be used as the enrolled bill.

SENATE CONCURRENT RESOLUTION--Providing that the official engrossed copy of Senate Bill No. 2 may be used as the enrolled bill.

WHEREAS, The provisions of sec. 8 of chapter 3, Statutes of Nevada 1949, as amended by chapter 385, Statutes of Nevada 1955, provide that the official engrossed copy of a bill may by resolution be used as the enrolled bill; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the official engrossed copy of Senate Bill No. 2 shall be used as the enrolled bill as provided by law.

EXHIBIT 4

Senate Bill 182

march 9, 1951

version 1

EXHIBIT 4

43 OF 75

11

S. B. 182

SENATE BILL NO. 182—COMMITTEE ON FINANCE

MARCH 9, 1951

Referred to Committee on Finance

Summary—Establishes permanent commission on compilation of laws.

EXPLANATION—Matter in italics is new; matter in brackets [ ] is material to be omitted.

AN ACT establishing a permanent commission for the revision, compilation, annotation, and publishing of the laws of the State of Nevada and certain laws of the United States; prescribing certain duties of a temporary nature; prescribing certain duties of a permanent nature; making an appropriation therefor, and other matters properly connected therewith.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There is hereby created a commission of the State of Nevada, to be known as the "commission for revision and compilation of Nevada laws," hereinafter referred to as the commission. Such commission shall be composed of three members, and said members shall be the three justices of the supreme court. The members of such commission shall have the powers and duties prescribed by this act, and shall each receive such salary for their services as shall be prescribed by this act, and subsequent enactments.

SECTION 2. As soon as practicable after the effective date hereof the commission shall commence the preparation of a complete revision and compilation of the constitution and the laws of the State of Nevada in general application, together with brief annotations and marginal notes to sections thereof. Such compilation when completed shall be known as "Revised Laws of Nevada," and the first publication shall be filled in the blank space of such title, and the title may be cited as "Rev. Laws."

SECTION 3. In preparing such compilation the commission is hereby authorized to adopt such system of numbering as it deems practical, and said compilation to be published in such number of volumes, such volumes shall not exceed 750 pages, as shall be deemed convenient and to cause such volumes to be bound in loose-leaf binders and so far as possible, permanent quality. The pages of such compilation shall conform in size and printing style to the pages of the statutes of Nevada, except that if necessary for marginal notes,

1 the same may be of greater width, and roman style type only, shall  
2 be used. In general, it is recommended, but not required, that the  
3 compilation should follow the plan of organization used in the  
4 edition heretofore made and known as the "Revised Laws of Nevada,  
5 1912," as authorized by chapter CCXXXVI, Statutes of 1909.  
6 Sec. 4. Upon completion of each portion of said "Revised Laws,"  
7 the commission is authorized and directed to have the same printed  
8 at the state printing office, and upon completion of the same  
9 printing the separate volumes shall be bound as heretofore required  
10 and forwarded to the secretary of state for safekeeping and disposal  
11 as set forth hereinafter. Sufficient copies of each page shall be printed  
12 so that there shall be bound 2,500 copies of each volume for the  
13 "Revised Laws." A master copy of said "Revised Laws of Nevada,  
14 1912," shall be kept in the office of the commission, and such  
15 copy shall not be removed from said office except in the custody  
16 of a member of the commission.  
17 Sec. 5. In complying with the provisions of this act, and  
18 the limitation of available appropriations, the commission is author-  
19 ized to employ such clerical assistance as it deems necessary, and  
20 compensated at the same rate as other state employees of compar-  
21 able position, and such assistants in drafting and research as may be  
22 necessary, and shall be familiar with methods of compilation and editing  
23 of laws. The terms of the employment and compensation of such  
24 assistants shall be fixed by the commission.  
25 Sec. 6. The commission shall reimburse the state printer for the  
26 appropriation hereby made for the cost of printing and binding the  
27 same required by this act.  
28 Sec. 7. From and after the completion of "Revised Laws of Nevada,  
29 1912," and the delivery of the same to the secretary of state,  
30 said secretary of state shall forward one set of the same to the  
31 of each elected or appointed state officer, and take the same for the  
32 said officer therefor; thirty sets shall be reserved at all times for the  
33 exclusive use of the legislature, one set shall be furnished to each  
34 county of the state for the use of the district judge and district  
35 clerk of that county, one set shall be furnished to each library  
36 state maintained by public funds, and such number of sets as may be  
37 necessary, not to exceed 50 sets, shall be made available to the  
38 librarian for reciprocal trading with state libraries of sister  
39 federal territories. The remaining sets shall be sold by the  
40 of state at a price of \$10 per volume, and all proceeds of the sale  
41 shall be deposited in the general fund.  
42 Sec. 8. The compilation herein authorized to be made shall be  
43 accompanied by as complete an index as it shall be practicable to  
44 prepare, which index shall be printed and bound in the same  
45 and style as the "Revised Laws."  
46 Sec. 9. The secretary of state shall make available to the  
47 commission all records of his office which are or may be of use to the  
48 commission, and any books or statutes in the custody of the secretary  
49 shall likewise be made available to said commission.  
50 Sec. 10. Upon request of the commission, the secretary of state shall

buildings and grounds shall assign and make available to the commis-  
sion suitable and convenient rooms or space for the use of the commis-  
sion and its employees.  
Sec. 11. The commission is authorized to purchase or otherwise  
secure necessary supplies and equipment.  
Sec. 12. Upon the completion of "Revised Laws of Nevada, 1912,"  
the commission is authorized and directed to prepare and have printed  
such replacement and supplementary pages for such laws, as may from  
time to time be necessary. In any event, said commission shall prepare  
the replacement and supplementary pages made necessary by the  
actions of the legislature, as soon as possible after each such session.  
The intent of this section is that such "Revised Laws" shall be kept  
current insofar as may be possible. Distribution of the same is to  
be made as for the original volumes, and prices shall be set by the  
commission as near as possible to the cost of preparing and printing,  
provided, that where distribution of the original volumes was without  
charge, no charge shall be made for replacement.  
Sec. 13. Upon completion, "Revised Laws of Nevada, 1912,"  
may be cited as prima-facie evidence of the law in all of the courts  
of this state. Such evidence may be rebutted by proof that the same  
differ from the official Statutes of Nevada.  
Sec. 14. The commission shall, from time to time, make recom-  
mendations for clarification of specific statutes, for elimination of  
obsolete statutes, and calling the attention of the legislature to con-  
flicting statutes, and such other matter as it deems necessary.  
Sec. 15. The members of the commission shall each receive a sal-  
ary of two hundred dollars (\$200) per month, paid as are the salaries  
of other state officers, and out of the appropriation hereby made, for  
the period commencing on the effective date hereof, and expiring June  
30, 1953.  
Sec. 16. There is hereby appropriated from the general fund, for  
the purposes of this act, the sum of seventy-five thousand dollars  
(\$75,000). Claims against this appropriation shall be allowed and  
paid in the same manner as are other claims against the state.  
Sec. 17. This act shall be effective from and after May 1, 1951.

EXHIBIT 5

Senate Bill No 182

March 22, 1951

EXHIBIT 5

Senate Bill No. 182—Committee on Finance

CHAPTER 304

AN ACT establishing a permanent commission for the revision, compilation, annotation, and publishing of the laws of the State of Nevada and certain laws of the United States; prescribing certain duties of a temporary nature; prescribing certain duties of a permanent nature; making an appropriation therefor, and other matters properly connected therewith.

[Approved March 22, 1951]

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

SECTION 1. There is hereby created a commission of the State of Nevada, to be known as the "commission for revision and compilation of Nevada laws," hereinafter referred to as the commission. Such commission shall be composed of three members, and said members shall be the three justices of the supreme court. The members of such commission shall have the powers and duties prescribed by this act, and shall each receive such salary for their services as shall be prescribed by this act, and subsequent enactments.

SEC. 2. As soon as practicable after the effective date hereof the commission shall commence the preparation of a complete revision and compilation of the constitution and the laws of the State of Nevada of general application, together with brief annotations and marginal notes to sections thereof. Such compilation when completed shall be known as "Revised Laws of Nevada," and the year of first publication shall be filled in the blank space of such title, for brevity such title may be cited as "Rev. Laws."

SEC. 3. In preparing such compilation the commission is hereby authorized to adopt such system of numbering as it deems practical, to cause said compilation to be published in such number of volumes, but such volumes shall not exceed 750 pages, as shall be deemed convenient, and to cause such volumes to be bound in loose-leaf binders of good, and so far as possible, permanent quality. The pages of such compilation shall conform in size and printing style to the pages of the Statutes of Nevada, except that if necessary for marginal notes, the same may be of greater width, and roman style type only, shall

buildings and grounds shall assign and make available to the commission suitable and convenient rooms or space for the use of the commission and its employees.

SEC. 11. The commission is authorized to purchase or otherwise secure, necessary supplies and equipment.

SEC. 12. Upon the completion of "Revised Laws of Nevada, .....", the commission is authorized and directed to prepare and have printed such replacement and supplementary pages for such laws, as may from time to time be necessary. In any event, said commission shall prepare the replacement and supplementary pages made necessary by the sessions of the legislature, as soon as possible after each such session. The intent of this section is that such "Revised Laws" shall be kept current insofar as may be possible. Distribution of the same is to be made as for the original volumes, and prices shall be set by the commission as near as possible to the cost of preparing and printing, provided, that where distribution of the original volumes was without charge, no charge shall be made for replacement.

SEC. 13. Upon completion, "Revised Laws of Nevada, .....", may be cited as prima-facie evidence of the law in all of the courts of this state. Such evidence may be rebutted by proof that the same differ from the official Statutes of Nevada.

SEC. 14. The commission shall, from time to time, make recommendations for clarification of specific statutes, for elimination of obsolete statutes, and calling the attention of the legislature to conflicting statutes, and such other matter as it deems necessary.

SEC. 15. The members of the commission shall each receive a salary of one hundred twenty-five dollars (\$125) per month, paid as are the salaries of other state officers, and out of the appropriation hereby made, for the period commencing on the effective date hereof, and expiring June 30, 1953.

SEC. 16. There is hereby appropriated from the general fund, for the purposes of this act, the sum of seventy-five thousand dollars (\$75,000). Claims against this appropriation shall be allowed and paid in the same manner as are other claims against the state.

SEC. 17. This act shall be effective from and after May 1, 1951.

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EXHIBIT

6

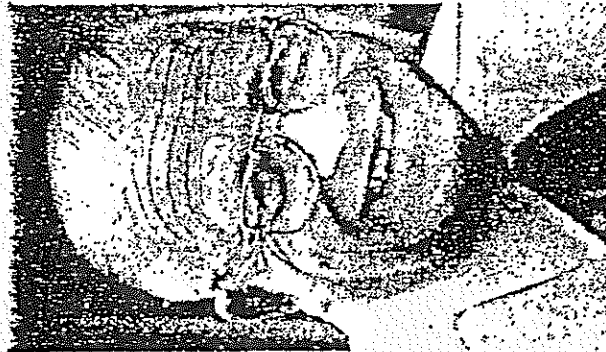
Article on Russell w McDonald

EXHIBIT

6

# Russ McDonald celebrates 30 years of public service

government codes for Reno, Sparks, Winnemucca, Lovelock and Washoe County.



RUSS McDONALD

McDonald's a jolly good fellow in legislative. Instead, the commissioners resolved to throw a party.

The official object of the county party, according to the resolution, is to provide "an opportunity for his countless friends and admirers to spend an evening of remembering and congratulation."

It all will take place at Harrah's Convention Center in Reno Saturday, June 24.

McDonald, who was born in Prosser, Wash., Oct. 10, 1917, is one of Nevada's great living legends. He's been hoisted in the past for accomplishing on his own what entire legislatures couldn't do on masses.

McDonald started his career as a \$208-a-month Reno deputy city attorney. He spent another 21 years as director of the state's Statute Revision Commission and then as director of the state's Legislative Counsel Bureau. In 1971, he was appointed Washoe County manager, a post he held until his retirement in 1976.

Since that time, McDonald has been working for the county as a consultant and lobbyist.

McDonald's writing of the complete Nevada Revised Statutes often is cited as his greatest accomplishment in government. He also worked in the preparation of the municipal

"It wasn't for the money," Russ McDonald explained, in the wake of a standing ovation Tuesday.

The Washoe County commissioners had just taken a break in their regular meeting to celebrate a special anniversary.

McDonald, 60, is celebrating 30 years of public service. His last full-time post was as Washoe County manager, but along the line, he's won a large share of the other hats that government in all its forms has to offer.

While public service may not pave the path to financial wealth, McDonald said, it has its own treasures to offer.

He told the overflow crowd of county employees and friends in the commission chambers Tuesday that one of his greatest delights in working in government is "the ability to always know what's going to happen next."

Casting a grin and an eye toward the scattered reporters in the chambers, he added, "...even before the press knew."

County employees treated McDonald to an anniversary cake-cutting in February. The commissioners did their part Tuesday, adopting a resolution which started out conventionally enough, with five "whereases," but the "therefore be it resolved" had a brand new twist. It did not say

- Exhibit K -  
This Exhibit Shows that Russell W. McDonald was not a Native Nevadan Born citizen, but was Born in Prosser Creek California  
The Joint Concurrent Resolution No. 2 Contains the false information...

Page 20 of 20

EXHIBIT 7

Letter from secretary of state

EXHIBIT \_\_\_\_\_

**BARBARA K. CEGAVSKE**  
*Secretary of State*

STATE OF NEVADA



**SCOTT ANDERSON**  
*Chief Deputy Secretary of State*

OFFICE OF THE  
SECRETARY OF STATE

*who was AG Gen 1997*

February 27, 2019

Bryan Bonham # 60575  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

Mr. Bonham:

We are enclosing the following documents responsive to your records request: Certificate of Election for- Secretary of State Barbara Cegavske (2014) (2018), Attorney General Catherine Cortez Masto (2001) (2010), Attorney General Adam Laxalt (2014); Governor Kenny Guinn (1998) (2002); Governor Jim Gibbons (2006) Governor Brian Sandoval (2010) (2014). You are going to have to be more specific with regards to the various Judges and District Attorneys as we need to know jurisdiction and district and may not have these documents. We do not have Certificates of Election for Sheriff. You will need to provide the names of the Attorneys General from 1997-2002 as we may have already archived their Certificates of Election.

The Secretary of State is not in possession of Senate Bill 109 from 1949 nor Senate Bill 2 from 1957 – those records have been transferred to the Nevada State Library and Archives.

Thank you for contacting our office.

Sincerely,

The Office of the Nevada Secretary of State

NEVADA STATE CAPITOL  
101 N. Carson Street, Suite 3  
Carson City, Nevada 89701-3714

MEYERS ANNEX  
COMMERCIAL RECORDINGS  
202 N. Carson Street  
Carson City, Nevada 89701-4201

LAS VEGAS OFFICE  
555 E. Washington Avenue, Suite 5200  
Las Vegas, Nevada 89101-1090

[NVSOS.GOV](http://NVSOS.GOV)

*620P75*

**EXHIBIT** 8

Senate Bill 24

**EXHIBIT** 8

Senate Bill No. 24—Senators Berrum, Blissett, Brown, Dodge, Fransway, Lamb, McGowan, Monroe and Parks

CHAPTER 403

AN ACT to amend NRS sections 218.085, 218.185, 218.190, 218.240 to 218.280, inclusive, 218.480, 218.500, 218.510, 218.620 to 218.640, inclusive, 218.660, 218.670, 218.690, 218.700, 218.720, 218.740, 218.770 to 218.880, inclusive, 220.040, 220.080 to 220.170, inclusive, 233.080, 331.105, 353.060 to 353.080, inclusive, 353.210, 353.263, 354.380, 412.235, 458.030 and 482.200, relating to bill, resolution, journal and history books, the amendment clerk, the preparation of legislative measures and the Statutes of Nevada, the legislative counsel bureau, the legislative counsel, the legislative auditor and their powers and duties, the director, employees and powers and duties of the statute revision commission, the preparation, contents, printing and sale of Nevada Revised Statutes, the central mailing room, counts of money in the state treasury, estimates of expenditures by state agencies, the state board of examiners emergency fund, the state alcoholism agency, inventories of federal military property, and destruction of unused motor vehicle license plates, the legislative fund, the compilation of legislative journal indices, the legislative commission, its meetings and secretary, the availability of information and records concerning public funds with respect to the legislative counsel, and the Nevada commission on equal rights of citizens, by creating the office of the director of the legislative counsel bureau and three divisions within the legislative counsel bureau; providing for the appointment, compensation and qualifications of the legislative counsel, the research director and the fiscal analyst and their powers and duties; and by abolishing the statute revision commission and the position of legislative auditor; to amend chapter 218 of NRS, relating to the state legislature, by adding new sections prescribing the duties of the heads of the divisions of the legislative counsel bureau; transferring funds; to repeal NRS sections 218.710, 218.730, 218.760, 220.010 to 220.030, inclusive, and 220.050 to 220.070, inclusive, relating to the legislative counsel, the legislative auditor, his appointment and salary, and to the statute revision commission; and providing other matters properly relating thereto.

[Approved April 28, 1963]

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

SECTION 1. NRS 218.185 is hereby amended to read as follows:

218.185. 1. During each session of the legislature, employees of the senate and assembly shall compile and prepare sets of bill, resolution, journal and history books for:

(a) The officers and members of the senate and assembly without cost to such persons.

(b) Selected staff members of the [statute revision commission and of the] legislative counsel bureau without cost to such persons.

(c) The press room in the capitol building for use of accredited press representatives, but not more than four such sets of books shall be compiled and prepared without cost.

(d) Persons other than those enumerated in paragraphs (a), (b) and (c) upon application to the legislative counsel bureau and the payment of a fee of \$35.

2. All fees collected under the provisions of this section shall be deposited in the legislative fund in accordance with the provisions of NRS 353.250.

Sec. 2. NRS 218.190 is hereby amended to read as follows:

82 of 94

540F 25

particular wherein the bill does not comply in form with law or rule of the houses.

2. If, in the opinion of the [director,] *legislative counsel*, any correction made by him or the [commission employees] *legal division of the legislative counsel bureau* under the authority of this section should in any manner be construed to be a change in the bill other than a change in form, the [director] *legislative counsel* shall obtain the consent of the author of the bill before making such change.

[3. The commission shall be deemed to be acting in an administrative capacity in the performance of the duties imposed by NRS 218.240 to 218.260, inclusive.]

Sec. 5. NRS 218.260 is hereby amended to read as follows:

218.260 1. The [commission] *legislative counsel* is authorized to employ legislative bill drafters and stenographers, at a compensation to be set by [it,] *him*, to aid and assist [the director] *him* in carrying out the duties prescribed by NRS 218.240 to 218.260, inclusive, and such legislative bill drafters and stenographers shall be employed for such length of time as the [commission] *legislative counsel* may deem to be necessary for the effective conduct of the legislative work prescribed by NRS 218.240 to 218.260, inclusive.

2. The [director,] *legislative counsel*, during the time the legislature is in session, shall assign at least one legislative bill drafter and one or more stenographers for each house of the legislature, and they shall be located in the capitol building.

Sec. 6. NRS 218.500 is hereby amended to read as follows:

218.500 1. The secretary of state shall furnish to the superintendent of state printing, within 8 days from the time he receives the same from the governor, after approval, a copy of all acts, joint and concurrent resolutions, and memorials passed at each session.

2. The superintendent of state printing shall:

(a) Print the number of copies as provided by NRS 218.510.

(b) Furnish printed sheets thereof to the [statute revision commission,] *legislative counsel bureau*, which shall, immediately upon the adjournment of the session, make out and deliver to the superintendent of state printing an index of the same.

(c) Immediately upon the adjournment of the session, print the index prepared by the [statute revision commission] *legislative counsel bureau* and bind it in connection with the Statutes of Nevada.

(d) Furnish to each senator and assemblyman, for distribution among their constituents, 15 copies of the printed sheets of each act as printed, or if more than one act is printed at one time, then copies of the printed sheets of such series of acts.

(e) Distribute one copy of the act or acts to each county clerk, county auditor, district judge, district attorney and justice of the peace in the state.

Sec. 7. NRS 218.510 is hereby amended to read as follows:

218.510 1. Eight hundred copies of the statutes of each legislature shall be printed and bound in buckram or law sheep.

2. The bound volumes shall contain:

830P44

550P25



and committees shall be designated by the members of the legislative commission and may consist of legislators and employees of the state other than members of the commission. Members of such delegations and committees shall serve without salary, but they shall receive out of the fund of the legislative counsel bureau the per diem expense allowance and travel expenses as provided by law.

4. Endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for interstate compacts and reciprocal or uniform legislation, and by facilitating the adoption of uniform or reciprocal administrative rules and regulations, informal cooperation of governmental offices, personal cooperation among governmental officials and employees, interchange and clearance of research and information, and any other suitable process. In order to facilitate such cooperation the Council of State Governments and the National Conference of State Legislative Leaders are hereby declared to be joint governmental agencies of this state and of the other states which cooperate through them.

5. Establish such interim or special committees as official agencies of the legislative counsel bureau as may be deemed advisable to deal with governmental problems, important issues of public policy and questions of statewide interest. The membership of such interim or special committees shall be designated by the members of the legislative commission and may consist of legislators other than members of the commission, employees of the State of Nevada or citizens of the State of Nevada. Members of such interim or special committees shall serve without salary, but they shall receive out of the fund of the legislative counsel bureau the per diem expense allowances and travel expenses as provided by law.

6. Carry out the functions assigned to the divisions of the bureau in this chapter.

Sec. 10. NRS 218.640 is hereby amended to read as follows:

218.640 Funds to carry out the [provisions of NRS 218.610 to 218.890, inclusive,] functions of the legislative counsel bureau shall be provided by legislative appropriation from the general fund, and shall be paid out on claims as other claims against the state are paid. All claims shall be approved by the [legislative counsel] director of the legislative counsel bureau before they are paid.

Sec. 11. NRS 218.690 is hereby amended to read as follows:

218.690 [1. The legislative commission shall appoint a person of skill and training in the art of government and government finance as legislative counsel, and he shall be responsible to the commission.

2. The legislative counsel shall receive an annual salary which shall be fixed by the legislative commission, and when so fixed shall be deemed to be fixed by law.

3. The legislative counsel shall receive the per diem expense allowance and travel expenses as provided by law.] The legislative counsel shall:

1. Be an attorney licensed to practice law in the State of Nevada and shall be versed in some or all of the following: Political science,

(d) The ability to maintain effective working relationships with state officials.

(e) The ability to organize and present clearly oral and written reports of findings and recommendations.] *The fiscal analyst shall:*

1. *Be a certified public accountant or public accountant qualified to practice public accounting under the provisions of chapter 628 of NRS.*

2. *Have 5 years of progressively responsible experience in general accounting.*

3. *Have a comprehensive knowledge of the principles and practices of public budgeting, governmental accounting, and the projection of future public revenues.*

4. *Have a working knowledge of statistical methods.*

SEC. 15. NRS 218.770 is hereby amended to read as follows:

218.770. The powers and duties of the [legislative auditor] *fiscal analyst shall be:*

1. To perform a postaudit of all accounts, books and other financial records of all state departments that are charged with the collection, custody or expenditure of public funds, and to prepare a written report or reports of such audit or audits to the legislative counsel bureau and to such other person or persons designated in this chapter.

2. To personally, or by his duly authorized assistants, examine and audit at least once a year all fiscal books, records and accounts of all officers, personnel, custodians of public funds, disbursing officers, property custodians and purchasing agents, and to make independent verifications of all assets, liabilities, revenues and expenditures of the state, and its officers and departments, now in existence or hereafter created.

3. To require such changes in the accounting system or systems and record or records of the state departments as in his opinion will augment or provide a uniform, adequate and efficient system of records and accounting.

4. To determine whether the handling of the public money is protected by adequate accounting controls.

5. To determine whether all revenues or accounts due have been collected or properly accounted for and whether expenditures have been made in conformance with law and good business practice.

6. To determine whether the fiscal controls established by law and by administrative regulation are being properly applied.

7. To determine whether fraud or dishonesty has occurred in the handling of funds or property.

8. To determine whether property and equipment are properly accounted for and that none is improperly used or disposed of.

9. To determine whether the accounting reports and statements issued by the agency under examination are an accurate reflection of the operations and financial condition.

10. To work with the executive officers of any and all state departments in outlining and installing a uniform, adequate and efficient system of records and accounting.

11. To require the aid and assistance of executives and officials,

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(d) All receipts, vouchers and other documents kept, or that may be required to be kept, necessary to prove the validity of each transaction.

(e) All statements and reports made and required to be made for the internal administration of the office to which they pertain.

(f) All statements and reports regarding any and all details of the financial administration of public affairs.

3. The [legislative auditor] *fiscal analyst* shall, from time to time, make such changes in and additions to such system as may to him seem necessary or in the public interest.

Sec. 19. NRS 218.810 is hereby amended to read as follows:

218.810 1. In addition to the other duties provided for the [legislative auditor,] *fiscal analyst*, he shall thoroughly examine all departments of the state government with special regard to their activities and the duplication of efforts between departments and the quality of service being rendered by subordinate employees in each of the several departments.

2. Upon completing the examination of any state department, he shall furnish the head thereof with a report of, among other things:

(a) The efficiency of the subordinate employees.

(b) The status and condition of all public funds in charge of such department.

(c) The amount of duplication between work done by the department so examined and other departments of the state government.

(d) The expense of operating the department.

(e) Breaches of trust and duty, if any, by an officer, property custodian, purchasing agent, or other custodian or disbursement officer of public funds.

(f) Any suggested changes looking toward economy and reduction of number of clerical and other employees and the elimination of duplication and inefficiency.

3. Copies of each report shall be filed with the governor, the lieutenant governor, the secretary of state, and each member of the legislature.

Sec. 20. NRS 218.820 is hereby amended to read as follows:

218.820 Upon the request of the [legislative auditor,] *fiscal analyst*, every elective state officer in the state, every board or commission provided for by the laws of the state, every head of each and every department in the state, and every employee or agent thereof, acting by, for or on account of any such office, board, commission or officer receiving, paying or otherwise controlling any public funds in the State of Nevada, in whole or in part, whether the same may be funds provided by the State of Nevada, funds received from the Federal Government of the United States or any branch, bureau or agency thereof, or funds received from private or other source, shall submit to the [legislative auditor] *fiscal analyst* a complete financial statement of each and every receipt of funds received by the office, officer, board, commission, person or agent, and of every expenditure of such receipts or any portion thereof for the period designated by the [legislative auditor,] *fiscal analyst*.

2. All reports of the [legislative auditor] *fiscal analyst* filed by the secretary of state shall be open to public inspection.

Sec. 25. NRS 218.870 is hereby amended to read as follows:

218.870 The [legislative auditor] *fiscal analyst* shall keep or cause to be kept:

1. A complete, accurate and adequate set of fiscal transactions of the office of the legislative counsel bureau.

2. A complete file of copies of all audit reports, examinations, investigations and any and all other reports or releases issued by him.

3. A complete file of audit work papers and other evidences pertaining to work of the [legislative auditor] *fiscal analyst*.

Sec. 26. NRS 218.880 is hereby amended to read as follows:

218.880 1. If the [legislative auditor] *fiscal analyst* finds, in the course of his audit, evidence of improper practices of financial administration or of any general incompetency of personnel or inadequacy of fiscal records, he shall report the same immediately to the governor, the legislative counsel bureau, and the department head or heads affected.

2. If the [legislative auditor] *fiscal analyst* shall find evidence of illegal transactions, he shall forthwith report such transactions to the governor, the legislative counsel bureau, and the attorney general.

Sec. 27. NRS 218.890 is hereby amended to read as follows:

218.890 Immediately upon receipt of a report from the [legislative auditor] *fiscal analyst* of incompetency of personnel and inadequacy of fiscal records, the legislative counsel bureau shall review the [legislative auditor's] *fiscal analyst's* report and hold hearings with the department head or heads concerning such incompetency and inadequacy of fiscal records. The legislative counsel bureau, after holding such hearings, shall make a report to the department head or heads requesting the removal or replacement of the incompetent personnel or the installation of the necessary fiscal records. The legislative counsel bureau shall report to the legislature any refusal of the department officials to remedy such incompetency or the installation of proper fiscal records.

Sec. 28. NRS 220.040 is hereby amended to read as follows:

220.040 [1. In complying with the provisions of this chapter, and within the limits of available appropriations, the commission is authorized to appoint a reviser of statutes who shall be known as the director of the statute revision commission.

2. The commission shall fix the compensation of the director and he shall serve at the pleasure of the commission.

3. The director shall perform such duties as may be required by the commission in connection with its duties under this chapter. The legislative counsel and the legal division of the legislative counsel bureau shall have the powers and duties prescribed in this chapter.

Sec. 29. NRS 220.080 is hereby amended to read as follows:

220.080 The [commission] *legislative counsel* shall, from time to time:

1. Make recommendations to the legislature for clarification of specific statutes.

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to be placed under one general head, with necessary cross-references.

4. Notes of decisions of the supreme court, historical references and other material shall be arranged in such manner as the [commission] legislative counsel finds will promote the usefulness thereof.

5. The [commission in preparing the revisions] legislative counsel in keeping Nevada Revised Statutes current shall not alter the sense, meaning or effect of any legislative act, but may renumber sections and parts of sections thereof, change the wording of headnotes, rearrange sections, change reference numbers or words to agree with renumbered chapters or sections, substitute the word "chapter" for "article" and the like, substitute figures for written words and vice versa, change capitalization for the purpose of uniformity and correct manifest clerical or typographical errors.

SEC. 34. NRS 220.130 is hereby amended to read as follows:

220.130 1. Upon completion of Nevada Revised Statutes, the [commission] legislative counsel is authorized and directed to have the same printed, lithoprinted or reproduced by any other process at the state printing office. Sufficient copies of each page shall be printed or reproduced so that there shall be bound 2,500 copies of each volume of Nevada Revised Statutes, and 1,000 copies of each volume of citations to and annotations of decisions of the Nevada supreme court and federal courts construing each statute and constitutional provision and the digest of cases decided by the Nevada supreme court.

2. Upon completion of the final printing or other reproduction the separate volumes shall be bound as required in this chapter and retained by the [director] legislative counsel for safekeeping and disposition. The secretary of state shall sell each set, and may sell individual volumes, parts or pages when available, at a price to be set by the [commission] legislative counsel as near as possible to the cost of preparing, printing and binding, and all proceeds of sales shall be deposited in the general fund.

3. A master copy of Nevada Revised Statutes shall be kept in the office of the [commission,] legislative counsel, and the master copy shall not be removed from the office except in the custody of [a member of the commission or the director thereof.] the legislative counsel.

SEC. 35. NRS 220.140 is hereby amended to read as follows:

220.140 The [commission] legislative counsel bureau shall reimburse the superintendent of state printing from the appropriations heretofore or hereafter made for the cost of printing or reproduction required by this chapter.

SEC. 36. NRS 220.150 is hereby amended to read as follows:

220.150 Notwithstanding any other provision of law, any unexpended balances of the appropriations made [to the commission] for the support of the legal division of the legislative counsel bureau shall not revert to the general fund at the end of any fiscal year, but shall be placed to the credit of the [commission] legislative counsel bureau in the state treasury in a fund hereby created and designated as the [statute revision commission] legislative counsel bureau printing and binding fund, which fund shall be used only for the payment of the costs of printing and binding of the Nevada Revised Statutes,

at Carson City, Nevada, and supported in whole or in part by legislative appropriation from the general fund in the state treasury.

2. Any state officer, department or agency not supported in whole or in part by legislative appropriation from the general fund in the state treasury may use the central mailing room facilities if such state officer, department or agency pays the cost of such use as determined by the superintendent. Moneys collected from such state officers, departments or agencies for use in the central mailing room facilities shall be deposited in the mail service working capital fund in the state treasury.

3. The staff of the central mailing room shall deliver incoming mail and pick up and process outgoing mail, except outgoing parcel post from the [statute revision commission,] *legal division of the legislative counsel bureau*, other than interoffice mail, of all state officers, departments and agencies using the central mailing room facilities.

4. Funds to carry out the provisions of this section shall be provided by direct legislative appropriation from the general fund in the state treasury.

Sec. 40. NRS 353.060 is hereby amended to read as follows:

353.060 1. At least once every 3 months and as often as he may deem proper, the [legislative auditor] *fiscal analyst* shall count the money in the state treasury. The [legislative auditor] *fiscal analyst* shall not give the state treasurer any previous notice of the hour or day of the counting.

2. The state treasurer shall permit the money in the state treasury to be counted whenever the [legislative auditor] *fiscal analyst* may wish to make the counting, without delaying the counting on any pretense whatever.

Sec. 41. NRS 353.065 is hereby amended to read as follows:

353.065 1. The [legislative auditor] *fiscal analyst* shall count all moneys and securities in the state treasury belonging to the state, or to any department thereof, and all moneys and securities of the Nevada industrial commission, and all other moneys and securities of which the state treasurer is custodian.

2. The [legislative auditor] *fiscal analyst* shall execute a surety bond, payable to the state, in the sum of \$2,500, conditioned for the faithful performance of all duties which may be required of him by law.

Sec. 42. NRS 353.070 is hereby amended to read as follows:

353.070 It shall be unlawful for the [legislative auditor] *fiscal analyst* to count as cash or moneys in the state treasury anything but actual money and cash in the state treasury, or moneys on deposit in depository banks secured as provided by law.

Sec. 43. NRS 353.075 is hereby amended to read as follows:

353.075 1. When the count of state moneys, funds and securities is completed, the [legislative auditor] *fiscal analyst* shall make an affidavit and file the same in the office of the secretary of state. When filed with the secretary of state, the affidavit shall be and become a public record.



4. On or before October 1 of each even-numbered year, the director shall deliver copies of the expenditure estimates to the [legislative auditor.] *fiscal analyst*, together with such other information as required by subsection 1.

Sec. 46. NRS 354.380 is hereby amended to read as follows:

354.380 1. Upon the completion of the budget, it shall be signed by the governing board of the political subdivision.

2. Budgets for cities and municipalities shall be filed with the city clerk. Budgets for towns shall be filed with the county auditor and county recorder of the county wherein such town is situated.

3. Budgets for school districts shall be approved by the state department of education. A budget for a county school district shall be filed with the county auditor and county recorder of the county whose boundaries are coterminous with the boundaries of the county school district. A budget for a joint school district shall be filed with the county auditors and county recorders of the counties the areas of which are within the joint school district. A copy of the budget for each school district shall be filed forthwith with the [legislative auditor.] *fiscal analyst*.

Sec. 47. NRS 412.235 is hereby amended to read as follows:

412.235 1. Semiannually and at such other times as may be directed by the commander in chief, the [legislative auditor] *fiscal analyst* shall cause to be made a careful physical inventory and list of all classes of federal military property, noting:

(a) The quantity on hand.

(b) The amounts received and expended during the previous 6 months.

(c) The quantities and classes held on memorandum receipts by any unit or officer of the National Guard.

2. The inventory shall be made up in quadruplicate. The original and first copy shall be transmitted to the adjutant general and the United States property and fiscal officer. The second copy shall be transmitted to the unit or officer, and the last copy shall be retained by the [legislative auditor.] *fiscal analyst*.

3. The inventory shall be known as the List of Balances, and the copies sent to the United States property and fiscal officer and the adjutant general shall be preserved and remain on file in their offices.

Sec. 48. NRS 482.200 is hereby amended to read as follows:

482.200 All unused, ungold and confiscated motor vehicle license plates of the previous issue shall be destroyed or disposed of by the department after the [legislative auditor] *fiscal analyst* shall have caused a count of such plates.

Sec. 49. Chapter 218 of NRS is hereby amended by adding thereto a new section which shall read as follows:

*Between sessions of the legislature no study or investigation shall be initiated or continued by the fiscal analyst, the legislative counsel or the research director and their staffs except such studies and investigations which have been specifically authorized by a senate or assembly resolution or by an order of the legislative commission. No study or*



fiscal year commencing on July 1, 1962, shall be used for the support of the legislative counsel and the legal division of the legislative counsel bureau, and any such moneys remaining at the end of such fiscal year shall be deposited in the legislative counsel bureau printing and binding fund.

2. All moneys in the statute revision commission printing and binding fund on the effective date of this act shall be transferred to the legislative counsel bureau printing and binding fund.

Sec. 55. NRS 218.480 is hereby amended to read as follows:

218.480 1. Whenever any message, report or other document in pamphlet form is ordered printed by the legislature, 125 copies, supplemental to the number ordered, shall be printed and retained by the superintendent of state printing for binding with the journals of the senate and assembly.

2. At the end of each session of the legislature, 125 copies of the journals shall be printed, indexed and bound in book form in the same style as those of the 1927 session of the legislature. The journal of each house shall be bound separately.

3. At the end of each session of the legislature, 50 copies of the appendices shall be printed and bound in book form in the same style as those of the 1927 session of the legislature.

4. The [legislative counsel] *research director* shall direct the compilation of the journal indices, and shall deliver the completed journal indices to the superintendent of state printing.

5. The bound volumes shall be delivered to the secretary of state and shall constitute the journals of the senate and the assembly.

6. Each member of the legislature of which such journals are the record shall be entitled to one copy of the senate journal and one copy of the assembly journal.

Sec. 56. NRS 218.085 is hereby amended to read as follows:

218.085 1. The legislative fund is hereby created as a continuing fund in the state treasury for the use of the legislature.

2. Support for the legislative fund shall be provided by legislative appropriation from the general fund.

3. Except as provided in subsection 4, expenditures from the legislative fund shall be made only for the purpose of carrying out the provisions of NRS 218.090 to 218.230, inclusive, NRS 218.280 to 218.520, inclusive, and section 33 of article 4 of the constitution of the State of Nevada, for the purchase of necessary supplies and equipment, and for the payment of routine operating expenses.

4. Expenditures from the legislative fund for purposes other than those specified in subsection 3 of this section shall be made only upon the authority of a concurrent resolution regularly adopted by the senate and assembly.

5. All moneys in the legislative fund shall be paid out on claims approved by the [legislative counsel] *director of the legislative counsel bureau* as other claims against the state are paid.

Sec. 57. NRS 218.660 is hereby amended to read as follows:

218.660 1. There is hereby created in the legislative counsel bureau a legislative commission consisting of eight members.

2. At each regular session of the legislature held in odd-numbered

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whether the same may be funds provided by the State of Nevada, funds received from the Federal Government of the United States or any branch, bureau, or agency thereof, or funds received from private or other source, shall make available to the [legislative counsel] director of the legislative counsel bureau all books, papers, information and records of a public nature under their control necessary or convenient to the proper discharge of the [legislative counsel's] duties of the director of the legislative counsel bureau under this chapter.

SEC. 60. NRS 233.080 is hereby amended to read as follows:

233.080 The commission shall, on or before January 15, 1963, and every January 15 of each odd-numbered year thereafter, prepare and submit a report concerning its activities to the governor and the [legislative counsel.] director of the legislative counsel bureau. The [legislative counsel] director of the legislative counsel bureau shall cause such report to be made available to each senator and assemblyman.

SEC. 61. Chapter 218 of NRS is hereby amended by adding thereto a new section which shall read as follows:

*The legislative commission may fix reasonable fees for the sale of studies, audit reports, bulletins and miscellaneous materials of the legislative counsel bureau, and such fees shall be deposited in the general fund in the state treasury.*

SEC. 62. In preparing the 1963 supplement to Nevada Revised Statutes, the director of the statute revision commission, or any officer who is required by law after June 30, 1963, to perform the duties performed by the director of the statute revision commission prior to July 1, 1963, shall make all nonsubstantive changes in all statutes enacted by the 1963 session of the legislature relating to organization or reorganization of the legislative agencies of the state government necessary to resolve any nonsubstantive conflicts in such statutes.

**EXHIBIT** 9

Senate Bill 188  
1953

**EXHIBIT** 9

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Statutes of Nevada 1953

Senate Bill No. 188—Committee on Judiciary.

CHAPTER 280

AN ACT to amend the title of and to amend an act entitled, "An act establishing a permanent commission for the revision, compilation, annotation, and publishing of the laws of the State of Nevada and certain laws of the United States; prescribing certain duties of a temporary nature; prescribing certain duties of a permanent nature; making an appropriation therefor, and other matters properly connected therewith," approved March 22, 1951.

[Approved March 27, 1953]

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The title of the above-entitled act, being chapter 304, Statutes of Nevada 1951, is hereby amended to read as follows:

An act establishing a permanent commission for the revision, compilation, annotation and *publication* of the laws of the State of Nevada; prescribing certain duties of a temporary and *permanent* nature; making an appropriation therefor, and other matters properly connected therewith.

SEC. 2. Section 1 of the above-entitled act, being chapter 304, Statutes of Nevada 1951, is hereby amended to read as follows:

Section 1. There is hereby created a commission of the State of Nevada, to be known as the "*statute revision commission*," hereinafter referred to as the commission. Such commission shall be composed of three members, and said members shall be the three justices of the supreme court. The members of such commission shall have the powers and duties prescribed by this act, and shall each receive such salary for their services as shall be prescribed by this act, and subsequent enactments.

SEC. 3. Section 2 of the above-entitled act, being chapter 304, Statutes of Nevada 1951, is hereby amended to read as follows:

Section 2. As soon as practicable after the effective date hereof the commission shall commence the preparation of a complete revision and compilation of the laws of the State of Nevada of general application, and a *compilation of the constitution of the State of Nevada*, together with brief annotations to sections thereof. Such *revision* when completed shall be known as *Nevada Revised Statutes*,....., and the year of first publication shall be filled in the blank space of such title. For brevity such title may be cited as *NRS*.....

*The revision shall contain:*

1. *The constitution of the United States;*

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**EXHIBIT** 99

Senate Bill 218

1955

**EXHIBIT** 99

Senate Bill No. 218—Committee on Finance

CHAPTER 248

AN ACT to amend an act entitled "An Act establishing a permanent commission for the revision, compilation, annotation and publication of the laws of the State of Nevada; prescribing certain duties of a temporary and permanent nature; making an appropriation therefor, and other matters properly connected therewith," approved March 22, 1951.

[Approved March 26, 1955]

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

SECTION 1. The above-entitled act, being chapter 304, Statutes of Nevada 1951, at page 470, is hereby amended by adding thereto a new section to be designated as section 4.5, which shall immediately follow section 4 and shall read as follows:

Section 4.5. Notwithstanding any of the provisions of chapter 294, Statutes of Nevada 1953, at page 460, any unexpended balance of the appropriation made to the statute revision commission by section 41 of chapter 294, Statutes of Nevada 1953, at page 463, shall not revert to the general fund on July 1, 1955, but shall be placed to the credit of the statute revision commission in the state treasury in a fund hereby created and designated as the statute revision commission printing and binding fund, which fund shall be used only for the

**EXHIBIT** 10

Letter to Sec of State, Response along with  
fraudulent SB-2 of 1957 enacting all NRS  
inclusive under one Bill.

**EXHIBIT** 10

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to:

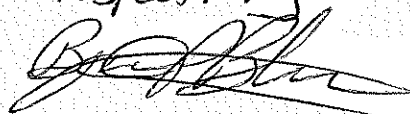
Secretary of state  
101 N. Carson St. No 3  
Carson City, NV 89701

From:

Bryan P Bonham 60575  
1200 Prison road Lec  
Love Lock, Nevada 89419

Re. Request for Records your required to be in possession of as  
Required by The Nev. Const.  
In writing to you to get a true and correct copy of Senate Bill No 2 from  
1957, this Bill is of a type face font, meaning it was done on a  
typewriter not a computer as what is being produced by The  
LCB, I want the copies of the Bill that are marked "original",  
"duplicate", "triplicate" and the "engrossed copy" "The original  
copy is missing the enactment clause" also ALSO the  
statute i.e. NRS 225.070 that transferred custody of records from  
Secretary of state to LCB was Repealed effective March  
24th, 1999 so I ask you respectfully to provide Senate  
Bill No 2 from 1957 and it be the typewritten version  
as there was no computers in 1957 that had printers.

Respectfully



C.C. my file.

**BARBARA K. CEGAVSKE**  
*Secretary of State*

**STATE OF NEVADA**

**SCOTT W. ANDERSON**  
*Chief Deputy Secretary of State*



**OFFICE OF THE  
SECRETARY OF STATE**

January 7, 2020

Bryan Bonham  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, NV 89419

Mr. Bonham:

Our office is in receipt of your request of a copy of Senate Bill 2 from 1957. We have enclosed the requested documents obtained from the Legislative Counsel Bureau website.

Sincerely,

The Office of the Nevada Secretary of State

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NEVADA STATE CAPITOL  
101 N. Carson Street, Suite 3  
Carson City, Nevada 89701-3714

MEYERS ANNEX  
COMMERCIAL RECORDINGS  
202 N. Carson Street  
Carson City, Nevada 89701-4201

LAS VEGAS OFFICE  
2250 Las Vegas Blvd. North, Suite 400  
North Las Vegas, NV 89030

## LAWS OF THE STATE OF NEVADA

Passed at the

FORTY-EIGHTH SESSION OF THE LEGISLATURE

1957

Senate Bill No. 1—Senator Johnson

## CHAPTER 1

AN ACT creating a legislative fund.

[Approved January 23, 1957]

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

SECTION 1. For the purpose of paying the salaries, mileage, and the postage and stationery allowances of members of the 1957 Nevada legislature, the salaries of the attachés, and the incidental expenses of the respective houses thereof, and the unpaid expenses incurred by the 1956 special session of the Nevada legislature, the state treasurer is hereby authorized and required to set apart, from any money now in the general fund not otherwise appropriated, the sum of \$150,000, which shall constitute the legislative fund.

SEC. 2. The state controller is hereby authorized and required to draw his warrants on the legislative fund in favor of the members and employees of the senate and assembly for per diem, mileage, stationery allowances, compensation, and incidental expenses of the respective houses, when properly certified in accordance with law, and the state treasurer is hereby authorized and required to pay the same.

SEC. 3. Any unexpended portion of the legislative fund shall revert to the general fund on December 31, 1959.

SEC. 4. This act shall become effective upon passage and approval.

Senate Bill No. 2—Committee on Judiciary

## CHAPTER 2

AN ACT to revise the laws and statutes of the State of Nevada of a general or public nature; to adopt and enact such revised laws and statutes, to be known as the Nevada Revised 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.

[Approved January 25, 1957]

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

SECTION 1. Enactment of Nevada Revised Statutes. The Nevada Revised Statutes, being the statute laws set forth after section 9 of this act, are hereby adopted and enacted as law of the State of Nevada.

SEC. 2. Designation and Citation. The Nevada Revised Statutes adopted and enacted into law by this act, and as hereafter amended and supplemented and printed and published pursuant to law, shall be known as Nevada Revised Statutes and may be cited as "NRS" followed by the number of the Title, chapter or section, as appropriate.

SEC. 3. Repeal of Prior Laws. Except as provided in section 5 of this act and unless expressly continued by specific provisions of Nevada Revised Statutes, all laws and statutes of the State of Nevada of a general, public and permanent nature enacted prior to January 21, 1957, hereby are repealed.

SEC. 4. Construction of Act.

1. The Nevada Revised Statutes, as enacted by this act, are intended to speak for themselves; and all sections of the Nevada Revised Statutes as so enacted shall be considered to speak as of the same date, except that in cases of conflict between two or more sections or of any ambiguity in a section, reference may be had to the acts from which the sections are derived, for the purpose of applying the rules of construction relating to repeal or amendment by implication or for the purpose of resolving the ambiguity.

2. The provisions of Nevada Revised Statutes as enacted by this act shall be considered as substituted in a continuing way for the provisions of the prior laws and statutes repealed by section 3 of this act.

3. The incorporation of initiated and referred measures is not to be deemed a legislative reenactment or amendment thereof, but only a mechanical inclusion thereof into the Nevada Revised Statutes.

4. The various analyses set out in Nevada Revised Statutes, constituting enumerations or lists of the Titles, chapters and sections of Nevada Revised Statutes, and the descriptive headings or catchlines immediately preceding or within the texts of individual sections, except the section numbers included in the headings or catchlines immediately preceding the texts of such sections, do not constitute part of the law. All derivation and other notes set out in Nevada Revised Statutes are given for the purpose of convenient reference, and do not constitute part of the law.

5. Whenever any reference is made to any portion of Nevada Revised Statutes or of any other law of this state or of the United States, such reference shall apply to all amendments and additions thereto now or hereafter made.

SEC. 5. Effect of Enactment of NRS and Repealing Clause.

1. The adoption and enactment of Nevada Revised Statutes shall not be construed to repeal or in any way affect or modify:

(a) Any special, local or temporary laws.

(b) Any law making an appropriation.

(c) Any law affecting any bond issue or by which any bond issue may have been authorized.

(d) The running of the statutes of limitations in force at the time this act becomes effective.

(e) The continued existence and operation of any department, agency or office heretofore legally established or held.

(f) Any bond of any public officer.

(g) Any taxes, fees, assessments or other charges incurred or imposed.

(h) Any statutes authorizing, ratifying, confirming, approving or accepting any compact or contract with any other state or with the United States or any agency or instrumentality thereof.

2. All laws, rights and obligations set forth in subsection 1 of this section shall continue and exist in all respects as if Nevada Revised Statutes had not been adopted and enacted.

3. The repeal of prior laws and statutes provided in section 3 of this act shall not affect any act done, or any cause of action accrued or established, nor any plea, defense, bar or matter subsisting before the time when such repeal shall take effect; but the proceedings in every case shall conform with the provisions of Nevada Revised Statutes.

4. All the provisions of laws and statutes repealed by section 3 of this act shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office, or trust, or any transaction, or event, or any limitation, or any right, or obligation, or the construction of any contract already affected by such laws, notwithstanding the repeal of such provisions.

5. No fine, forfeiture or penalty incurred under laws or statutes existing prior to the time Nevada Revised Statutes take effect shall be affected by repeal of such existing laws or statutes, but the recovery of such fines and forfeitures and the enforcement of such penalties shall be effected as if the law or statute repealed had still remained in effect.

6. When an offense is committed prior to the time Nevada Revised Statutes take effect, the offender shall be punished under the law or statute in effect when the offense was committed.

7. No law or statute which heretofore has been repealed shall be revived by the repeal provided in section 3 of this act.

8. The repeal by section 3 of this act of a law or statute validating previous acts, contracts or transactions shall not affect the validity of such acts, contracts or transactions, but the same shall remain as valid as if there had been no such repeal.

9. If any provision of the Nevada Revised Statutes as enacted by this act, derived from an act that amended or repealed a preexisting statute, is held unconstitutional, the provisions of section 3 of this act shall not prevent the preexisting statute from being law if that appears to have been the intent of the legislature or the people.

SEC. 6. Severability of Provisions. If any provision of the Nevada Revised Statutes or amendments thereto, or the application thereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the provisions or application of the Nevada Revised Statutes or such amendments that can be given effect without the invalid provision or application, and to this end the provisions of Nevada Revised Statutes and such amendments are declared to be severable.

SEC. 7. Effective Date. This act, and each and all of the laws and

statutes herein contained and hereby enacted as the Nevada Revised Statutes, shall take effect upon passage and approval.

SEC. 8. Omission From Session Laws. The provisions of NRS 1.010 to 710.590, inclusive, appearing following section 9 of this act shall not be printed or included in the Statutes of Nevada as provided by NRS 218.500 and NRS 218.510; but there shall be inserted immediately following section 9 of this act the words: "(Here followed NRS 1.010 to 710.590, inclusive.)"

SEC. 9. Content of Nevada Revised Statutes. The following laws and statutes attached hereto, consisting of NRS sections 1.010 to 710.590, inclusive, constitute the Nevada Revised Statutes:

(Here followed NRS 1.010 to 710.590, inclusive.)

---

Senate Bill No. 3—Committee on Judiciary

### CHAPTER 3

AN ACT to amend NRS section 218.310 relating to drafting of bills, and to amend NRS sections 220.100, 220.130, 220.160 and 220.170 relating to the duties of the statute revision commission.

[Approved January 25, 1957]

*The People of the State of Nevada, represented in Senate and Assembly,  
do enact as follows:*

SECTION 1. NRS 218.310 is hereby amended to read as follows:

218.310 1. Bills to amend existing general statutes *and all bills to enact new statutes of a general, public and permanent nature shall be deemed amendments to NRS* and shall contain reference to [sections of] NRS. [in the body of the bill rather than in the title.]

2. New matter shall be indicated by underscoring in the typewritten copy and italics in the printed copy [.] *except in bills to add new chapters or Titles to NRS and which do not amend existing sections of NRS.*

3. Matter to be omitted shall be indicated by brackets in the typewritten copy and brackets or strike-out type in the printed copy.

4. In the drafting and printing of bills all matter appearing as omitted and bracketed in previously enacted and printed statutes shall be omitted entirely.

SEC. 2. NRS 220.100 is hereby amended to read as follows:

220.100 1. As soon as practicable after May 1, 1951, the commission shall commence the preparation of a complete revision and compilation of the laws of the State of Nevada of general application, and a compilation of the constitution of the State of Nevada, together with brief annotations to sections thereof.

2. The revision when completed shall be known as Nevada Revised Statutes [, \_\_\_\_\_], and the year of first publication shall be filled in in the blank space of the title. For brevity the title may be cited as NRS \_\_\_\_\_] and may be cited as NRS followed by the number of the Title, chapter or section, as appropriate.

CASE NO. 27CV-WR3-2019-0039

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**MOTION TO STRIKE PLAINTIFF'S  
SECOND AMENDED COMPLAINT**

Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby moves to Strike Plaintiff's Second Amended Complaint.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION AND PROCEDURAL HISTORY**

Bonham is an inmate currently incarcerated within the Nevada Department of Corrections (NDOC) at High Desert State Prison (HDSP). On or about March 3, 2019, Bonham submitted his Complaint in this Court, alleging "violation of [Secretary of State Cegavske's] oath of office . . . for the records of office not in her possession." *See* Compl. at 2. His First Amended Complaint is similar. *See* First Amended Complaint at 2. On October 8, 2019, the Defendant filed a Motion to Dismiss his Amended Complaint. It was submitted for decision on November 14, 2019. A hearing was held on the Motion to Dismiss. However, the Court has not issued its order. Subsequently, Plaintiff has filed a Motion for Summary Judgment. Then, on February 22, 2021, he filed his Second Amended Complaint. He did not file a motion or obtain a Court order, allowing him to file a Second Amended Complaint. Therefore, it is a fugitive document and should be stricken.



1 **II. MOTION TO STRIKE**

2 Rule 12(f) of the Federal Rules of Civil Procedure allows a court to “strike items from the  
3 docket as a sanction for litigation conduct.” *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404  
4 (2010) (citing *Lazy Y Ranch Ltd. v. Behrens*, 546 F.3d 580, 568-87, 588 (9th Cir. 2008)). The Nevada  
5 Rules of Civil Procedure, patterned after the Federal Rules, specifically states that, “the court may  
6 strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous  
7 matter[.]” NRCP 12(f). NRCP 12(f) further states that, “[t]he court may act: (2) on motion made by the  
8 party either before responding to the pleading or, if a response is not allowed, within 21 days after  
9 being served with the pleading.”

10 **III. ARGUMENT**

11 **a. Plaintiff’s [Proposed] Amended Complaint is a Rogue Pleading and Should be Stricken.**

12 NRCP 12(f), governing Motions to Strike, reads as follows:

13 The court may strike from a pleading an insufficient defense or any  
14 redundant, immaterial, impertinent, or scandalous matter. The court may act:  
15 (1) on its own; or  
16 (2) on motion made by a party either before responding to the pleading or, if  
17 a response is not allowed, within 21 days after being served with the  
18 pleading.

17 NRCP 15(a)(1) states:

18 (1) *Amending as a Matter of Course.* A party may amend its pleading  
19 once as a matter of course within:  
20 (A) 21 days after serving it, or  
21 (B) if the pleading is one to which a responsive pleading is  
22 required, 21 days after service of a responsive pleading or 21 days  
23 after service of a motion under Rule 12(b), (e), or (f), whichever is  
24 earlier.

22 Defendants filed their Motion to Dismiss on October 8, 2019. Defendants submit that because  
23 Plaintiff failed to motion to this Court for leave to file his Second Amended Complaint in accordance with  
24 NRCP. 15(a), it must be stricken per NRCP 12(f) as a rogue pleading. *See O’Connor v. State of Nev.*, 507  
25 F.Supp. 546, 548 (1981) (holding that a Rule 12(f) motion to strike only concerns striking matters from  
26 pleadings and not motions). Given that Plaintiff filed his Second Amended Complaint on February 22,  
27 2021, he was outside the 21 days allotted by NRCP 15(a)(1)(B) for filing an amendment, once as a

28 ///

1 matter of course, after the filing of a responsive pleading. As he did not file a Motion for Leave to Amend,  
2 the Court should strike his Second Amended Complaint.

3 **IV. CONCLUSION**

4 Defendant respectfully requests, pursuant to NRCP 12(f) and 15(a) that this Court strike  
5 Plaintiff's Second Amended Complaint as a rogue pleading.

6 DATED this 3rd day of March, 2021.

7 AARON D. FORD  
8 Attorney General

9 By: /s/ Douglas R. Rands  
10 DOUGLAS R. RANDS, Bar No. 3572  
11 Senior Deputy Attorney General  
12 100 N. Carson Street  
13 Carson City, NV 89701  
14 (775) 684-1150  
15 drands@ag.nv.gov

16 *Attorneys for Defendants*

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 this 3rd day of March, 2021, I caused a copy of the foregoing, **MOTION TO STRIKE**  
4 **PLAINTIFF'S SECOND AMENDED COMPLAINT**, to be served, by U.S. District Court CM/ECF  
5 Electronic Filing on the following:

6 Bryan Bonham, #60575  
7 Care of HDSP Law Librarian  
8 High Desert State Prison  
9 P.O. Box 650  
10 Indian Springs, NV 89070  
11 [HDSP\\_LawLibrary@doc.nv.gov](mailto:HDSP_LawLibrary@doc.nv.gov)

12 /s/ Roberta W. Bibee  
13 An employee of the  
14 Office of the Attorney General  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
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26  
27  
28

1 Bryan p Bonham 60575  
2 po Box 650 HDSP  
3 Indian Springs, Nev 89070

4

5

11TH JUDICIAL DISTRICT COURT

6

PERSHING COUNTY, NEVADA

7

8 Bryan p Bonham

case no 27-CV-WR32019-0039

9

plaintiff

10

-vs-

PLAINTIFFS

11

STATE OF NEVADA et al

MOTION FOR DEFAULT ORDER

12

Barbara K cegauske

& ORDER OF FRAUD UPON COURT

13

Defendants

"HEARING REQUEST"

14

15

16 comes now plaintiff Bryan p Bonham, in proper moves this

17 Honorable court to enter an order granting plaintiffs

18 motion for default order & fraud upon court

19

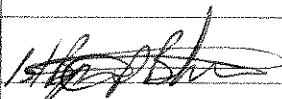
20 The foregoing motion is made and based upon files, papers and

21 pleadings and documents on file with court along with the

22 attached points & authorities

23

24



25 Bryan p Bonham 60575

26 po Box 650 HDSP

27 Indian Springs, Nev 89070

28

1 Bryan p Bonham 60575  
2 po Box 650 HDSP  
3 Indian Springs, NEV 89070

4

5

11TH JUDICIAL DISTRICT COURT

6

PERSHING COUNTY, NEVADA

7

8 Bryan p Bonham

9

Plaintiff

10 -VS-

11 STATE OF NEVADA EX REL

NOTICE OF MOTION.

12 Barbara K. Cegauske

13

Defendants.

14

15 please take notice, That the undersigned will bring the above motion  
16 for hearing as soon as possible for a decision based on the courts  
17 Docket Availability.

18

19 TO:

20 Deputy Attorney General

21 Douglas R Rands.

22 100 N. Carson ST

23 Carson City, NEV 89701

24 Dated This 21th day of APRIL 2021

25 ~~15/Bryan p Bonham~~

26 Bryan p Bonham 60575

27 po Box 650 HDSP

28 Indian Springs, NEV 89070

## POINTS & AUTHORITIES

### ARGUMENT

Georgia power project v Georgia power co. (1975) N.D.S.A. 409 F Supp 332 "default judgment may be obtained upon failure of any party to plead or otherwise defend as provided by federal Rule of Civil procedure.

in January, 2021 plaintiff Amended HIS complaint for a final time as of date of this motion no response to plaintiff's second amended complaint has been made. service was made by asking clerk of court to serve defence counsel/pursuant to N.E.F.C.R.S.(K) 9 et seq (A-E) Ect, to the following.  
Taylor made golf co. v carsten sports 1997 S.D. Cal 175 FRd 658 44 U.S. po2d 1938 "in assessing liability complaints allegations are taken as true, when determining liability defendants default functions as admission of plaintiff's well pleaded allegations of fact.

20 AM JUR 2nd Sec 50 VII Civil Liability "Fraud destroys the validity of everything into which it enters."

After the filing of plaintiff's First Amended complaint defence counsel makes their first fraudulent statement, stating that plaintiff failed to serve defendant Cegauske. This is a blatant lie, an attempt to defraud this court. see plaintiff's Reply to defendant's motion to dismiss filed 11/04/2019  
Exhibit 1 sub served by serving michelle Fournier (AA11) an authorized individual on 8/23/2019 at 2:34pm.  
in a recent argument counsel argues NRS 378, 255 to make excuses for defendant Cegauske not having documents she

1 is CONSTITUTIONALLY mandated to be in possession of. The problem  
2 is that the COURT is a written instrument, as such its meaning  
3 does not alter, that which it meant when it was adopted it me  
4 now S. Carolina v U.S 199 U.S 437, 448 (1905)  
5 when a government agent acts in an unconstitutional manner he  
6 becomes liable for money damages Bivens v Six Unknown Agents  
7 403 U.S. 388 29 L ed 2d 619, 9 S. CT 1999 (1970)  
8 "A state constitution is binding on the COURTS of the state  
9 and on every OFFICER and every CITIZEN any attempt to do that  
10 which is prescribed in any manner than that prescribed or to  
11 do that which is prohibited is Repugnant to the supreme and  
12 paramount Law, and VOID  
13 Johnson v Duffy 588 F2d 740, 743 (9th Cir 1978) "A person  
14 deprives another of a constitutional right within the meaning  
15 of Sec 1983, if he does an affirmative act, participates in  
16 another's affirmative acts or omits to perform an act  
17 which he is legally required to do that causes the deprivation  
18 of which plaintiff complains."  
19 to successfully establish a prima facie case under 42 USC § 1983  
20 a plaintiff must prove the following two elements (1) the  
21 Defendant § 1998 U.S. App lex 15 85 must be acting under color  
22 of state law and (2) the offending conduct must deprive the  
23 plaintiff of rights secured by federal law, Patrat v Taylor  
24 451 U.S. 527, 535, 68 L ed 2d 420, 101 S. CT 1908 (1981)  
25 using NRS 378.255 in violation of what the NEVADA  
26 CONSTITUTION says would cover acting under color of  
27 state law. The offending conduct is covered by the fact  
28 that no one can produce a true & correct copy of SB-336



1 From 1957 that would be copies of the Bill marked "original"  
2 "Duplicate" "Triplicate" there has also been no response to  
3 plaintiffs Response to Defendants opposition to plaintiffs  
4 motion for summary judgment & Request for fraud upon  
5 the court & perjury.  
6 Defendants opposition to plaintiffs motion for summary  
7 judgment The claim of plaintiff failure to support his  
8 motion with points & Authorities wow! NV. CONST ART  
9 5320, Art 16 § 1, 2 There are also multiple case cites.  
10 Like Matsushita Elec Indus Co v Zenith Radio Corp 475  
11 U.S. 574, 587, 106 S.Ct 1348 89 L ed 2d 538 (1986); Evens  
12 Cabinet Corp v Kitchen Intl Inc 593 F.3d 135, 140 (1st Cir 2010)  
13 or FED RULE CIVIL P. 56 Just to quote a few

#### 14 CONCLUSION

15 The plaintiff is not well educated in semantic presditytation  
16 = word magic or Bovine scatology = B.S. So He will keep this  
17 simple.  
18 As The plaintiff has already agreed The constitution says  
19 what it says. The constitution is the final line in the sand.  
20 you cannot amend it through a statute. plaintiff knows  
21 He is right, will not back down. So there are only two  
22 ways for this to go, maybe 3 (1) to trial before a jury (2)  
23 Settlement (3) all the way to U.S. Sup Ct. This plaintiff prays  
24 this court will grant summary judgment, or order case to  
25 trial or if see's fit to settlement. counsel needs to stop  
26 making fraudulent arguments; claims.

27

28

VERIFICATION

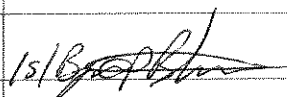
I Bryan p Bonham, plaintiff declare and verify that I have read  
the foregoing motion and to the best of my belief & knowledge  
that the foregoing is true & correct under the pains & penalties  
of perjury pursuant to 28 USC § 1746 & 18 USC § 1621.

CERTIFICATE OF SERVICE

I Bryan p Bonham certify that I am attaching a true & correct  
copy of the foregoing motion & with special instructions for  
electronic filing & service to the clerk of the court to serve  
all my opponents pursuant to N.E.F.C.R 51(c), 9 et seq (A-E)  
ect to the following.

Deputy Attorney General  
Douglas R Rands  
100 N carson ST  
carson city, new 89701

Dated This 24th day April 2021.



Bryan p Bonham 60575  
po Box 650 HDSP  
indian springs, new 89070

CASE NO. 27CV-WR3-2019-0039

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**OPPOSITION TO PLAINTIFF'S MOTION  
FOR DEFAULT ORDER AND ORDER OF  
FRAUD UPON THE COURT**

Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby oppose Plaintiff's Motion for Default Order and Order of Fraud upon the Court. This This Motion is made and based upon the attached Points and Authorities, the Papers and Pleadings on file herein, and such other and further information as this Court may deem appropriate.

**MEMORANDUM OF POINTS AND AUTHORITIES.**

**I. PROCEDURAL HISTORY**

Inmate-Plaintiff Bryan Bonham (Bonham) filed a lawsuit wherein he alleges the Secretary of State failed to maintain or produce records as required by the Nevada Constitution.

The "Civil Rights Complaint pursuant to 42 U.S.C. § 1983" (Complaint) is procedurally deficient for at least three separate and distinct reasons, set forth in the Motion to Dismiss, filed on June 24, 2019. Plaintiff's opposition was filed on July 8, 2019. Defendant's reply was filed on July 12, 2019. The motion was submitted to the Court for decision on October 8, 2019.

Plaintiff filed a Second Amended Complaint on February 22, 2021. On March 3, 2021, the Defendant filed her Motion to Strike the Second Amended Complaint. The Motion to Strike was filed,

1 because Plaintiff did not file a Motion for Leave to File an Amended Complaint or obtain an order, as  
2 required by NRCP 15(a)(1). Now, plaintiff has filed a Motion for Default Order, apparently for the failure  
3 of the Defendant to respond to his defective Second Amended Complaint. As the Complaint is improper,  
4 there is no reason to respond thereto. Therefore, default is not appropriate.

## 5 **II. LEGAL STANDARD**

### 6 **A. Plaintiff has not provided any legal authorities to support his request for relief.**

7 According to the title of his application/motion, Plaintiff asserts that he is entitled to an award  
8 of default the Federal Rules of Civil Procedure. (Plaintiff's Motion at 3:3). However, this authority  
9 does not expressly authorize this Honorable Court to enter a default judgment against a defendant  
10 which has no obligation to file an answer and has defended the action through mediation. Therefore,  
11 Plaintiff has not provided this Court with any legal basis to grant him the relief he requests.

### 12 **B. Default may be awarded due to a failure to defend or as a sanction for vexatious 13 litigation tactics.**

14 "The district court's decision whether to enter a default judgment is a discretionary one."  
15 *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980). A plaintiff seeking a default judgment in a  
16 civil case before the Nevada State District Court generally relies upon NRCP 55, which states, in  
17 pertinent part, as follows:

18 (a) **Entering a Default.** When a party against whom a judgment for affirmative relief is  
19 sought has failed to plead or otherwise defend, and that failure is shown by affidavit or  
20 otherwise, the clerk must enter the party's default.

#### 21 (b) **Entering a Default Judgment.**

22 (1) *By the Clerk.* If the plaintiff's claim is for a sum certain or a sum that can be made  
23 certain by computation, the clerk—on the plaintiff's request, with an affidavit showing  
24 the amount due—must enter judgment for that amount and costs against a defendant who  
25 has been defaulted for not appearing and who is neither a minor nor an incompetent  
26 person.

27 (2) *By the Court.* In all other cases, the party must apply to the court for a default  
28 judgment. A default judgment may be entered against a minor or incompetent person  
only if represented by a general guardian, conservator, or other like fiduciary who has  
appeared. If the party against whom a default judgment is sought has appeared  
personally or by a representative, that party or its representative must be served with  
written notice of the application at least 7 days before the hearing. The court may  
conduct hearings or make referrals—preserving any federal statutory right to a jury  
trial—when, to enter or effectuate judgment, it needs to:

- (A) conduct an accounting;
- (B) determine the amount of damages;
- (C) establish the truth of any allegation by evidence; or
- (D) investigate any other matter.

Courts have previously determined that “no default may be entered if the party has filed a response indicating his intent to defend the action.” *Stevo Design, Inc. v. SBR Mktg. Ltd.*, 968 F. Supp. 2d 1082, 1086 (D. Nev. 2013). Defendants have indicated their intent to defend this matter. The Defendant has filed a Motion to Dismiss on the previous complaints. The Defendant has filed a Motion to Strike Plaintiff’s Second Amended Complaint. Additionally, this Court has already dismissed an identical case brought by inmate Justin Langford, 27CV-OTH-2019-0046. (Exhibit 1). The allegations made by Mr. Langford were identical to those made by Plaintiff. Therefore, Default is not warranted. In fact, this matter should be dismissed.

### III. CONCLUSION

As Defendants have unmistakably shown, they have not failed to plead or otherwise defend this action. Therefore, Plaintiff is not entitled to a default pursuant to NRCP 55. Also, Defendants have unmistakably shown they have participated in the pretrial process. Consequently, Plaintiff is not entitled to a default.

### IV. EXHIBIT

1. Order Granting Defendants’ Motion to Dismiss – *Langford v. Cegavaske, et al.* Case No. 27CV-OTH-2019-0046.

DATED this 17th day of May, 2021.

AARON D. FORD  
Attorney General

By: /s/ Douglas R. Rands  
DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
(775) 684-1150  
drands@ag.nv.gov

*Attorneys for Defendants*

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 17th of May, 2021, I caused to be deposited for mailing a true and correct copy of the foregoing,  
4 **OPPOSITION TO PLAINTIFF'S MOTION FOR DEFAULT ORDER AND ORDER OF**  
5 **FRAUD UPON THE COURT**, to the following:

6 Bryan Bonham, #60575  
7 High Desert State Prison  
8 P.O. Box 650  
9 Indian Springs, NV 89070

10 /s/ Roberta W. Bibee  
11 An employee of the  
12 Office of the Attorney General  
13  
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# EXHIBIT 1

Order Granting Defendants'  
Motion to Dismiss

*Langford v. Cegavaske, et al.*

Case No. 27CV-OTH-2019-0046

# EXHIBIT 1



CASE NO. 27CV-OTH-2019-0046

DEPT. NO. I

Affirmation pursuant to NRS 239B.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,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS**

The Court has before it Defendant's, Barbara K. Cegavaske (Secretary Cegavaske), Motion to Dismiss Plaintiff's Complaint. For reasons set forth below, the Court will grant Secretary Cegavaske's motion.

Justin Odell Langford (Langford) is an inmate currently incarcerated within the Nevada Department of Corrections (NDOC) at Lovelock Correctional Center (LCC). On or about April 2, 2019, Langford submitted his Complaint in this Court, alleging "violation of [Secretary of State Cegavske's] oath of office . . . for the records of office not in her possession." *See* Compl. at 3. His First Amended Complaint is similar. *See* First Amended Complaint at 2.

Langford alleges Secretary of State Cegavske is the "constitutional record keeper" for the State of Nevada. *See id.* at 4. The Nevada Constitution has a procedure for amendment, but that procedure has not been followed. *See id.* Secretary of State Cegavske "has no copies of the senate bills that have been passed since the creation of the State, [she] tells you to contact the Legislative Counsel Bureau for the requested records." *See id.* Langford alleges he tried "to obtain a copy of Senate Bill No. 2 (1957)[,]" but Secretary of State Cegavske's office sent him a letter explaining that he should contact the Legislative Counsel Bureau. *See id.*; *see also id.* at 16.

1           Langford requests relief in the form of “punitive damages in total of \$1,750,000[,]” and injunctive  
2 relief ordering Secretary of Cegavske to “come in compliance with her oath of office,” *See id.* at 8.

3           Secretary Cegavaske filed a Motion to Dismiss, alleging Langford lacks standing, has not properly  
4 served the complaint and has failed to state a claim, upon which relief can be granted. Langford filed an  
5 opposition to the motion, and Secretary Cevavaske replied. The Motion is properly before the Court.

6           A pleading is subject to certain rules; primary among them is that a plaintiff’s complaint must  
7 adhere to NRCP 8(a). NRCP 8(a) provides:

8                   A pleading which sets forth a claim for relief [. . .] shall contain (1) a short  
9 and plain statement of the claim showing that the pleader is entitled to relief;  
10 and (2) a demand for judgment for the relief the pleader seeks. Relief in the  
alternative or of several different types may be demanded.

11 NRCP 8(a). Nevada follows a notice pleading standard as to Rule 8(a) and the sufficiency of the  
12 complaint. *See Crucil v. Carson City*, 95 Nev. 583, 585, 600 P.2d 216, 217 (1979) (“[T]he pleading of [a]  
13 conclusion, either of law or fact, is sufficient so long as the pleading gives fair notice of the nature and  
14 basis of the claim.”).

15           “Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction  
16 of the subject matter, the court **shall** dismiss the action.” NRCP 12(h)(3) (emphasis added). *Cf.* NRCP  
17 12(b)(1) (regarding motions to dismiss for “lack of jurisdiction over the subject matter”); *Mainor v.*  
18 *Nault*, 120 Nev. 750, 761 n.9, 101 P.3d 308, 315 n.9 (2004) (citing *Swan v. Swan*, 106 Nev. 464, 469,  
19 796 P.2d 221, 224 (1990)) (“Lack of subject matter jurisdiction can be raised at any time during the  
20 proceedings and is not waivable.”).

21           NRCP 12(b)(5) provides that a defendant may move to dismiss a claim in any pleading for “failure  
22 to state a claim upon which relief can be granted[.]” In reviewing such a motion, “[a]ll factual allegations  
23 of the complaint must be accepted as true.” *Simpson v. Mars, Inc.*, 113 Nev. 188, 190, 929 P.2d 966, 967  
24 (1997). “A complaint will not be dismissed for failure to state a claim unless it appears beyond a doubt  
25 that plaintiff could prove no set of facts which, if accepted by the trier of fact, would entitle him or her to  
26 relief.” *Id.* In this matter, it appears, beyond a doubt, Langford cannot prove any facts that would entitle  
27 him to relief.

28 ///

1 A justiciable issue is one that must be capable of or ripe for a judicial determination. *See Doe v.*  
2 *Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444 (1986) (internal citation omitted). If a court has no power  
3 to grant relief, or the party seeking relief has no legal right to such relief, any ruling on the issue  
4 becomes legally void as an advisory opinion. *See State Indus. Ins. Sys. v. Sleeper*, 100 Nev. 267, 269–  
5 70, 679 P.2d 1273, 1274–75 (1984) (internal citations omitted).

6 Nevada courts require litigated matters to present “an existing controversy, not merely the  
7 prospect of a future problem.” *See Bryan*, 102 Nev. at 525, 728 P.2d at 444. The “irreducible  
8 constitutional minimum” of standing is an “injury in fact” that is not merely conjectural or hypothetical,  
9 and which must be “likely” as opposed to merely speculative. *See Miller v. Ignacio*, 112 Nev. 930, 936  
10 n.4, 921 P.2d 882, 885 n.4 (1996) (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)).

11 In this case, Langford fails to allege any injury he suffered as a result of not being provided  
12 records. *See First Amended Compl.* at 3–4. Langford asserts “a violation of a criminal defendant[']s  
13 due process rights[.]” but fails to explain how his specific rights were violated or how he was injured.  
14 *See id.* at 3. Langford’s allegations of injury are non-existent, let alone conjectural or hypothetical. He  
15 argues the Secretary is not doing her job, but fails to allege or show personal injury. *See Miller*, 112  
16 Nev. at 936 n.4, 921 P.2d at 885 n.4 (requiring an injury to be more than conjectural or hypothetical to  
17 maintain standing). Therefore, Langford is not entitled to proceed with this matter.

18 Nevada is a notice-pleading state, but to meet the bare requirements of notice pleading, a  
19 plaintiff must “set forth sufficient facts to demonstrate the necessary elements of a claim for relief so  
20 that the defending party has adequate notice of the nature of the claim and relief sought.” *Western*  
21 *States Constr. v. Michoff*, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (1992).

22 Here, Langford alleges Secretary of State Cegavske failed to maintain or produce “copies of  
23 senate bills that have been passed since the creation of the State,” which he asserts is “in violation of  
24 her oath of office[.]” *See First Amended Compl.* at 3–4. However, none of Langford’s citations to the  
25 Nevada Constitution provide a private right of action that would allow him to sustain a cognizable  
26 claim. *See id.* The Nevada Constitution provides that the Secretary of State “shall keep a true record of  
27 the Official Acts of the Legislative and Executive Departments of the Government,” but does not create  
28 any claim for a private citizen to sue upon. *See NEV. CONST.* art. V, § 20. The Nevada Supreme Court

1 has held that a private right of action must be based upon clear statutory (or constitutional) language, in  
2 the absence of any known legislative intent. *See Neville v. Eighth Judicial Dist. Court*, 406 P.3d 499,  
3 502–03 (Nev. 2017) (internal citation omitted).

4 Langford’s additional citations are likewise vague and unavailing, and he fails to set forth the  
5 basic facts necessary to sustain any known claim for relief. *See* Compl. at 4. Langford did not provide a  
6 private right of action to sue Secretary Cegavaske in his opposition to the Motion to Dismiss. He  
7 argues that he is making his claims under the authority of 42 U.S.C. Section 1983. However, his claim  
8 is based upon his allegations that Secretary Cegavaske violated her oath of office by failing to maintain  
9 copies of various legislative bills. There is no private right of action to make such claims. Therefore,  
10 Langford’s Amended Complaint must be dismissed.

11 Based on the above, it is:

12 HEREBY ORDERED, ADJUDGED AND DECREED that Defendant’s Motion to Dismiss  
13 Plaintiff’s Amended Complaint is GRANTED.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24 Submitted by:  
25 AARON D. FORD  
26 Attorney General  
27 DOUGLAS R. RANDS, Bar No. 3572  
28 Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717  
Tel: (775) 684-1150  
drands@ag.nv.gov

**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** JUSTIN ODELL LANGFORD -VS- BARBARA K. CEGAVSKE

**Case Number:** 27CV-OTH-2019-0046

**Type:** Order

It is so Ordered.

Judge Shirley

1 Bryan p Bonham 60575  
2 po Box 650 HDSP  
3 Indian Springs, NEV 89070

4  
5 11TH JUDICIAL DISTRICT COURT  
6 PERSHING COUNTY, NEVADA  
7

8 Bryan p Bonham  
9 plaintiff

case no. 27CV-WR3-2019-0039  
DEPT NO I

10 -vs-

11 Barbara K Cegavske  
12 Defendant

PLAINTIFFS RESPONSE TO DEFENDANTS  
OPPOSITION TO PLAINTIFFS MOTION  
FOR DEFAULT ORDER AND ORDER  
OF FRAUD UPON THE COURT.  
15 REQUESTED  
HEARING DEMANDED.

16 comes now plaintiff Bryan p Bonham, in pro se, Respectfully moves  
17 this Honorable court to enter an order to grant plaintiffs  
18 motion for Default; plaintiffs motion for fraud upon the  
19 court; or in alternative allow plaintiffs second amended  
20 complaint to proceed; or enter case into mediation.

21  
22 This motion is further made and based upon all papers, pleadings  
23 and documents on file with this court and any oral arguments  
24 that may be needed.  
25  
26  
27  
28

1 Bryan p Bonham 60575  
2 po Box 650 HDSP  
3 Indian Springs, NEV 89070

4

5

11TH JUDICIAL DISTRICT COURT

6

PERSHING COUNTY, NEVADA

7

8 Bryan p Bonham

CASE NO 27CV-WR3-2019-0039

9

plaintiff

DEPT I

10 -vs-

11 Barbara K Cegauske

NOTICE OF MOTION

12

Defendant

13

14 please take notice, that the undersigned will bring the above  
15 motion for hearing as soon as possible for a decision based on the  
16 Court Docket Availability

17 to:

18 Deputy Attorney General

19 Douglas R Rands

20 100 N Carson St

21 Carson City, NEV 89701

22 Dated This \_\_\_\_\_ day of \_\_\_\_\_ 2021

23 

24 Bryan p Bonham 60575

25 po Box 650 HDSP

26 Indian Springs, NEV 89070

27

28



1 POINTS & AUTHORITIES

2 ARGUMENT

3 FIRST ISSUE IS THAT PLAINTIFF HAS NOT BEEN SERVED A COPY OF THE ALLEGED  
4 MOTION TO STRIKE, ALLEGEDLY ON 03/03/2021 BEING FILED.  
5 COUNSEL WILL ARGUE THERE IS NO PROOF PLAINTIFF HAD DEFENDANT; AG'S  
6 OFFICE PROPERLY SERVED PLAINTIFFS FIRST AMENDED COMPLAINT. THIS  
7 PLAINTIFF HAS SHOWN PROOF OF SERVICE, COUNSEL KNOWS THIS TO BE  
8 FACT. PLAINTIFF MUST SIGN A RECEIPT FOR HIS LEGAL MAIL AT HOSP. THE  
9 ONLY RECEIPT HE HAS SIGNED IN THIS CASE SINCE MARCH 3RD, 2021 IS FOR  
10 HIS MOTION FOR DEFAULT ORDER FILED ON MAY 3RD 2021, NOW THE  
11 OPPOSITION TO THAT MOTION.  
12 COUNSEL CLAIMS THE MOTION TO STRIKE WAS BASED ON PLAINTIFF NOT  
13 FILING A MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT.

14 AS TO MOTION TO STRIKE

15 § RIGHT TO AMEND

16 NOLL V CARLSON 809 F.2d 1446; 1987 U.S. App. 1exis 2142; 7 Fed R Serv  
17 3d 253 "A pro se litigant bringing a civil rights suit in forma  
18 pauperis is entitled to five procedural protections. These are:  
19 (1) process issued and served, (2) notice of any motion thereafter  
20 MADE BY DEFENDANTS or the court to dismiss the complaint, and  
21 the grounds thereafter. (3) an opportunity to at least submit a  
22 written memorandum in opposition to such motion. (4) in the event of  
23 dismissal, a statement of the grounds therefor and (5) an opportunity  
24 to amend the complaint to overcome the deficiency unless it clearly  
25 appears from the complaint that the deficiency cannot be overcome  
26 by amendment. see also Armstrong V Rushing 352 F.2d 836, 837  
27 (9th Cir 1965) "A district court should grant leave to amend even if  
28 no request to amend the pleadings was made unless it determines



1 That the pleading could not possibly be cured by the allegations of other facts."

2 Lopez v Smith 203 F.3d 1122, 1130 (9th Cir 2000) en banc quoting Doe v U.S.

3 58 F.3d 494, 497 (9th Cir 1995)

4 DEFAULT MOTION ON

5  BASIS OF SECOND

6  AMENDED COMPLAINT

7 Georgia power project v Georgia power co (1975) NOGA 409 F. Supp

8 332 "Default Judgment may be obtained upon failure of any party

9 to plead or otherwise defend as provided by Fed Rules of civil procedure."

10 McMillen v Jeppeny co, (2002 D.C. Nev) 205 F.R.D. 557 "Failure to serve

11 answer within twenty days after being served with summons and

12 complaint as required by Fed FRCP 12(a)(1)(a) may result in entry of

13 default or default judgment under FRCP 55 this defendant has failed

14 to properly respond to plaintiff's amended complaint filed on

15 02/22/2021. Counsel is skirting around facts. Counsel, & defendant knows

16 to be true.

17 This plaintiff Amended His complaint for second time to establish

18 and make more clear as to basis for his complaint, the facts of the

19 case, (1) An oath of office is a contract with the citizens of the

20 state, (2) this defendant is in violation of her oath of office (3) The

21 plaintiff has a Federal private Right of action. (4) The injury to the

22 plaintiff is that in Nevada the 14th Amendment to U.S. constitution

23 has in fact been violated. (5) Due to the plaintiff's procedural due

24 process Rights being violated due to him being incarcerated

25 pursuant to UNCONSTITUTIONAL STATUTES (6) Fact that the Nevada

26 constitution MANDATES that the defendant be in physical.

27 possession of all legislative acts passed in Nevada, that she

28 admits she is not. (7) that the constitution takes president



1 over statutes, more over That The Nevada constitution is Binding on  
2 the COURTS OF THE STATE and on every OFFICER and every CITIZEN,  
3 any attempt to do that which is proscribed in any manner than that  
4 proscribed or to do that which is prohibited is repugnant to the  
5 supreme and paramount Law, and void. see porch v patterson 39 NEV  
6 251, 268 156 p 439, 445 (1916) the facts are simple. The Defendant  
7 is not only in violation of the NEVADA CONSTITUTION ART 5 SECTION  
8 20, in turn is in violation of Her oath to uphold the NEVADA  
9 CONSTITUTION & U.S. CONSTITUTION the true & correct copies of  
10 documents will show that the conviction plaintiff is  
11 serving time for is unconstitutional, The fact that the documents  
12 that should be in defendant's possession would prove plaintiff's  
13 conviction is unconstitutional, which prevents plaintiff from  
14 presenting his claims to the court via Habeas corpus post conviction.  
15 Bound v Smith 430 U.S 817, 821-22 (1977) "it is clear that the  
16 Fourteenth Amendment right to access the courts survives detention"  
17 Bounds ... "This right means that inmates must have a reasonably  
18 Adequate opportunity to present claimed violations of fundamental  
19 constitutional rights to the courts"  
20 IN THIS COURT'S DISMISSAL OF CASE NO 27 CV - OR # - 2019 - 0046 page (2) two  
21 line 23-26 Simpson v mays inc 113 NEV 188, 190, 929 p2d 966,  
22 967 (1997) "A complaint will not be dismissed for failure to state a  
23 claim unless it appears beyond a doubt that plaintiff could prove no  
24 set of facts which, if accepted by the trier of fact, would entitle him  
25 or her to relief"  
26 (1) The fact that plaintiff has presented to this court defendant's  
27 oath of office, which she is in fact in violation of (2) what the  
28 Nevada constitution ART 5 section 20 mandates (3) the exhibits



1 presented in plaintiffs Response to Defendants opposition to plaintiffs  
2 motion for summary Judgment & Request for Pardon upon the court &  
3 perjury. various copies of documents produced by the LCB  
4 which is mandated to be in possession & produced by the  
5 Defendant. see page 43-45 & then page 46-48 two (2)  
6 different versions of senate Bill 182. which indicate that (3)  
7 three Justices of the Nevada supreme court were appointed by the  
8 Nevada legislature to sit on the STATUTE REVISION COMMISSION  
9 with the task of writing & creating the NRS, which is in clear  
10 violation of Nevada constitution Article VI § 11 furthermore  
11 on page 37 to 42 exhibits 1, 2, 3 are (3) Three separate  
12 versions of the same Bill produced by the same entity. (LCB)  
13 This document is called a senate concurrent Resolution. which all  
14 state. "providing that the official engrossed copy of senate Bill 182  
15 may be used as the enrolled bill. There are multiple issues with  
16 these documents. The severity of the problem with these (3) Three  
17 exhibits is that neither contain the mandatory enactment language  
18 Ag 85 07/25/1951 This constitutional provision is mandatory and an  
19 act not in proper form is void and unenforceable. see Chase v Rogers  
20 10 Nev 250 (1875) the words "Represented in senate and Assembly"  
21 expressive of the Authority which passed the law are as necessary as the  
22 words "The people" or any of the other words of the enacting clause.  
23 see also Nevada Highway Patrol Ass'n v State 107 Nev 547 815 p2d  
24 508 (1991) in Chase v Rogers 10 Nev 250 (1875) the court held that  
25 where the enacting words were prescribed, it was mandatory they be  
26 included in the act. without the words required by the constitution and  
27 without the concurrence of the senate, the people had no power to  
28 enact any law. The county recorder contended that when the bill



1 was presented to the legislature. The words were in the enacting clause,  
2 the court ruled that it could only look at the enrolled bill in the office  
3 of the secretary of state in order to ascertain the terms of the law.  
4 there is only one problem with that, in this case.  
5 The court cannot review any documents in possession of the  
6 Secretary of state. Further more, A concurrent Resolution or a  
7 Resolution of one house, may be used to memorialize a former  
8 member of the legislature or other notable or distinguished person  
9 upon his or her death. A Resolution of one house may be used to  
10 Request the return from the secretary of state of an enrolled  
11 resolution of the same house for further consideration  
12 which in case of plaintiffs situation was not done. see  
13 Nevada Highway Patrol Ass'n v State 107 Nev 547, 815 p 2d 608  
14 (1991) which states as follows:  
15 First by its nature, an assembly concurrent Resolution is not intended  
16 to have the force and effect of law, pursuant to RULE 7 of the  
17 Joint Rules of the Nevada senate and assembly, the purpose of  
18 a concurrent resolution is to direct the legislative commission  
19 to conduct interim studies, to request the return of a Bill  
20 from the other house, and to request an enrolled bill from the  
21 Governor, on occasion a concurrent Resolution is also used to  
22 memorialize a former member of the legislature or other  
23 distinguished person upon death, or to congratulate or to commend  
24 any person or organization for a significant and meritorious  
25 accomplishment. in Langford's case this court states Nevada  
26 courts require litigated matters to present "an existing  
27 controversy, not merely the prospect of a future problem" see  
28 Bryan 102 Nev at 525 728 p. 2d at 444 the "irreducible



1 constitutional minimum" of standing is an "injury in fact" that is  
2 not merely conjecture or hypothetical, and which must be "likely"  
3 as opposed to merely speculative  
4 This plaintiff Bonham does not fail to claim an injury upon which  
5 relief can be granted. The true & correct documents would  
6 prove that plaintiff's criminal conviction is unconstitutional.  
7 The justices had no right or authority to write, or create the NRS  
8 the senate concurrent Resolution used for a purpose that it was  
9 not intended to be used for. The fact that NRS 1.010 TO 710.590  
10 inclusive, was "adopted and enacted as Law of  
11 the State of Nevada  
12 NEVADA CONSTITUTION ARTICLE 4 § 17 requires that each act  
13 embrace only one subject; title; amendment; to wit: "Each  
14 Law enacted by the legislature SHALL embrace but one subject,  
15 and matter. This constitutional provision is mandatory see  
16 State, ex rel chase v Rogers 10 nev 250 1875; State v Ah  
17 Sam 15 nev 27 (1880) compliance with this section is  
18 essential to the validity of every law enacted by the legislature  
19 plaintiff Bonham's claim & arguments are not conjectural  
20 or Hypothetical. The injury to him is He was convicted of  
21 a crime; or statutes that are unconstitutional. The true &  
22 correct copy of specific bills/acts will show specific  
23 procedures were not met.  
24 this court states that the Nevada Supreme court has held that  
25 a private right of action must be based upon clear & statutory  
26 or constitutional language. In the absence of any known  
27 legislative intent, see Neulle v Eighth Judicial Dist Court 406  
28 p3d 499 502-03 (nev 2017) see also Etherton v City of Ran



1 SVILLE 2015 U.S. DIST LEXIS 141650 "A Federal private cause of action  
2 for a state official's actions contrary to His/Her oath of office  
3 unless that action otherwise violated a statute affording the  
4 plaintiff a private right of action or violated the plaintiff's  
5 constitutional rights forming the basis of a § 1983 action  
6 see also NRS 225.080 GENERAL DUTIES  
7 SECRETARY OF STATE SHALL (1) attest all the official acts and  
8 proceedings of the Governor, and affix the seal of the state, with  
9 proper attestations, to all commissions, pardons and other public  
10 instruments to which the signature of the Governor is required.  
11 A copy of these instruments MUST be filed in the office of  
12 the secretary of state. NRS 239.101 All public books and public  
13 records of a government entity MUST be open to inspection by any  
14 person and may be copied.  
15 This plaintiff contends that the legislative intent is prescribed in  
16 NRS 225.080 & NRS 239.101 see also NEVADA CONSTITUTION ART  
17 5320  
18 now let's start at the top, S. Carolina v U.S. 199 U.S. 437, 448.  
19 (1905) "The constitution is a written instrument, as such its  
20 meaning does not alter, that which it meant when it was adopted,  
21 it means now. in Dremons v city of Montgomery. 602 F.3d  
22 1224 (11th Cir 2010) the court found that "if an Administrative  
23 Regulation conflicts with statute(s) then the statute controls  
24 plaintiff contends the analogous authority or analogy cited in  
25 Dremons v city of Montgomery 602 F.3d 1224 (11th Cir 2010)  
26 should apply in this case. when CONSTITUTION comes into  
27 conflict with a statute the constitution controls. in Ace auto  
28 Body & towing ltd v city of New York. 171 F.3d 765 (2nd Cir 1999)



1 Broad v Sealaska corp 85 F3d 422 (9th Cir 1996) "under supremacy clause  
2 federal law preempts state law either by express provisions, by  
3 implication or by conflict between federal and state law"  
4 at one point defence counsel argues that NRS 378.255 allows  
5 for documents that are mandated to be in possession of the  
6 Secretary of state to be held in one place els. Again the NEVADA  
7 CONSTITUTION overrules a statute furthermore the UNITED  
8 STATES CONSTITUTION controls all. The use of NRS 378.255  
9 is in violation of the 14th AMENDMENT to U.S CONST which  
10 states "no state shall make or enforce any law which shall abridge  
11 the privileges or immunities of citizens of the United States; nor  
12 shall any state deprive any person of life, liberty or property,  
13 without due process of law, nor deny to any person within its  
14 jurisdiction the equal protection of the laws. Epps v Watson 492  
15 F3d 1240, 1243 (11th Cir 2007) Humphrey v Merby 482 F3d 840, 846  
16 (6th Cir 2007) both holding defendant must show she was  
17 engaging in a discretionary function, and plaintiff must show  
18 deprivation of a constitutional right and that the right  
19 was clearly established.  
20 plaintiff has established a private right of action, that by the  
21 defendant not being in possession of documents she is mandated  
22 to have, state statutes indicating same. she has further violated  
23 the U.S. CONST AMEND 14, NEV CONST ART 5 § 20, NRS 225.080  
24 § 239.101  
25 parratt v Taylor 451 U.S. 527, 535, 68 L ed 2d 420, 101 S. Ct 1908  
26 (1981) to successfully establish a prima facie case under 42 U.S.C. § 1983  
27 a plaintiff must prove the following two elements. (1) The defendant  
28 § 1983 vs Applexis 88 must be acting under the color of state law.

1 and (2) The offending conduct must deprive the plaintiff of rights secured  
2 by federal law. Defence counsel argues (i) on behalf of plaintiff when he  
3 states NRS 378.255 allows for defendant to violate ARTS 3 20 of the  
4 NEVADA CONSTITUTION (2) is established through UNITED STATES CONST  
5 AMEND 14 & NEVADA CONSTITUTION ARTS 3 20 "A person deprives another of a  
6 constitutional right within the meaning of Sec 1983, if he does an affirmative  
7 act, participates in another's affirmative acts or omits to perform an act  
8 which he is legally required to do that causes the deprivation of which  
9 plaintiff complains.

#### 10 CONCLUSION

11 plaintiff contends that ultimately the constitution takes president  
12 over statutes. plaintiff has argued injury in his 2nd amended complaint  
13 He has shown how defendant's actions have prevented him from properly  
14 <sup>arguing</sup> ~~asserting~~ his issues, as the documents he has obtained do not have  
15 the seal of ~~state~~ or enactment clause, or they indicate rules were broken  
16 There is such a thing as those in authority are held accountable  
17 Therefore plaintiff respectfully asks this court to allow his (2nd)  
18 second amended complaint to proceed, without further delay.  
19 "Justice Delayed is Justice Denied" see Dougan v Gustavenson 108  
20 nev 517, 835 p2d 797, 794 (1992)



VERIFICATION


I Bryan P Bonham declare and verify that I have read the foregoing motion and to best of my belief and knowledge that the foregoing is true & correct under the pains & penalties of perjury pursuant to 28 U.S.C. A § 1746 & 18 U.S.C. A § 1621

CERTIFICATE OF SERVICE

I Bryan P Bonham certify that I have read the foregoing motion & with special instructions for electronic filing & service 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

Deputy Attorney General  
Douglas R. Rands  
100 N. Carson Street  
Carson City, Nev 89701

Dated this 37<sup>th</sup> day of May 2021

  
Bryan P Bonham 60525  
PO Box 650 HDSF  
Indian Springs, Nev 89070

Case No. 27CV-WR3-2019-0039

*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

BRYAN PHILLIP BONHAM,

Appellant,

vs.

BARBARA K. CEGASVKE,

Respondent.

**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 2<sup>nd</sup> day of February 2023.

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

February 2, 2023

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

Re: Notice of Appeal / 27CV-WR3-2019-0039  
Bryan P. Bonham, Appellant vs Barbara K. Cegavske, Respondent

Enclosed, please find the Record on Appeal for the above-entitled matter as ordered by the Supreme Court on January 4, 2023.

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: Adrienne Rausch  
Deputy Clerk

/km  
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  
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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-WR3-2019-0039

*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

BRYAN PHILLIP BONHAM,

Appellant,

vs.

BARBARA K. CEGASVKE,

Respondent.

**RECORD ON APPEAL**

**PLEADINGS**

VOLUME 4

Bryan P. Bonham  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070  
Appellant, In Pro Per

Douglas Rands  
Nevada Attorney General's Office  
100 N. Carson St.  
Carson City, NV 89701  
Attorney for Respondents

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17	Notice of Entry of Order	06/29/2022	489-499	4
18	Notice of Entry of Order	06/29/2022	500-505	4
19	Notice of Entry of Order	06/30/2022	506-516	4
20	Notice of Motion	06/10/2019	024-026	1
21	Notice of Motion	08/21/2019	063	1
22				
23				
24				

1	Notice of Motion Motion to Request Leave to Amend, to Add State of Nevada to Complaint Pursuant to Fed. Rule. CIV.P.15	08/20/2019	059	1
2				
3	Notice of Motion Opposition to Defendant's Motion to Dismiss	08/20/2019	054	1
4	Notice of Transfer to Court of Appeals	02/21/2020	103	1
5	Opposition to Motion for Summary Judgment	01/19/2021	212-230	2
6	Opposition to Plaintiff's Motion for Appointment of Counsel	01/11/2021	206-211	2
7	Opposition to Plaintiff's Motion for Default Order and Order of Fraud Upon the Court	05/17/2021	339-348	3
8	Opposition to Plaintiff's Motion to Move Case to U.S. District Court	12/13/2021	449-453	4
9	Order Amendment to Complaint	06/24/2022	454-460	4
10	Order Amendment to Complaint;	06/27/2022	461-463	4
11	Plaintiff's Summary Judgment Order;			
12	Appointment of Counsel; Filings of Second Amended Complaint; Motion to Move to US District Court			
13	Order Directing Transmission of Record	12/13/2019	099	1
14	Order Directing Transmission of Record	01/30/2023	529-530	4
15	Oder Directing That a Hearing Be Held on the Motion to Dismiss Amended Complaint	09/10/2020	127-128	1
16	Order Directing That Clerk Set the Matter of Hearing on the Motion to Dismiss After Remittitur	01/27/2020	100-101	1
17	Order Dismissing Appeal	06/25/2020	104-106	1
18	Order Dismissing Appeal	08/26/2020	119-121	1
19	Order Re: Motion to Dismiss the Complaint	06/27/2022	482-488	4
20	Order Setting Hearing on Defendant's Motion to Dismiss	11/12/2019	086-087	1
21	Order to Proceed in Forma Pauperis	03/15/2019	011	1
22	Order to Produce Prisoner	09/16/2020	129-130	1
23	Plaintiff's Addendum to His 42 U.S.C. 1983 & Request for Inspection of Fraud Upon the Court	10/20/2020	135-170	2
24				

1	Plaintiff's Motion for Default Order & Order of Fraud Upon the Court "Hearing Requested"	05/03/2021	333-338	3
2	Plaintiff's Motion for Discovery and Order to Show Cause as to Why Summary Judgment for the Plaintiff Should Not Be Granted in Camera Hearing or in Person Hearing Requested	10/25/2021	361-403	4
3				
4	Plaintiff's Motion/Reply to Defendant's Reply	08/13/2019	046-051	1
5	Plaintiff's Opposition to Defendant's Motion to Dismiss	08/20/2019	055-058	1
6	Plaintiff's Reply to Defendant's Motion to Dismiss	11/04/2019	076-085	1
7	Plaintiff's Reply to Defendant's Opposition to Plaintiff's Addendum	11/25/2020	176-182	2
8	Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Discovery and Order to Show Cause	11/30/2021	415-448	4
9	Plaintiff's Response to Defendant's Opposition to Plaintiff's Motion for Default Order and Order of Fraud Upon the Court Hearing Requested	06/10/2021	349-360	3
10				
11	Plaintiff's Response to Defendant's Opposition to Plaintiff's Motion for Summary Judgment & Request for Fraud Upon the Court & Perjury	03/01/2021	254-328	3
12	Plaintiff's Second Amended Civil Rights Complaint Pursuant to 42 USC 1983 R8 USC 1342(a) Jury Trial Demanded	02/22/2021	241-253	2
13	Receipt for Documents	12/05/2019	098	1
14	Remittitur	07/21/2020	116	1
15	Remittitur	09/22/2020	131-132	1
16	Reply in Support of Defendant's Motion to Dismiss	07/15/2019	038-041	1
17	Request for Judicial Action	11/04/2019	073-075	1
18	Request for Submission	11/16/2021	407-408	4
19	Request for Submission: Defendant's Motion to Dismiss	10/08/2019	064-065	1
20	Request for Submission: Defendant's Motion to Dismiss Plaintiff's Amended Complaint	11/14/2019	092-093	1
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Request for Submission of Defendant's Motion to Dismiss	07/24/2019	044-045	1
Request for Submission of Defendant's Motion to Dismiss	07/23/2020	117-118	1
Summons	05/23/2019	022-023	1

1 Bryan p Bonham 60575

2 po Box 650 (H.D.S.P.)

3 Indian Springs, NEV 89070

4

5

ELEVENTH JUDICIAL DISTRICT COURT

6

PERSHING COUNTY, NEVADA

7

8 Bryan p Bonham

PI-191291

CASE NO. 27-CV-WR3-2019-0039

9

plaintiff.

10 -vs-

PLAINTIFFS MOTION FOR DISCOVERY

11 Barbara K Cegavasko

AND ORDER TO SHOW CAUSE AS TO

12 defendant.

WHY SUMMARY JUDGMENT FOR THE

13

PLAINTIFFS SHOULD NOT BE GRANTED

14

IN CAMERA HEARING OR IN PERSON

15

HEARING REQUESTED.

16

17

18 comes now plaintiff Bryan p Bonham in pro se, moves this Honorable

19 Court to enter an order that based on facts set forth here in along

20 with the points and authorities attached here in this case be ordered

21 in the interest of judicial economy be allowed to move forward, &

22 order a hearing for discovery based on forthcoming motion.

23

24 this motion is further made & based on all the papers, filed and pleadings

25 and documents attached herein and along with any oral argument

26 that may be needed.

27

28

1 Bryan p Bonham 60575

2 po Box 650 HOSP

3 Indian Springs, NEV 89070

4

5

ELEVENTH JUDICIAL DISTRICT COURT

6

PERSHING COUNTY, NEVADA

7

8 Bryan p Bonham

PI 12121

CASE NO. 27 CU WR3 2019-0039

9

plaintiff

10

-vs-

NOTICE OF MOTION

11

Barbara K Cegauske.

12

13

14 to:

15 DEPUTY ATTORNEY GENERAL

16

Douglas Rands

17

100 N. Carson St.

18

Carson City NV 89070

19

20 Please take notice the undersigned will bring the above motion before this

21 Honorable court for hearing to be decided on the facts of case, merits of

22 of pleadings herein as soon as courts docket will allow.

23

24 Dated this 17th day of <sup>October</sup> ~~July~~ 2021

25

15/ ~~Bryan p Bonham~~

26

Bryan p Bonham 60575

27

po Box 650 HOSP

28

Indian Springs, NV. 89070

POINTS & AUTHORITY

ARGUMENT

The plaintiff does hereby request that this court will grant & or issue an order for oral arguments, and issue an order to show cause, to show why this court should not issue an order in the affirmative in favor of plaintiff on Summary Judgment.

(I) NEV CONST ARTICLE 4 § 23. By const mandate <sup>66</sup> "All" Laws must have an enacting clause. Defence counsel has argued that NRS 378.255 allows Defendant to violate Her Oath of Office, which is a contract with the people/citizens of the state of NEVADA, to violate Her oath to uphold & defend the U.S. CONST, it's Amendments as well as the NEV CONST ART 5 § 20, ART 6 § 1, or 2, ART 15 § 2, ART 13 § 8

There is no justification for deviating from or violating a written CONSTITUTION. NRS 378.255 cannot be used to override the CONST OF NEV solely because the circumstances produce a procedural defect, that may and will prove to be a violation of the U.S. CONSTITUTION & NEV CONST.

The Constitution is a written instrument, as such its meaning does not alter, that which it meant when it was adopted, it means now. S. Carolina v U.S. 199 U.S. 437, 448 (1905) further more when a Government official acts in an UNCONSTITUTIONAL manner he becomes liable for money damages. see

BIVENS v SIX UNKNOWN AGENTS 403 U.S. 388 29 LEd 2d 619, 91 S.Ct 1999 (1970). <sup>66</sup> "A state constitution is binding on the courts of the state

and on every OFFICER and every citizen, any attempt to do that which is prescribed in any manner than that prescribed or to do that which is prohibited is repugnant to the SUPREME AND PARAMOUNT LAW, and VOID see porch v patterson 39 nev 251, 268, 156 p 439, 445 (1916)

1 II NRS 378.255 IS OF UNKNOWN AND UNCERTAIN AUTHORITY.

2 This so called "STATUTE" in the "NRS" is not only absent an enacting  
3 clause, yet ~~are~~ IS surrounded by other issues and facts, which make its  
4 authority unknown, uncertain and questionable. THE FORWARD PAGE "EXHIBIT  
5 ONE" FORWARD STATUTE REVISION COMMISSION, states that the "LEGISLATURE  
6 OF THE STATE OF NEVADA created the statute revision commission comprised  
7 of the (3) three Justices of the Supreme Court," Authorized such commission  
8 to appoint a revisor of statutes to be known as the director of the statute  
9 revision commission, and charged the commission to commence the  
10 preparation of a complete revision and compilation of the Laws of the  
11 STATE OF NEVADA to be known as NEVADA REVISED STATUTES.

12 THE CONSTITUTION OF NEVADA ART V § 20 (1864), requires that  
13 every bill which passes both the Senate and House, and is signed by  
14 the Governor, is to be deposited "in the office of the Secretary of State  
15 for preservation" thus in this state, as in nearly all other states, all  
16 official laws, records, and documents are universally recognized by  
17 their being issued or published by the secretary of state. NRS 378.255  
18 is published by the revisor of statutes/legislative counsel Bureau, and  
19 is also copyrighted by him or his office. THE LAWS OR STATUTES OF  
20 NEVADA/SESSION LAWS were never copyrighted, as they were true  
21 public documents. In fact no true public document of this state or any  
22 state or of the United States has ever been or can be under a copy  
23 right. Public documents are in the public domain. A copy right  
24 infers a private right over the contents of a book. Suggesting that  
25 NRS 378.255 is derived from a private source, and thus is not  
26 a true public Law.

27 ~~The Revisor then proceeds to point out the difference~~

28 The Revisor of statutes, in the Legislative Counsel's preface to his

1 statute book called "NRS" points out the difference in the various types  
2 of arrangements of laws, states the following:

3 "REVISING" the statutes, on the other hand involves these  
4 additional and distinguishing operations: (1) the collection into chapters  
5 of all the sections and parts of sections that relate to the same subject.  
6 and the orderly arrangement into sections of the material assembled in each  
7 chapter (2) the elimination of inoperative or obsolete duplicated, impliedly  
8 repealed and unconstitutional (as declared by the supreme court of the  
9 state of Nevada) sections and parts of sections. (3) the elimination of  
10 unnecessary words and the improvement of the grammatical structure  
11 physical form of sections.

12 The revision, instead of the recompilation, of the statutes was under  
13 taken therefore, first to eliminate sections which though not  
14 specifically repealed were nevertheless ineffective and, second, to clarify,  
15 simply classify and generally make more accessible, understandable and  
16 usable the remaining effective sections or parts of sections. (see  
17 exhibit 51; 2 pages xi, xiii, xiv and xv respectively)

### 18 III LACK OF SUBJECT MATTER JURISDICTION TO ENFORCE NRS 378, 255

19 It is elementary that the jurisdiction of the court over the subject  
20 matter of this action is the most critical aspect of this court's authority  
21 to act. without it the court lacks any power to proceed. Galloway v  
22 Tuesdell, 83 Nev 13, 422 p. 2d 237 (1967) plaintiff contends that if  
23 a law/statute is unconstitutional and void of authority, a court has no  
24 jurisdiction to enforce such law/statute(s)

### 25 IV ESTABLISHED RULES OF CONSTITUTIONAL CONSTRUCTION

26 NEV. CONST. ART 4 § 23: The enacting clause of EVERY LAW "shall be  
27 as follows: 'THE PEOPLE OF THE STATE OF NEVADA REPRESENTED IN SENATE  
28 AND ASSEMBLY, DO ENACT AS FOLLOWS;'..." This is mandatory to be on the face 365

1 of every Law, and that a statute without any enacting clause is void." Caine,  
2 131 p2d at 518, STATE V ROGERS 10 NEU at 260; Sjoborg, 703 minn. at  
3 212. Being that NRS 378.255 a statute in the NRS, used to defraud  
4 this court is devoid, without an enacting clause, which means it is with  
5 out authority and thus no subject matter jurisdiction.

6 the provisions requiring an enacting clause and one subject titles  
7 ART 4 § 17 & 4 § 23 were adhered to with the publications known as  
8 "STATUTES OF NEVADA" and "PARAMOUNT LAW"

9 VI THE STEALTH FRAUD ACT OF THE 48TH SESSION OF THE NEVADA LEGISLATURE  
10 ADOPTING AND ENACTING NEVADA REVISED STATUTES AND PUBLISHING  
11 THEM WITHOUT THE MANDATED ENACTING CLAUSE REVEALS AND EXPOSED  
12 HEREIN. Attached as exhibit ~~two~~ three.

13 plaintiff has set forth above & below several glaring issues that,  
14 constitute unambiguous violations of the paramount Law of the State  
15 OF NEVADA, the NEV CONST. Such constitutional violations must be  
16 viewed as plain error.

17 It must always be remembered that "ALL 'POLITICAL' 'POWER' IS  
18 'INHERENT IN THE PEOPLE.'" It is "THE PEOPLE" that enact all Laws.  
19 STATE V ROGERS, 10 NEU at 260, NEV CONST ART 1 § 2

20 The people/citizens of the state of Nevada did not vest any  
21 authority in the legislature of Nevada, to create the statute revision  
22 Commission. Nor did the people/citizens of the state of Nevada vest any  
23 authority in the legislature of Nevada to create the legislative counsel of the  
24 state of Nevada. Additionally the people/citizens of the state of Nevada  
25 did not vest any authority in the legislature of Nevada to create the  
26 Legislative Counsel Bureau.

27 In 1955 or as early as 1951, the legislature of Nevada/Nevada legislature  
28 (Legis of Nev) created the statute revision commission (Stat Rev. com) <sup>366</sup>

1 In creating the Stat. Rev. Com., the legis. of Nev. and violated the  
2 NEU CONST ART 3 § 1, and caused additional, multiple constitutional  
3 conflicts to occur, due to the created STAT REV. COM. The repugnant,  
4 skulduggery, conflict comprised of the appointment of the three(3),  
5 sitting Justices of the NEU SUP CRT., to the Stat Rev Com. Justice  
6 Milton B. Badt (Badt), Justice, Edgar Earther (Earther), and Justice,  
7 Charles M. Merrill (Merrill), by the legis of Nev.

8 The creation of this commission is/was a clear violation of ART 3 § 1  
9 of the NEU CONST Separation of powers.

10 Additionally the creation of an illegal, unconstitutional commission, due  
11 to the fact that, sitting Justices of the NEU SUP CRT. whom were a part  
12 of the "JUDICIAL BRANCH", and no persons charged with the exercise  
13 of powers properly belonging to one of these departments shall exercise  
14 any functions, appertaining to either of the others. Smyer v Dooley, 21  
15 Nev. 390, 32 Pac. 437 (1893), cited Ormsby County v Kearney, 37 Nev  
16 314, 341, 142 Pac. 803 (1914); Galloway v Truesdell, 83 Nev. 13, 422  
17 p. 2d 237 (1967) cited Dunphy v Sheehan, 92 Nev 259, 265, 549  
18 p. 2d 332 (1976); City of N. Las Vegas ex rel Arndt v. James Raines,  
19 92 Nev 292, 294, 550 p. 2d 399 (1976); O'Bryan v Eighth Judicial Dist  
20 Court, 95 Nev 386, 388, 594 p. 2d 739 (1979); NEU CONST ART 3 § 1

21 Even then Justice Badt, of the NEU SUP CRT in rendering the  
22 opinion of the court, acknowledge the "SEPARATION OF POWERS"  
23 under ART 3 § 1, as iterated in King v Board of Regents, 65 Nev 553, 557,  
24 200 p. 2d 221, 232 (1948) the court held:

25 A constitution being paramount law of a state, designed to separate the  
26 powers of government and to define their extent and limit their exercise  
27 by the several departments, as well as to secure and protect private  
28 rights, no other instruments is of equal significance. It has been very



1 properly defined to be a legislative act of the people themselves in their  
2 sovereign capacity, and when the people have declared by it that certain  
3 powers shall be possessed and duties performed by a particular officer or  
4 department, their exercise and discharge by any other officer or  
5 department are forbidden.

6 However, seven (7) years later in 1955 or even as early as 1951 Justice  
7 Badt failed to adhere to his own opinion in King, 65 Nev at 557, 200  
8 p2d at 232, that a constitution being paramount Law of a state, designed  
9 to separate the powers of Government see Forward Exhibit ONE, Justice  
10 Badt, a sitting Justice of the NEV SUP CRT along with sitting Justice,  
11 Eather, and sitting Justice Merrill became part of the STAT. REV. COM., that  
12 being created by the legislature of the STATE OF NEVADA. (Exhibit one  
13 FORWARD pg. x1)

14 Subsequently, upon completion of the revision of the text of the statutes  
15 in December, 1956, the commission turned to the solution of a "VITAL  
16 PROBLEM" would it recommend the enactment of the revised statutes or  
17 would it request the legislature merely to adopt the revised statutes as  
18 evidence of the law? The "COMMISSION CONCLUDED" that the enactment  
19 of the revised statutes as Law, rather than the mere adoption thereof as  
20 evidence of the law, would be the more "DESIRABLE COURSE OF ACTION"  
21 Accordingly, Nevada Revised statutes in type written form was submitted to  
22 the 48th Session of the legislature in the form of a Bill providing for  
23 its enactment as law of the state of Nevada (from the wording herein  
24 above iterated, its apparent that the commission submitted the typewritten  
25 NRS to the legislature in the form of a Bill. this was not derived from the  
26 Senate or Assembly, yet again the commission).

27 This Bill, Senate Bill No. 2 (was done by this non-judicial group  
28 and is unconstitutional

1 and illegal), (here after referred to in this preface as "THE REVISION  
2 BILL"<sup>91</sup>), was passed without amendment or dissenting vote, and on  
3 January 25<sup>th</sup> 1957, was approved by Governor Charles H. Russell (see  
4 Exhibit. 3)

5 Additionally, the revision bill is suspect/defective to have not  
6 complied with the mandate of ART 4 § 18 NEV CONST Reading of Bill,  
7 which requires..., shall be read by sections on three separate/several  
8 days, in each House,...

9 Furthermore, pursuant to the Requirements of the CONST OF NEV ART  
10 4 § 18, S.B. No 2 "THE REVISION BILL" could not have passed through  
11 the senate and Assembly for enactment, and approved by the Governor in  
12 "FOUR" (4) days Exhibit. 3 page 2 under Sec. 3 Repeal of prior laws,  
13 it reads as follows: "except as provided in section 5 ~~of~~ of this  
14 act and unless expressly continued by specific provisions of Nevada  
15 Revised statutes, all laws and statutes of the state of Nevada of  
16 a general, public and permanent nature enacted "prior to January  
17 21, 1957, hereby are repealed." Compare with Exhibit Five. (continued pg. 15)

18 From the above it must be "ABUNDANTLY CLEAR" that on January  
19 21, 1957, the laws of the state of Nevada were repealed.<sup>1</sup> Express

20 Language is utilized i.e. "ALL LAWS AND STATUTES... GENERAL,  
21 PUBLIC AND PERMANENT NATURE ENACTED... ARE REPEALED."

22 and the date is readily discernible (Monday, January 21, 1957  
23 (Exhibit 3 pg. 2)

24 And the date in which the Governor approved the NRS is also discernable  
25 (Friday), January 25, 1957 (Exhibit 3)

26 Thus, it can be determined that the Legis of Nev. had from the 21<sup>st</sup>  
27 of January, 1957, until the 24<sup>th</sup> of January, 1957, to read S.B. NO  
28 2 "THE REVISION BILL", on three (3) several/separate days in each 369

1 House! " CONST OF NEV ART 4 § 18

2 Now, unless a bill, in this case S.B. NO. 2 " THE REVISION BILL"  
3 can be in the Assembly, and the senate at the " SAME" exact time  
4 which it can't! S.B. NO. 2 could not have met the required mandate  
5 of ART 4 § 18, CONST OF NEV, to be read by sections on ~~three~~ separate/  
6 several days, in each house.

7 Now unless there's an exception that applies that would render  
8 S.B. NO. 2 " THE REVISION BILL" valid despite otherwise violating the  
9 CONST OF NEV ART 4 § 18, then S.B. NO. 2 " THE REVISION BILL", IS  
10 UNCONSTITUTIONAL, invalid, a nullity, therefore NRS 378.255 IS  
11 also without any Authority.

12 This plaintiff reiterates that the above and foregoing IS  
13 " IRREFUTABLE"

14 VI AN EVIDENTIARY HEARING MUST BE HEID, DISMISSAL IS IN FACT NOT  
15 APPROPRIATE DUE TO THE FACT THAT ON APPEAL IT WOULD BE CLEAR & IS  
16 CLEAR THAT THE NEVADA SUPREME COURT IS NOT A FACT FINDING  
17 TRIBUNAL

18 The NEV. SUP. CT IS NOT a fact finding tribunal, or proper venue for  
19 an evidentiary hearing. see peck v state, 116 NEV 840, 846, 7 p.3d  
20 470, 474 (NEV 2000), Zugel v miller, 99 100, 101 , 659 p.2d 296  
21 297 (NEV 1983); Zobrist v sheriff, 46 NEV 625, 626, 614 p.2d  
22 538 (1980) see also CONST OF NEV ART 6 § 4

23 clearly the plaintiff has set forth facts which obviously protects  
24 this plaintiff's civil rights, one of which is due process. under ART 1  
25 § 8 OF THE CONST OF NEV. which should provide the plaintiff the opportunity  
26 to "establish any fact," which according to usages of common Law or  
27 provisions of the constitution, would be protection to the plaintiff.  
28 see. STATE v Fouquette, 67 NEV 505, 514, 221 p.2d 404 (1950)

1 Wright v Cradlebaugh, 3 NEU 341 (1867); cited Persing v Reno Stock

2 Brokerage Co., 30 NEU 342-349, 96 PAC 1054 (1908)

3 VII. WHY EVIDENTIARY HEARING SHOULD BE HELD & DISCOVERY REQUEST BE

4 GRANTED.

5 FIRST: Let it be acknowledged that the plaintiff has set forth that,  
6 Badt, Eather, and Merrill, were Justices of the NEU Sup CRT. during what  
7 will be termed "critical operative years," the years of 1951, 1953,  
8 1955 and 1957, at which time they were charged under the CONST OF  
9 NEU ART 6 § 4, to perform "Appellate Judicial Duties and Functions  
10 of the 'NEU SUP CRT'"

11 SECOND: The plaintiff has set forth irrefutable evidence that Justices  
12 Badt, Eather, and Merrill, were also appointed to be members of the  
13 STATUTE REVISION COMMISSION during the "critical operative years"  
14 of 1951, 1953, 1955 and 1957.

15 That, Badt, Eather, and Merrill, the commission was given authority,  
16 charged with power to perform essential duties, and functions of the  
17 LEG OF NEU clothed under ART 4 § 1 of the CONST OF NEU, to  
18 perform these duties and functions, again, during the "critical operative  
19 years of 1951, 1953, 1955, and 1957, again "while Justices of the NEU  
20 SUP. CRT"

21 THIRD: That the appointment, allowing, etc., Badt, Eather and  
22 Merrill, to be members on said commission, and authorizing, charging,  
23 giving them authority, power to perform essential duties and  
24 functions vested in the LEGIS OF NEU was and remains a clear  
25 violation of the CONST OF NEU ART 3 § 1, separate departments,  
26 separation of powers.

27 VIII. WHAT CANNOT BE REFUTED:

28 1) Badt, Eather, and Merrill, were Justices of the NEU SUP CRT in the 371

1 years 1951, 1953, 1955, & 1957, charged with authority, power etc.  
2 under ART 6§4, of the CONST OF NEU performing appellate judicial  
3 duties.

4 (2) That Budt, Earther, and Merrill, as Appellate Justices of the NEU SUP CRT  
5 during the years 1951, 1953, 1955, and 1957, clothed with the authority, to  
6 perform appellate judicial duties and functions, were appointed, set  
7 apart, allowed to be on said commission; charged, given authority,  
8 power to perform essential duties and functions of the LEGIS OF NEU

9 (3) That, the LEGIS OF NEU pursuant to ART 4§1 of the CONST OF NEU,  
10 is charged, given authority, power to Annotate Laws; classify laws;  
11 compile laws; Amend Laws; make Laws; Draft Laws; REVISE LAWS;  
12 modify Laws; Redraft Laws; codify Laws etc.

13 (4) that, the three aforementioned Justices of the NEU SUP CRT, were clothed  
14 with the exact same authority, power, charged etc., of the LEGIS OF NEU,  
15 thus, a clear undisputed, unequivocal violation of the unambiguous language  
16 of ART 3§1, of the CONST OF NEU when again the aforementioned three  
17 Justice's performed essential duties and/or functions,, of the LEGIS OF  
18 NEU. i.e. Amending Laws; Annotating Laws., classifying Laws.,  
19 codifying Laws., compiling Laws., Drafting Laws, making laws, modifying  
20 Laws., Redrafting Laws., Revising laws etc.

21 That, anything done by the commission relative to, relating to the  
22 essential duties and functions of the LEGIS OF NEU, was, & is a violation  
23 of ART 3§1 of the CONST OF NEU.

24 Lastly THE CONSTITUTION IS PARAMOUNT LAW.

25 IX WHAT HAS BEEN "SUFFICIENTLY" STATED AS TO WHAT IS BINDING,  
26 WHAT IS PROHIBITED, REPUGNANT, AND INVALID?

27 (i) what is binding? The NEU CONST ON all state courts, which means  
28 that NEU CONST ART 3§1, 4§17, ART 4§23, ART 6§4 and ART 1§8

1 are binding on the STATE COURTS OF NEV

2 Thus every Law, publication of any Law of the STATE OF NEV MUST HAVE

3 THE ENACTING CLAUSE UPON THEIR FACE. NEV CONST ART 4 § 23 this is not

4 optional.

5 (2) what is prohibited, repugnant, and invalid? Any attempt to do that

6 which is prescribed in any manner than that prescribed, or to do that

7 which is prohibited, is repugnant, and invalid.

8 (a) It is prohibited to exercise the powers of a branch of Government, when

9 charged with the powers of another branch of Government.

10 I.e. charged with duties of the state appellate court, then during that

11 same time period, performing, acts, duties or functions of the legislative

12 branch. NEV CONST ART 3 § 1

13 The (3) three justices acting on the commission was/is prohibited,

14 repugnant and invalid.

15 (b) It is prohibited, repugnant to hold out to the people/citizens of the

16 state of Nevada i.e. plaintiff that NRS publication 378.255 is a law of

17 the state of Nevada; that it supersedes NEV CONST ART 5 § 20 which

18 NRS 378.255 is not law, has no authority of law due to lack of the

19 required/mandated enacting clause. ART 4 § 23 of the CONST OF NEV also see

20 STATE V ROGERS supra.

21 (c) It is prohibited, repugnant as to the manner, and mode in which

22 the commission of 1951, 1953, 1955, known as the STATUTE REVISION

23 COMMISSION was created, then titled the legislative counsel of the

24 STATE OF NEVADA, to become the legislative counsel Bureau.

25 It is prohibited, repugnant to hold the acts, duties, and functions of

26 this illegal commission, unconstitutional/commission, Group, Body, as

27 <sup>66</sup> LAWFUL<sup>99</sup> acts, duties, or functions of the LEGIS OF NEV to be

28 Lawful and binding upon the people/citizens of the state of Nevada 373

1 i.e. plaintiff.

2 (d) It is prohibited, repugnant, unlawful to allow the legislative Counsel  
3 Bureau, to do acts, duties, or functions that lawfully belong to the  
4 Secretary of the STATE OF NEVADA NEV CONST ART 5 § 20

5 (3) what is void? the NRS publication 378,255 From the 1955 NRS, the  
6 48TH SESSION OF THE NEVADA LEGISLATURE Adopting this statute. NRS  
7 378,255 for all of the reasons set forth herein as set forth above.

8 the constitution is the SUPREME and PARAMOUNT LAW. the mode by  
9 which amendments etc are to be made under it, is clearly defined. it has  
10 been said that certain acts to be done, certain requirements are to be observed,  
11 before a change can be effected. STATE ex rel. Stevenson v Tufly, 19 Nev  
12 391, 393-94, 95, 12 P. 835, 837 (1887)

13 X WHEN A STATUTE COMES INTO CONFLICT WITH THE CONSTITUTION THE  
14 STATUTE MUST YIELD TO THE EXTENT OF THE REPUGNANCY

15 plaintiff is quite sure counsel will argue that NRS 220.110 which  
16 sets forth the requirements of the contents of the NRS. which is  
17 vague, AND which does not mandate that the enacting clause be  
18 published, or republished in the NEVADA REVISED STATUTES publication  
19 is:

20 (1) Not the "SUPREME, PARAMOUNT LAW OF the STATE OF NEVADA,  
21 which "SUPREME & PARAMOUNT LAW IS the NEV CONST and pursuant to  
22 the SUPREME and PARAMOUNT LAW the NEV CONST ART 4 § 23", the enacting  
23 clause of "EVERY LAW shall be as follows: "MANDATES the enacting  
24 clause(s) is to appear on "EVERY LAW"?"

25 (2) should the NRS publication 220.110 be construed to "not mandate,  
26 require that the enacting clauses not be published/republished on  
27 "EVERY LAW" in the NRS publication then; NRS PUBLICATION 220.110  
28 is in conflict with the SUPREME and PARAMOUNT LAW of the STATE



1 OR NEVADA NEU CONST. ART 4 § 23 Caine, 131 p.2d at 518

2 The Constitution is the Supreme and paramount Law, where  
3 there is conflict between an act of the legislature and the  
4 Constitution of the State, the STATUTE MUST YIELD to the extent  
5 of the repugnancy.

6 STATE ex rel. MOON v STATE Bd. of Examiners, 104 Idaho 640, 648,  
7 662 p.2d 221, 229 (Idaho 1983)

8 And our own Sup. Ct. has held:

9 "When the Constitution says no law shall be amended, save in a  
10 specified manner, can the legislature say a law may be and shall  
11 be amended in a different manner? The case is, to our minds, a  
12 plain one of irreconcilable conflict between the paramount Law  
13 of the Constitution and the enactment of the legislature, when  
14 such a conflict is clearly presented to the judicial mind, the  
15 constitution must prevail.

16 STATE v Roger, 10 Nev. at 255, quoting Walter, C.J., see also Weaver v  
17 Lapsley, 43 Ala 224 (emphasis added.)

18 "This court must recognize that the NRS publication 220.110, must  
19 yield to the NEU CONST to ART 4 § 23, ART 5 § 20, ART 138 which  
20 mandates an enacting clause on face of every law; That secretary of state  
21 be in possession of all legis acts passed in Nev, Affords plaintiff the  
22 right to due process. NRS. 220.110, 220.120 attached as Exhibit Four

23  
24 Additionally as you can see in Exhibit Five, there was at least one  
25 vote on one day. The other required votes cannot be verified. yet if  
26 The 48th legis of Nev violated paramount Law<sup>IN</sup> The 77th Legis of  
27 Nev. 2013 on AB 43 is void as well. for two reasons. (1) only one  
28 days vote is verifiable; (2) when the Bill That started it all

1 is void. everything thereafter is void.

2

3 This court does have Jurisdiction to determine whether the NEV. CONST.,  
4 the will of the people/citizen's mandated that "EVERY LAW" published,  
5 republished in the STATE OF NEVADA must contain the enacting clause, as  
6 iterated in the NEV. CONST ART 4 § 23, and that ART 5 § 20 mandates that  
7 Defendant ~~regards~~ the Secretary of State be in possession of all legislative  
8 acts passed in Nev, and that the clearly delineated, well established,  
9 cases cited herein, and especially those of the Nev. sup ct + indicate that  
10 this court must answer in the affirmative.

11 There may be issues, questions which this court would gladly avoid,  
12 yet the issues, questions herein this court should, must not avoid  
13 them. This court must exercise and perform its duty, because of  
14 what ever difficulties the issues herein present, judges are not to  
15 consider the political or economic impact that might ensue from  
16 upholding the CONSTITUTION OF NEVADA as written. NEV. CONST. ART 5 §  
17 20; ART 1 § 8; ART 3 § 1; ART 6 § 4; ART 6 § 1, or 2; ART 4 § 23. They are  
18 to uphold it no matter what may result, as that ancient maxim of  
19 Law states: "Though the heavens may fall Let 'Justice' be done?"

20 It may be that it is obnoxious thing in its mildest and least  
21 repulsive form, but illegitimate and unconstitutional practices get  
22 their first footing in that way, namely, by silent approaches and  
23 slight deviations from legal modes of procedure. This can only be  
24 obviated by adhering to the rule that constitutional provisions for the  
25 security of person... should be liberally construed. A close and literal  
26 construction deprives them of half their efficacy, and leads to gradual  
27 ~~deep~~ depreciation of the rights, as if it consisted more in sound than  
28 in substance.

1 IT IS THE DUTY OF COURTS TO BE WATCHFUL FOR THE CONSTITUTIONAL  
2 RIGHTS OF THE CITIZEN, AND TO GAURD AGAINST ANY STEALTHY  
3 ENCROACHMENTS THEREON,

4 Coolidge v New Hampshire, 403 U.S. 443, 454 (1971).

6 XI OATH OF OFFICE

7 fact that not all judicial officers are being forth with right, Honost  
8 with the courts of this state under oath of office as to the  
9 enacting clause(s) of the NEVADA CONSTITUTION ARTICLE IV § XXIII

11 PURSUANT TO THE NEV CONST ART 15 § 2, Judges, Lawyers, court officers,  
12 etc take an oath of office that requires protecting the Federal and state  
13 Constitution's honoring, and sustaining the same. Also, exercising honesty  
14 and integrity etc.

15 The plaintiff has obtained documentation that tends to demonstrate  
16 that officers of the District Attorney's office, along with the office of  
17 the Attorney General, and private Attorneys defending state employees  
18 will stop at nothing to deny relief, that is do to the issue, fact  
19 that "EVERY LAW" is to have an ENACTING CLAUSE(S) NEV CONST  
20 ART 4 § 23

21 Respectfully plaintiff, regards it as just and necessary to give  
22 "FAIR WARNING" to this Honorable court of consequences of it's  
23 failure to follow the plain and unambiguous language of the NEVADA  
24 CONSTITUTION (NEV CONST), & to uphold the (NEV CONST) pursuant to  
25 and in accordance with the "OATH OF OFFICE" taken by your Honor, &  
26 by defence counsel. ie. Deputy AG, Attorney General A. Ford, see  
27 NEV CONST, ARTICLE 15 § 2 in the matter of the case at bar, being  
28 that it can result in this court (Participants), committing acts of 377

## TREASON, USURPATION, AND TYRANNY

Such trespasses would clearly be evident to the public, especially in light of the clear and unambiguous provisions of the NEV CONST. that are involved here which "leave no room for construction," and in light of the numerous adjudications upon them as herein stated. The possible breaches of Law that may result by denying the plaintiff's motion are enumerated as follows:

(1) The failure to uphold these clear, plain, and unambiguous provisions of the NEV CONST cannot be regarded as mere error in judgment, yet deliberate USURPATION "usurpation is defined as unauthorized arbitrary assumption and exercise of power." STATE ex rel. Danielson v. Village of Mound, 234 Minn 531, 543, 48 N.W. 2d 750, 752 (1951)

[A] court or legislature which should allow a "change in public sentiment to influence it in giving to a written constitution a construction not warranted by the intention of its founders, would be justly chargeable with reckless disregard of official oath and public duty; and if its course could become a precedent, these instruments would be of little avail \*\*\*

what a court is to do, therefor, is to declare the law as written.

T.M. Cooley, A Treatise on the Constitutional Limitations, 5th edition, pp 54, 55 Also review STATE v. Rogers, 10 Nev. 250, 254-257 (1875); Caine v. Robbins, 61 Nev 416, 131 P.2d 516, 518 (Nev 1942); also Nevada Highway Patrol Ass'n v. STATE, 107 Nev 547, 549, 815 P.2d 608, 610 (Nev 1991)

Plaintiff states that this is a rather simple matter and need not, to seem that it contains unresolvable complexities, on the issues raised, facts presented in the 2nd amend complaint, summary judgment, and this motion.

1) The NEV CONST. is unquestionably the supreme, paramount law in the STATE OF NEVADA, next only to the UNITED STATES CONSTITUTION <sup>378</sup>

1 2) The NEV CONST unambiguously, is very clear, and plain in its language  
2 that. "The enacting clause of 'EVERY LAW shall be as follows: NEV CONST  
3 ART 4 § 23; STATE V ROGERS, 10 NEV. 401 261, DEFENDANT SEGAIUSKE IS mandated  
4 to have in her office All Legislative acts passed in NEV. ~~THE~~ 'NEV CONST ART  
5 5 § 20 plaintiff not be denied due process. CONST OF NEV ART 1 § 8

6  
7 plaintiff hereby respectfully requests of this court that your Honor be  
8 watchful for plaintiffs protected state & Federal constitutional rights.  
9 That being, NEV CONST. ART 1 § 8, ART 4 § 23, ART 5 § 20. U.S. CONST AMEND'S  
10 ONE, FIVE, EIGHTH, and FOURTEENTH.

11 It should be relatively easy to determine that. (1) NRS 378.255 AS OF 2019  
12 2020, 2021 do not contain the constitutionally mandated enacting clause upon  
13 its face. NEV CONST ART 4 § 23 (2) ART 1 § 8, AMEND'S ONE, FIVE, EIGHT, FOURTEENTH  
14 protect plaintiffs right to due process, equal protection, right to be free from  
15 cruel & unusual punishment, (3) ART 5 § 20 mandates that all Acts  
16 passed in Nevada are to be in a repository within the control of the  
17 Secretary of state, of which is NOT the case in NEVADA

18 MOTION FOR DISCOVERY

19 ORDER TO SHOW CAUSE AS

20 TO WHY SUMMARY JUDGMENT

21 FOR THE PLAINTIFFS SHOULD NOT

22 BE GRANTED

23 The plaintiff respectfully requests of this court A show of PROOF, a  
24 showing of the RECORDS, that the allegations, issues, contentions of this  
25 plaintiff are not valid. ? That by way of documentation that The Attorney  
26 General, and/or the District Attorney offices produce the ballots from the  
27 Repository of the office of the Secretary of State the ballots, from or for the  
28 approval by the people/citizens of Nevada NRS 378.255 to be enacted, 379

1 promulgated without the enacting clause etc.  
2 Demonstrate that the (3) three Justices (sitting Justices of the NEV SUP CRT),  
3 whom were then Justices acting in the duties and functions of legislature  
4 when, acting on the Statute Revision Commission; was not a violation of  
5 the NEV CONST ART 3 §1 the separation of powers?

6 demonstrate that NRS 220.110, and its contents has paramount power  
7 over the NEV CONST ART 4 §23 which states in part: "EVERY LAW" shall be  
8 as follows. (Even though the Deputy AG will argue that NRS 220.110, releases  
9 the NRS of the paramount Law mandatory requirement STATE V ROGERS,  
10 10 NEV at 254-257; POSADO S, 279 U.S. at 344., Internat. Shoe CO. 279  
11 U.S. at 434, BUSKIN, 232 pac. at 339. or that it has paramount  
12 Authority over NEV CONST ART 3 §1, ART 1 §8, and ART 5 §20.

13 which mandates separation of powers, plaintiff Receive due process, and  
14 that Office of the Secretary of State keep all Records of Acts/Laws passed  
15 in Nevada in their possession. which being the elected office holder  
16 Cegauske has failed to do.

17  
18 This court should grant an in person Oral argument; issue an order  
19 to show cause, to show why this court ~~the~~ should not rule in the  
20 Affirmative and grant summary Judgment on plaintiff's behalf  
21 for His 2nd Amended complaint,

22 Additionally this court should determine whether the states opposition  
23 or use of NRS 378.255 to justify the violation of His rights, the  
24 blatant violations of the U.S. CONSTITUTION Amend 1, 4, 5, 8, 14  
25 and the NEV CONST ART 1 §8, 3 §1, 4 §17, 4 §23, 5 §20.

26 This is a meritless argument. see STATE V ROGERS, 10 NEV 250,  
27 261 (1875) Their argument completely misinterprets the Nevada  
28 Supreme Court in Rogers. 10 NEV at 261

1 the Nevada supreme court opined as follows: "our Constitution expressly  
2 provides that the enacting clause of every Law shall be 'the people of the state  
3 of Nevada, represented in senate and assembly, do enact as follows' As to  
4 the other articles of the Nev. CONST. & the U.S. CONST. this language is ~~so~~  
5 susceptible of but one interpretation. There is no doubtful meaning as to  
6 the intention. It is, in our judgment, an imperative mandate of the  
7 people in their sovereign capacity to the legislature, requiring that all  
8 Laws to be binding upon them shall, upon their face, express the  
9 authority by which they were enacted."... (emphasis added)

10  
11 plaintiff seeks order from this court directing the defendant to produce  
12 "certified copies" of senate Bill (S.B.) No. 2 from the 1957, 48th session  
13 of the Nevada legislature (Nev Legis) as well as the record of the reading of SB  
14 No 2 three times (3) on (3) three separate days. Nevada Constitution (Nev CONST)  
15 ART 4 § 18.

16 plaintiff does further request discovery as to the Assembly History from  
17 1957 to 1969, these requested documents MUST come from the secretary  
18 of state office, pursuant to the NEV CONST ART 5 § 20, to be utilized to  
19 show in fact NRS 378.255 as well as 220.110, 220.120 were in fact not properly  
20 enacted.

21 the plaintiff informs this court that the production of the 48th session  
22 Legislative History has been sought by him & others from the secretary  
23 of state office, only to learn that the secretary of state office no longer  
24 has custody, care and control of said documents, going as far back to 2013

25 As such plaintiff further has sought to discover, with no reply  
26 the following:

27 1) who is the Nevada Archive?

28 2) How was the Nevada archive established?



- 1 3) when was the Nevada Archive established?
- 2 4) where was the Nevada Archive established?
- 3 5) whom appointed said person to head the Nevada Archives?; and when?
- 4 6) whom is appointed to head the Nevada Archives?
- 5 7) How is the Nevada Archives funded?
- 6 8) How does the Nevada Archives derive their income?
- 7 9) who at the Nevada Archives is paid and for what service.
- 8 10) Are there "any costs, fees etc." charged to the citizens of Nevada.
- 9 11) where are the complete Assembly Histories for the following years? 1951;
- 10 1953; 1955; 1957; 1961 and 1969? including all Session Laws; Bills;
- 11 Statutes at Large passes and their rosters
- 12 12) where are the ballots of the citizens of Nevada authorizing the change
- 13 to the new const ART 4 § 23 allowing for the omission of the enacting
- 14 clause from "every Law," that the Nevada Revised Statutes would
- 15 "constitute the official codified version of the Statutes of Nevada and
- 16 may be cited as prima facie evidence of the Law." As cited in NRS 220,
- 17 170(3)?
- 18 13) where are the ballots of the citizens of Nevada authorizing the change
- 19 to the new const ART 5 § 20 allowing for All Legislative acts passed in
- 20 Nevada to be deposited into a Repository other than what is permitted
- 21 by ART 5 § 20?
- 22 14) where are the ballots of the citizens of Nevada authorizing the
- 23 change to the new const ART 1 § 8 not allowing citizens/or stripping
- 24 Nevada citizens of due process?
- 25 15) where are the ballots of the citizens of Nevada Authorizing the
- 26 change to the new const. ART 3 § 1 allowing the comingling of the separate
- 27 Departments of Government.
- 28 16) How much are the NRS sold for?

- 1 17) where are the ballots of the citizens of Nevada Authorizing the Nev. Legis  
2 to establish the non-judicial group i.e. the statute revision commission  
3 formed in 1951 and the vote by ballot Authorizing the transference of Law  
4 making authority from the Legislature of Nevada to the quasi statute  
5 Revision commission, to undertake comprehensive revision of the laws,  
6 compiling; restating etc.?
- 7 18) where is the Ballots of the citizens of Nevada authorizing the Nev.  
8 Legis to extend Survivorship of the abolished statute Revision commission  
9 to the legislative Counsel Bureau?
- 10 19) By what authority are the NRS copyrighted, and the sale of  
11 these NRS as codified; Annotated and Indicia into NRS publications  
12 books., again further allowing the NRS to be published without the  
13 constitutionally mandated enacting clause upon their face?
- 14 20) By what authority did the Secretary of state lose custody.,  
15 care, and control of the Assembly History commencing from 1951.,  
16 1953., 1955., 1957., through 1969., to the present? Nev const Act  
17 5 § 20
- 18 21) Is there a price difference for the public than for any cost, price,  
19 for other branch of Government for the NRS?
- 20 22) Should there be a cost, price difference, by what authority is the  
21 cost, price difference allowed?
- 22 23) Who is the person in charge of the legislative Counsel Bureau?
- 23 24) What other positions do the non-judicial legislative Counsel Bureau  
24 group hold in Government or private?
- 25 25) How did the person in charge of the legislative Counsel Bureau  
26 ~~achieve~~ achieve this position?
- 27 26) How many persons work for the legislative Counsel Bureau?
- 28 27) Has any District Attorney or Deputy Attorney General or private attorney 383

1 cited an unpublished opinion of the Nevada Supreme Court (nev. sup. crt.) in  
2 any opposition to this plaintiffs claim(s) that any NRS statute is in fact  
3 unconstitutional? that the NEVADA REVISED STATUTES do not have the  
4 same requirement, as they are not Laws enacted by the legislature? And has  
5 failed to include the following: The Nevada Revised Statutes consist of  
6 enacted laws?

7  
8 The plaintiff's requested discovery/information is vital to the Accused  
9 to "further" establish the unconstitutional acts that violate the  
10 NEV CONST., its Articles, and the UNITED STATES CONSTITUTION and its  
11 Amendments; which will tend to further establish the lack of respect  
12 and or Obedience to the U.S. CONSTITUTION & NEVADA CONSTITUTION, that  
13 NRS 378.255 is **"NOT"** Law! NRS 378.255 having been enacted  
14 pursuant to (S.B. No 2, 1957) Senate Bill No 2, 1957 48TH Legislative  
15 session of the Nev. Legis is nothing more than a resolution!, and  
16 resolutions are not Laws. see: Nevada Highway patrol ASS'n v STATE,  
17 107 Nev. 547, 549, 815 p.2d 608, 610 (Nev 1991)

18 Thus, the requested discovery/information is vital to this court, to  
19 determine the issues/facts, pertinent to the plaintiffs complaint &  
20 motion for Summary Judgment.

21 That, attempts to obtain the documents, information etc. as listed  
22 on pages 21 to 24, have not been inadequate, due diligence has been  
23 utilized; from within the confines of the prison gates to obtain  
24 Documents, information, and records.

25 The plaintiff contends that The NEV CONST being the paramount Law.  
26 King v Board of Regents, 65 Nev. 553, 200 p.2d 221 (1948), and  
27 setting forth via the NEV CONST structure of NRS 378.255 via  
28 ART 4 § 17, ART 4 § 23, ART 3 § 1, ART 1 § 8, where the legislative records 384

1 are to be kept. ART 5 § 20, Defendant should produce any and all documents,  
2 information, and records as listed on pages 21 to 24, which will aid this  
3 court in determining whether this plaintiff's civil rights have been  
4 violated.

5 that this plaintiff has alleged and pled that Defendant Reganste is in fact  
6 in violation of Her oath of office, U.S. CONST Amendments 1<sup>st</sup>, 5<sup>th</sup>, 8<sup>th</sup>, 14<sup>th</sup> NEW  
7 CONST ART 1 § 8, 5 § 20 further more by Her actions, allowing her self to be  
8 brought into the fold of this CONSPIRACY to hide the truth, pursuant to  
9 18 U.S.C.S. § 242.

10 As indicated in and amended complaint plaintiff contends HIS conviction is in fact  
11 unconstitutional. The only way to prove or disprove HIS claim is through the  
12 true & correct copies of documents that are Required/Mandated by The Nevada  
13 Constitution to be in possession of Secretary of State. Defendant is not,  
14 see CONST OF NEV. ARTS § 20 which blocks his access to court, hinders his ability  
15 to fully argue HIS claims. see NEV CONST ART 1 § 8 & U.S. CONST AMEND 1, Amend 8  
16 Amend 5; & Amend 14.

17 What one knows All knows.

18 If after HIS evidentiary hearing, the following irrefutable motions were filed  
19 by Gary W. Walters #1022269 & put before Judge Dory Herndon. although not  
20 decided upon. all case law found, argued in said motions are verifiable, have  
21 been Shepardized. motions & dates are as follows followed when filed.

22 Motion to Dismiss for lack of SMD. 7-16-2013

23 Errata to motion to Dismiss for lack of SMD. 7-16-13

24 Motion for Discovery and order to show cause. 7-16-2013

25 Caveat 7-16-2013

26 Accused motion to Dismiss, Request for Immediate Release from Incarceration and pre-

27 emptive strike against 2014 legis Billot seeking to defraud all Nevada citizens during

28 time of said election supported by primary Factual Evidence. "Smoking Gun" 10-11-13 385

1 walters Reply to states opposition. 08/05/2013 case no. C217569

2 plaintiff has all those documents. paid for "legally"

3 CONCLUSION

4 The plaintiff believes that each and every allegation, challenge, claim,  
5 and or issue presented to this court via the original complaint & then even

6 further in 2nd Amended Complaint, motion for summary Judgment are in fact

7 "MERITORIOUS;" deserving of further exploration by this Honorable

8 Court., As well as the evidence, Argument(s) from or within this motion.

9 That, based upon the plaintiffs knowledge, and belief as to the

10 merit of the pleadings The Accused will not leave these issues unresolved

11 as to their merit.

12 To continue to allow the U.S. CONST along with the NEU CONST to be

13 violated is an open, blatant act of TREASON, TYRRANY & USURPATION

14 whether it be this court, A Federal District Court, the Ninth

15 Circuit Court of Appeals, or the United States Supreme Court, the

16 issues of the "pleadings" will be heard and resolved on the merit.

17 And the plaintiff is certain that the arguments, the evidence,

18 the facts, and the law favors the plaintiff, especially in light of

19 the deceptive practice(s) skulduggery, disingenuous suppositions etc;

20 that the Deputy District Attorney & His office has resorted to against

21 the plaintiffs ~~complaint~~, First Amend complaint, Second Amend

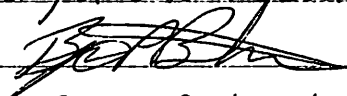
22 complaint, His summary Judgment.

23

24 Respectfully Submitted:

25 Dated this 17th day of October 2021

26



27

Bryan Bonham 60575

28

Plaintiff in prose.

386

VERIFICATION

I Bryan P Bonham declare and verify that I have read the foregoing plaintiffs motion for discovery and order to show cause as to why summary judgment for the plaintiff should not be granted, and to the best of my belief & knowledge that the foregoing is true and correct, under the pains & penalties of perjury pursuant to 28 U.S.C.A. § 1746 & 18 U.S.C.A. § 1621.

CERTIFICATE OF SERVICE

I Bryan P Bonham certify that I have read the foregoing motion for discovery and order to show cause as to why summary judgment for the plaintiff should not be granted, and with special instructions for electronic filing & service to the clerk of the court to serve all of my opponents pursuant to N.E.F.C.R. 5 (b), a et seq (A-E) etc., to the following.

TO:

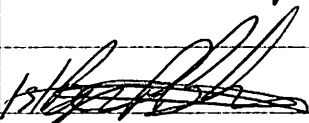
Deputy District Attorney

Douglas R. Rands,

100 North Carson Street,

Carson City, Nev 89701

Dated this 17th day of October, 2021



Bryan P Bonham 60575

PO Box 650 HOSP

Indian Springs, Nev 89070

## FOREWORD

By the provisions of chapter 304, Statutes of Nevada 1951, amended by chapter 280, Statutes of Nevada 1953, and chapter 248, Statutes of Nevada 1955, the legislature of the State of Nevada created the statute revision commission comprised of the three justices of the supreme court, authorized such commission to appoint a reviser of statutes to be known as the director of the statute revision commission, and charged the commission to commence the preparation of a complete revision and compilation of the laws of the State of Nevada to be known as Nevada Revised Statutes. Reference is made to chapter 220 of Nevada Revised Statutes for the further duties and authority of the statute revision commission relating to the preparation of Nevada Revised Statutes, the numbering of sections, binding, printing, classification, revision and sale thereof.

The commission employed as director Russell W. McDonald, a member of the State Bar of Nevada, who, with his staff, undertook and performed this monumental task with such methods, care, precision, completeness, accuracy and safeguards against error as to evoke the highest praise of the commission and the commendation of the bench and bar of the state.

As the work progressed, Mr. McDonald submitted drafts of chapter after chapter as recompiled and revised, and the members of the commission individually and in conference meticulously checked all revisions. In the vast majority of cases these revisions were promptly approved. Many required further conferences with the director. Some were modified and redrafted. As the several chapters were returned with approval to the director, they were in turn delivered to the superintendent of state printing for printing, to the end that upon the convening of the 1957 legislature Nevada Revised Statutes was ready to present for approval. By the provisions of chapter 2, Statutes of Nevada 1957, Nevada Revised Statutes, consisting of NRS 1.010 to 710.590, inclusive, was "adopted and enacted as law of the State of Nevada."

### STATUTE REVISION COMMISSION

MILTON B. BADT  
EDGAR EATHER  
CHARLES M. MERRILL

EXHIBIT  
66 77



## NEVADA REVISED STATUTES

Should be cited as:

**NRS**

**Thus: NRS 19.010**

**Legislative Counsel Bureau  
401 S. Carson Street  
Carson City, Nevada 89701-4747  
(775) 684-6830**

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EXHIBIT "2"

80

(1)

# LEGISLATIVE COUNSEL'S PREFACE

## History and Objectives of the Revision

*Nevada Revised Statutes* is the result of the enactment, by the 45th session of the legislature of the State of Nevada, of chapter 304, Statutes of Nevada 1951 (subsequently amended by chapter 280, Statutes of Nevada 1953, and chapter 248, Statutes of Nevada 1955), which created the statute revision commission and authorized the commission to undertake, for the first time in the state's history, a comprehensive revision of the laws of the State of Nevada of general application. Although revision was not commenced until 1951, the need for statutory revision had been recognized as early as 1865 when an editorial published in the *Douglas County Banner* stated:

One subject which ought to engage the early, and serious consideration of the Legislature, about to convene, and one which should be acted upon without delay, is the revision and codification of the laws of Nevada. Amendment has been added to amendment, in such manner as to leave, in many instances, the meaning of the Legislature, that last resort of the jurist, in determining the application of the law, more than doubtful \* \* \*. The most serviceable members of the Legislature will be those gentlemen who will do something toward reducing to order our amendment-ridden, imperfectly framed and jumbled up statutes at large.

From 1861 to 1951 the legislature made no provisions for statutory revision, although during that period 8,423 acts were passed by the legislature and approved by the governor. During the period from 1873 to 1949 eight compilations of Nevada statutes were published. "Compiling" must be distinguished from "revising." Ordinarily, the "compiling" of statutes involves the following steps: Removing from the last compilation the sections that have been specifically repealed since its publication; substituting the amended text for the original text in the case of amended sections; inserting newly enacted sections; rearranging, to a limited extent, the order of sections; and bringing the index up to date.

"Revising" the statutes, on the other hand, involves these additional and distinguishing operations: (1) The collection into chapters of all the sections and parts of sections that relate to the same subject and the orderly arrangement into sections of the material assembled in each chapter. (2) The elimination of inoperative or obsolete, duplicated, impliedly repealed and unconstitutional (as declared by the Supreme Court of the State of Nevada) sections and parts of sections. (3) The elimination of unnecessary words and the improvement of the grammatical structure and physical form of sections.

The revision, instead of the recompilation, of the statutes was undertaken, therefore, first, to eliminate sections or parts of sections which, though not specifically repealed, were nevertheless ineffective and, second, to clarify, simplify, classify and generally make more accessible, understandable and usable the remaining effective sections or parts of sections.

With respect to the accomplishment of the second purpose of revision specified above, the following revisions, in addition to those mentioned elsewhere in this preface, were made:

exhibit  
66 299

## LEGISLATIVE COUNSEL'S PREFACE

1. Long sections were divided into shorter sections. The division of long sections facilitates indexing and reduces the complications and expense incident to future amendment of the statutes.

2. Whole sections or parts of sections relating to the same subject were sometimes combined.

3. Sentences within a section, and words within a sentence, were rearranged, and tabulations were employed where indicated.

4. Such words and phrases as "on and after the effective date of this act," "heretofore," "hereinafter," "now," and "this act" were replaced by more explicit words when possible.

5. The correct names of officers, agencies or funds were substituted for incorrect designations.

The general types of revisions to be made by the reviser, as well as the broad policies governing the work of revision, were determined by the statute revision commission at frequent meetings. Precautions were taken to ensure the accomplishment of the objectives of the program without changing the meaning or substance of the statutes.

Upon completion of the revision of the text of the statutes in December 1956, the commission turned to the solution of a vital problem: Would it recommend the enactment of the revised statutes or would it request the legislature merely to adopt the revised statutes as evidence of the law? The commission concluded that the enactment of the revised statutes as law, rather than the mere adoption thereof as evidence of the law, would be the more desirable course of action. Accordingly, *Nevada Revised Statutes* in typewritten form was submitted to the 48th session of the legislature in the form of a bill providing for its enactment as law of the State of Nevada. This bill, Senate Bill No. 2 (hereafter referred to in this preface as "the revision bill"), was passed without amendment or dissenting vote, and on January 25, 1957, was approved by Governor Charles H. Russell.

On July 1, 1963, pursuant to the provisions of chapter 403, Statutes of Nevada 1963, the statute revision commission was abolished, and its powers, duties and functions were transferred to the legislative counsel of the State of Nevada.

### SCOPE AND EFFECT OF NEVADA REVISED STATUTES

*Nevada Revised Statutes*, including the supplementary and replacement pages, constitutes all of the statute laws of Nevada of a general nature enacted by the legislature. All statutes of a general nature enacted before the regular legislative session of 1957 have been repealed. See section 3 of chapter 2, Statutes of Nevada 1957, immediately following this preface.

The revised statutes were the result of 7 years of labor by the statute revision commission and its editorial staff addressed to the problem of eliminating from the accumulation of 95 years of legislation those provisions no longer in force and restating and compiling the remainder in an understandable form. This involved elimination of duplicating, conflicting, obsolete and unconstitutional provisions, and those provisions that had been repealed by implication. It involved a complete reclassification, bringing together those laws and parts of laws which, because of similarity of subject matter, properly belonged together, and an arrangement of the laws within each class in a logical order. It involved the elimination of thousands of needless words and redundant expressions. It was a labor involving almost infinite detail, as well as the problems of classification and the general plan of arrangement.

XIV

(2001)

exhibit  
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(4) 83

## LEGISLATIVE COUNSEL'S PREFACE

*Nevada Revised Statutes* is the law of Nevada. The revised statutes speak for themselves; and all sections of the *Nevada Revised Statutes* are considered to speak as of the same date, except that in cases of conflict between two or more sections or of any ambiguity in a section, reference may be had to the acts from which the sections are derived, for the purpose of applying the rules of construction relating to repeal or amendment by implication or for the purpose of resolving the ambiguity. See sections 4 and 5 of chapter 2, Statutes of Nevada 1957.

## METHOD AND FORM OF PUBLICATION

As required by NRS 220.120, all volumes are "bound in loose-leaf binders of good, and so far as possible, permanent quality." The use of the loose-leaf method makes it possible to keep *Nevada Revised Statutes* up to date, without using pocket parts or supplements or completely reprinting and rebinding each volume, simply by the insertion of new pages. As required by NRS 220.160, replacement and supplementary pages to the statute text made necessary by the session of the legislature are prepared as soon as possible after each session. Complete reprintings of *Nevada Revised Statutes* were made in 1967, 1973 and 1979, and after each regular session beginning in 1985.

Replacement pages are additionally provided periodically between legislative sessions as necessary to update the annotations to NRS, including federal and state case law. Occasionally these replacement pages will contain material inadvertently omitted in the codification of NRS and the correction of manifest clerical errors, as well as sections or chapters of NRS which have been recodified pursuant to chapter 220 of NRS for clarification or to alleviate overcrowding.

The outside bottom corner of each page of NRS contains a designation which indicates the reprint or group of replacement pages with which the page was issued. A designation consisting of four numerals contained in parentheses means that the page was issued as part of a reprint of NRS immediately following the legislative session held in the year indicated by the four numerals. For example, the designation "(1999)" means that the page was issued as part of the reprint of NRS immediately following the 70th legislative session which was held in 1999. A designation consisting of four numerals contained in parentheses immediately followed by the capitalized letter "R" and a numeral means that the page was issued as part of a group of replacement pages in the year indicated by the four numerals in parentheses. The numeral following the "R" indicates the number of the group of replacement pages. The groups begin with the number one and increase sequentially by one number so that the later group will always have a higher number. For example, the designation "(2000) R1" means that the page was part of the first group of replacement pages issued in 2000. Similarly, the designation "(2000) R4" means that the page was part of the fourth group of replacement pages issued in 2000.

Each user of *Nevada Revised Statutes* is urged to make arrangements for the retention of obsolete pages for reference.

## CLASSIFICATION AND ARRANGEMENT

One of the first and most fundamental tasks in the revision was the adoption of a sound system of classification. Proper classification, by which the laws or parts of laws are brought together in logical consecutive units, is vital for a number of reasons: It makes the law more accessible and understandable; only through it can all

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copy

**ACT OF THE 48TH SESSION OF THE NEVADA LEGISLATURE  
ADOPTING AND ENACTING NEVADA REVISED STATUTES**

**Chapter 2, Statutes of Nevada 1957, page 2**

- Section 1. Enactment of Nevada Revised Statutes.  
Sec. 2. Designation and citation.  
Sec. 3. Repeal of prior laws.  
Sec. 4. Construction of act.  
Sec. 5. Effect of enactment of NRS and repealing clause.  
Sec. 6. Severability of provisions.  
Sec. 7. Effective date.  
Sec. 8. Omission from session laws.  
Sec. 9. Content of Nevada Revised Statutes.

AN ACT to revise the laws and statutes of the State of Nevada of a general or public nature; to adopt and enact such revised laws and statutes, to be known as the Nevada Revised 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.

[Approved January 25, 1957] *The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

**Section 1. Enactment of Nevada Revised Statutes.**

The Nevada Revised Statutes, being the statute laws set forth after section 9 of this act, are hereby adopted and enacted as law of the State of Nevada.

NVCODE

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## Sec. 2. Designation and citation.

The Nevada Revised Statutes adopted and enacted into law by this act, and as hereafter amended and supplemented and printed and published pursuant to law, shall be known as Nevada Revised Statutes and may be cited as "NRS" followed by the number of the Title, chapter or section, as appropriate.

## Sec. 3. Repeal of prior laws.

Except as provided in section 5 of this act and unless expressly continued by specific provisions of Nevada Revised Statutes, all laws and statutes of the State of Nevada of a general, public and permanent nature enacted prior to January 21, 1957, hereby are repealed.

## Sec. 4. Construction of act.

1. The Nevada Revised Statutes, as enacted by this act, are intended to speak for themselves; and all sections of the Nevada Revised Statutes as so enacted shall be considered to speak as of the same date, except that in cases of conflict between two or more sections or of any ambiguity in a section, reference may be had to the acts from which the sections are derived, for the purpose of applying the rules of construction relating to repeal or amendment by implication or for the purpose of resolving the ambiguity.

2. The provisions of Nevada Revised Statutes as enacted by this act shall be considered as substituted in a continuing way for the provisions of the prior laws and statutes repealed by section 3 of this act.

3. The incorporation of initiated and referred measures is not to be deemed a legislative reenactment or amendment thereof, but only a mechanical inclusion thereof into the Nevada Revised Statutes.

4. The various analyses set out in Nevada Revised Statutes, constituting enumerations or lists of the Titles, chapters and sections of Nevada Revised Statutes, and the descriptive headings or catchlines immediately preceding or within the texts of individual sections, except the section numbers included in the headings or catchlines immediately preceding the texts of such sections, do not constitute part of the law. All derivation and other notes set out in Nevada Revised Statutes are given for the purpose of convenient reference, and do not constitute part of the law.

5. Whenever any reference is made to any portion of Nevada Revised Statutes or of any other

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law of this state or of the United States, such reference shall apply to all amendments and additions thereto now or hereafter made.

**Sec. 5. Effect of enactment of NRS and repealing clause.**

1. The adoption and **enactment** of Nevada Revised Statutes shall not be construed to repeal or in any way affect or modify:

- (a) Any special, local or temporary laws.
- (b) Any law making an appropriation.
- (c) Any law affecting any bond issue or by which any bond issue may have been authorized.
- (d) The running of the statutes of limitations in force at the time this act becomes effective.
- (e) The continued existence and operation of any department, agency or office heretofore legally established or held.
- (f) Any bond of any public officer.
- (g) Any taxes, fees, assessments or other charges incurred or imposed.
- (h) Any statutes authorizing, ratifying, confirming, approving or accepting any compact or contract with any other state or with the United States or any agency or instrumentality thereof.

2. All laws, rights and obligations set forth in subsection 1 of this section shall continue and exist in all respects as if Nevada Revised Statutes had not been adopted and enacted.

3. The repeal of prior laws and statutes provided in section 3 of this act shall not affect any act done, or any cause of action accrued or established, nor any plea, defense, bar or matter subsisting before the time when such repeal shall take effect; but the proceedings in every case shall conform with the provisions of Nevada Revised Statutes.

4. All the provisions of laws and statutes repealed by section 3 of this act shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office, or trust, or any transaction, or event, or any limitation, or any right, or obligation, or the construction of any contract already affected by such laws, notwithstanding the repeal of such provisions.



2

5. No fine, forfeiture or penalty incurred under laws or statutes existing prior to the time Nevada Revised Statutes take effect shall be affected by repeal of such existing laws or statutes, but the recovery of such fines and forfeitures and the enforcement of such penalties shall be effected as if the law or statute repealed had still remained in effect.

6. When an offense is committed prior to the time Nevada Revised Statutes take effect, the offender shall be punished under the law or statute in effect when the offense was committed.

7. No law or statute which heretofore has been repealed shall be revived by the repeal provided in section 3 of this act.

8. The repeal by section 3 of this act of a law or statute validating previous acts, contracts or transactions shall not affect the validity of such acts, contracts or transactions, but the same shall remain as valid as if there had been no such repeal.

9. If any provision of the Nevada Revised Statutes as enacted by this act, derived from an act that amended or repealed a preexisting statute, is held unconstitutional, the provisions of section 3 of this act shall not prevent the preexisting statute from being law if that appears to have been the intent of the legislature or the people.

#### **Sec. 6. Severability of provisions.**

If any provision of the Nevada Revised Statutes or amendments thereto, or the application thereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the provisions or application of the Nevada Revised Statutes or such amendments that can be given effect without the invalid provision or application, and to this end the provisions of Nevada Revised Statutes and such amendments are declared to be severable.

#### **Sec. 7. Effective date.**

This act, and each and all of the laws and statutes herein contained and hereby enacted as the Nevada Revised Statutes, shall take effect upon passage and approval.

#### **Sec. 8. Omission from session laws.**

The provisions of NRS 1.010 to 710.590, inclusive, appearing following section 9 of this act shall not be printed or included in the Statutes of Nevada as provided by NRS 218.500 and NRS 218.510; but there shall be inserted immediately following section 9 of this act the words: "(Here followed NRS 1.010 to 710.590, inclusive.)"

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**Sec. 9. Content of Nevada Revised Statutes.**

The following laws and statutes attached hereto, consisting of NRS sections 1.010 to 710.590, inclusive, constitute the Nevada Revised Statutes:

(Here followed NRS 1.010 to 710.590, inclusive.)

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**220.110. Contents of NRS.**

Nevada Revised Statutes shall contain:

1. The Constitution of the United States.
2. The Constitution of the State of Nevada.
3. The laws of this State of general application.
4. A full and accurate index of the statute laws.

5. Such annotations, historical notes, Supreme Court and district court rules and other information as the Legislative Counsel deems appropriate to include.

1951, p. 470; 1953, p. 388; 1963, p. 1022; 1969, p. 12.

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*Exhibit 161977*

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**220.120. Compilation, organization, revision and publication of NRS: Form and style; numbering and arrangement; inclusion of notes and reference materials; changes and corrections; legal effect of renumbering; resolution of nonsubstantive conflicts between multiple laws.**

1. In preparing the annotations and keeping Nevada Revised Statutes current, the Legislative Counsel is authorized:

- (a) To adopt such system of numbering as the Legislative Counsel deems practical.
- (b) To cause the revision to be published in a number of volumes deemed convenient.
- (c) To cause the volumes to be bound in loose-leaf binders of good, and so far as possible, permanent quality.

2. The pages of Nevada Revised Statutes must conform in size and printing style to the pages of the Statutes of Nevada, and roman style type must be used.

3. The Legislative Counsel shall classify and arrange the entire body of statute laws in logical order throughout the volumes, the arrangement to be such as will enable subjects of a kindred nature to be placed under one general head, with necessary cross references.

4. Notes of decisions of the Supreme Court, historical references and other material must be printed and arranged in such manner as the Legislative Counsel finds will promote the usefulness thereof.

5. The Legislative Counsel in keeping Nevada Revised Statutes current shall not alter the sense, meaning or effect of any legislative act, but may renumber sections and parts of sections thereof, change the wording of headnotes, rearrange sections, change reference numbers or words to agree with renumbered chapters or sections, substitute the word "chapter" for "article" and the like, substitute figures for written words and vice versa, change capitalization for the purpose of uniformity, correct inaccurate references to the titles of officers, the names of departments or other agencies of the State, local governments, or the Federal Government, and such other name changes as are necessary to be consistent with the laws of this state and correct manifest clerical or typographical errors.

6. The Legislative Counsel may:

(a) Create new titles, chapters and sections of Nevada Revised Statutes, or otherwise revise the title, chapter and sectional organization of Nevada Revised Statutes, all as may be

NVCODE

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ASSEMBLY BILL NO. 43—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED DECEMBER 20, 2012 \_\_\_\_\_

Referred to Committee on Judiciary

SUMMARY—Clarifies provisions governing credits earned by an offender which reduce the offender's term of imprisonment. (BDR 16-318)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

~ EXPLANATION – Matter in bolded italics is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to offenders; clarifying provisions governing credits earned by an offender which reduce the term of imprisonment of the offender; and providing other matters properly relating thereto.

Legislative Counsel's Digest: Under existing law, certain offenders who have been sentenced to a term of 1 imprisonment generally may earn certain amounts of credit for various 2 achievements. Any amount of credit earned is applied to the length of the 3 offender's term of imprisonment and thereby reduces the offender's sentence. (NRS 4 209.432-209.451) This bill: (1) clarifies that an offender may not earn more than 5 the amount of credit required to expire his or her sentence; and (2) specifies that 6 such a provision shall not be construed to reduce retroactively the amount of credit 7 earned by an offender if doing so would constitute a violation under the 8 Constitution of the United States or the Constitution of the State of Nevada. 9

EX<sup>4</sup>

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding 1 thereto a new section to read as follows: 2 1. Notwithstanding any provision of this section and NRS 3 209.432 to 209.451, inclusive, which entitles an offender to receive 4 credit or which authorizes the Director to allow credit for an 5

- 2 -

- \*AB43\*

offender, an offender may not earn more than the amount of 1 credit required to expire his or her sentence. 2 2. Nothing in this section shall be construed to reduce 3 retroactively the amount of credit earned by an offender if doing 4 so would constitute a violation under the

**77th (2013) Session**  
**Vote on AB43 (As Introduced) on**  
**Assembly Final Passage**  
**March 27, 2013 at 11:46 AM**

| 41 Yea | 0 Nay | 1 Excused | 0 Not Voting | 0 Absent |

Paul Aizley	Yea
Paul Anderson	Yea
Elliot Anderson	Yea
Teresa Benitez-Thompson	Yea
David Bobzien	Yea
Steven Brooks	Excused
Irene Bustamante Adams	Yea
Maggie Carlton	Yea
Richard Carrillo	Yea
Lesley Cohen	Yea
Skip Daly	Yea
Olivia Diaz	Yea
Marilyn Dondero Loop	Yea
Wesley Duncan	Yea
Andy Eisen	Yea
John Ellison	Yea
Michele Fiore	Yea
Lucy Flores	Yea

exhibit  
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Jason Frierson	Yea
Tom Grady	Yea
John Hambrick	Yea
Ira Hansen	Yea
Cresent Hardy	Yea
James Healey	Yea
Pat Hickey	Yea
Joseph Hogan	Yea
William Horne	Yea
Marilyn Kirkpatrick	Yea
Randy Kirner	Yea
Peter Livermore	Yea
Andrew Martin	Yea
Harvey Munford	Yea
Dina Neal	Yea
James Ohrenschall	Yea
James Oscarson	Yea
Peggy Pierce	Yea
Ellen Spiegel	Yea
Michael Sprinkle	Yea
Lynn Stewart	Yea
Heidi Swank	Yea
Jim Wheeler	Yea
Melissa Woodbury	Yea

Exhibit  
66599



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Constitution of the 5 United States or the Constitution of the State of Nevada. 6 Sec. 2. NRS  
209.432 is hereby amended to read as follows: 7 209.432 As used in NRS 209.432 to 209.451,  
inclusive, and 8 section 1 of this act, unless the context otherwise requires: 9 1. "Offender"  
includes: 10 (a) A person who is convicted of a felony under the laws of this 11 State and  
sentenced, ordered or otherwise assigned to serve a term 12 of residential confinement. 13 (b)  
A person who is convicted of a felony under the laws of this 14 State and assigned to the  
custody of the Division of Parole and 15 Probation of the Department of Public Safety pursuant  
to NRS 16 209.4886 or 209.4888. 17 2. "Residential confinement" means the confinement of a  
18 person convicted of a felony to his or her place of residence under 19 the terms and  
conditions established pursuant to specific statute. The 20 term does not include any  
confinement ordered pursuant to NRS 21 176A.530 to 176A.560, inclusive, 176A.660 to  
176A.690, inclusive, 22 213.15105, 213.15193 or 213.152 to 213.1528, inclusive. 23 Sec. 3.  
This act becomes effective upon passage and approval.

exhibit  
66599

CASE NO. 27CV-WR3-2019-0039

DEPT. NO. I

Affirmation pursuant to NRS 239B.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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**DEFENDANT'S OPPOSITION TO  
PLAINTIFF'S MOTION FOR DISCOVERY  
AND ORDER TO SHOW CAUSE AS TO  
WHY SUMMARY JUDGMENT SHOULD  
NOT BE GRANTED**

Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby files this Opposition to Plaintiff's frivolous Motion for Discovery and Order to Show Cause as to why Summary Judgment should not be granted. In fact, this pleading is an attempt to re-argue his Motion for Summary Judgment, which was filed January 5, 2021. Defendants filed an opposition on January 19, 2021. Defendants rely on and reference that opposition as if fully set forth herein. Plaintiff, in this matter has filed, in addition to his Motion for Summary Judgment, a motion for default order and the present motion. All of the motions are flawed, and, frankly frivolous. They all request the same relief. Plaintiff is not entitled to that relief. Therefore, the motion should be denied.

Plaintiff relies on the specious argument that the Nevada Revised Statutes are unknown and uncertain authority. Pg. 4 of Plaintiff's Motion. The Nevada Revised Statutes merely "constitute the official codified version of the 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. Therefore, his argument has no legal support.

1 The Statutes of the State of Nevada provide that the Archives are responsible for  
2 maintaining the records of State Agencies. See NRS 378.255, below.

3 **NRS 378.255 Management and retention of records; provision of microfilming**  
4 **and digital imaging services; inspection of confidential or privileged governmental**  
5 **records; recovery of records.** The State Library, Archives and Public Records  
6 Administrator may:

7 1. Adopt regulations and establish standards, procedures and techniques for the  
8 effective management of records.

9 2. Make continuing surveys of current practices for the management of records and  
10 recommend improvements in those practices, including the use of space, equipment and  
11 supplies to create, maintain and store records.

12 3. **Establish standards for the preparation of schedules providing for the**  
13 **retention of state records of continuing value and for the prompt and orderly**  
14 **disposition of state records which no longer possess sufficient administrative, fiscal,**  
15 **legal or research value to warrant their further retention.**

16 4. **Establish, maintain and operate a center for storing and retrieving records**  
17 **for state agencies pending the acceptance of the records by the Division or the**  
18 **disposition of the records in any other manner prescribed by law.**

19 5. Establish a program for providing microfilming and digital imaging services for  
20 the records of the Legislative and Judicial Branches of State Government, upon request.

21 . . .

22 Emphasis Added

23 This statute vitiates Plaintiff's entire case. Therefore, his motion should be denied, and the Court  
24 should grant the Defendants previous Motion to Dismiss. As this Court is aware, this Court has already  
25 dismissed an identical case, *Langford v Cegavske*, 27CV-OTH-2019-0046. This case is identical in fact  
26 and law. Therefore, stare decisis, requires that this Court issue a consistent ruling on this matter.

27 Based on the above, the Defendant, specially appearing, requests this Court deny Plaintiff's Motion  
28 for Discovery and Order to Show Cause as to why Summary Judgment should not be granted. Instead, this  
Court should dismiss this matter as the frivolous exercise that it is.

DATED this 8th day of November, 2021.

AARON D. FORD  
Attorney General

By: /s/ Douglas R. Rands  
DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
(775) 684-1150  
drands@ag.nv.gov

*Attorneys for Defendants*

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 8th of November 2021, I caused to be deposited for mailing a true and correct copy of the  
4 foregoing, **DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR DISCOVERY**  
5 **AND ORDER TO SHOW CAUSE AS TO WHY SUMMARY JUDGMENT SHOULD NOT BE**  
6 **GRANTED**, to the following:

7 Bryan Bonham, #60575  
8 High Desert State Prison  
9 P.O. Box 650  
Indian Springs, NV 89070

10  
11 /s/ Roberta W. Bibee  
12 An employee of the  
13 Office of the Attorney General  
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CASE NO. 27CV-WR3-2019-0039

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**

BRYAN BONHAM,

Plaintiff,

vs.

**REQUEST FOR SUBMISSION OF MOTION**

BARBARA K. CEGAVASKE, et al.,

Defendants.

Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby requests submission of Plaintiff's Motion for Discovery and Order to Show Cause. Plaintiff filed his Motion for Discovery and Order to Show Cause on October 25, 2021. Defendant filed her response on November 8, 2021. Plaintiff has not filed a reply, and the time to do so has expired.

The briefing period having elapsed, and the underlying issues having been fully briefed, pursuant to District Court Rule (D.C.R.) 13(4), Defendant respectfully submits Plaintiff's Motion for Discovery and Order to Show Cause for the Court's decision.

DATED this 16th day of November, 2021.

AARON D. FORD  
Attorney General

By: /s/ Douglas R. Rands  
DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
(775) 684-1150  
drands@ag.nv.gov

*Attorneys for Defendants*

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 16th of November 2021, I caused to be deposited for mailing a true and correct copy of the  
4 foregoing, **REQUEST FOR SUBMISSION OF MOTION**, to the following:

5 Bryan Bonham, #60575  
6 High Desert State Prison  
7 P.O. Box 650  
Indian Springs, NV 89070

8  
9 /s/ Roberta W. Bibee  
10 An employee of the  
Office of the Attorney General  
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1 Bryan p Bonham 60575

2 poBox 650 HDSP

3 Indian Springs, nev 89070

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5

11TH JUDICIAL DISTRICT COURT

6

PERSHING COUNTY, NEVADA

7

8 Bryan p Bonham

CASE NO. 27-CV-WR3-2019-0039

9

PLAINTIFF

DEPT 1

10 -vs-

11 Barbara K Cegauske.

MOTION TO MOVE CASE TO U.S.

12

DEFENDANT

DIST CRT DIST OF NEV. DUE TO FACT

13

OF FED LAWS BEING VIOLATED, &

14

CAUSING PLAINTIFFS RIGHTS TO BE

15

VIOLATED.

16

17 comes now plaintiff Bryan p Bonham, in prose & moves this Honorable

18 court to enter an order granting this motion.

19

20 This motion is further made and based upon all papers, pleading and

21 Documents on file with this court and points & Authorities here in, along

22 with any oral arguments that may be required

23

24 Dated this 26th day of October, 2021

25



26 Bryan p Bonham 60575

27 poBox 650 (HDSP)

28 Indian Springs, nev.



1 Bryan p Bonham 60575

2 po Box 650 (HOSP)

3 Indian Springs, Nev 89070

4

5

11TH JUDICIAL DISTRICT COURT

6

PERSHING COUNTY, NEVADA

7

8 Bryan p Bonham

CASE NO

9

Plaintiff

10 - vs -

NOTICE OF MOTION

11

Barbara K Cegauske

12

DEFENDANT

13

14 please take notice, that the undersigned will bring the above motion for a  
15 hearing as soon as possible for a decision based on court docket availability.

16

17 TO:

18 Deputy Attorney General

19 Douglas R Rands.

20 100 N. Carson ST

21 Carson City, Nev 89201

22 Dated this 26th day of October, 2021

23



24 Bryan p Bonham 60575

25 po Box 650 HOSP

26 Indian Springs, Nev 89070

27

28

## POINTS AND AUTHORITIES

### ARGUMENT

#### 14TH AMENDMENT TO U.S. CONST.

"NO STATE shall create any Law that abridges the rights of its citizens.

#### PARAMOUNT LAW IS THE

#### CONSTITUTION

"we are bound to interpret the constitution in the light of the Law as it existed at the time it was adopted" Mattox v. U.S., 156 U.S. 237, 243 (1885)

#### UNDISPUTED FACTS

(1) The constitution is paramount Law. (2) under the 1st Amend to U.S. Const

"The right of access to the courts is subsumed under the First Amend right to petition the Government for redress of Grievances." California Motor Trans. Co. v. Trucking Unltd., 404 U.S. 508, 510 (1972)

Furthermore "it is well established that prisoners have a constitutional right of access to the courts" Hunter v. Heath, 95 F. Supp. 2d 1140, 1148 (D. Ore. 2000); Lewis v. Casey, 518 U.S. 343, (1986)

Also, "It is clear that the 14th Amendment right of access to courts survives Detention." Bounds v. Smith, 430 U.S. 817, 821-22 (1977)

The NEVADA CONSTITUTION provides this plaintiff due process pursuant to ART I § 8

The NEVADA CONSTITUTION ART I § 2 covers elected officials oaths of office to support & defend the U.S. constitution as well as the Nevada constitution.

The NEVADA CONSTITUTION ARTICLE 5 § 20 mandates that this defendant be in possession of any and all legislative Records. This is not a Discretionary issue, it is mandatory.



1 There are specific acts that would prove or disprove various violations  
2 of plaintiffs civil rights.

3

### CHILL

4 'Accardi Doctrine' which provides that Accardi Doctrine bars Administrative  
5 agency's from taking action inconsistent with their internal regulations when  
6 it would affect individuals rights." U.S. v Lee 274 F.3d 485 (8th Cir 2001)

7 See also S. Ct case. Accardi v Shaughnessy

8 "As recently reiterated by the Ninth Circuit, Government officials can  
9 violate the First Amendment when their actions would chill or silence  
10 a person of ordinary firmness from further First Amendment activities."

11 see Peterson v Cazemier 164, F. Supp 2d 1217, 1222 (D. Ore 2001); White

12 v Lee 227 F.3d 1214, 1228 (9th Cir 2000)

13

14 Recently this plaintiff has come across pertinent information that  
15 not only goes to show/prove/provide irrefutable proof, evidence  
16 that multiple individuals have participated actively in concealing  
17 the TYRANNY, TREASON, USURPTION. which turns out to be a violation  
18 of not only this plaintiffs civil rights, STATE CONSTITUTIONAL RIGHTS. IT IS  
19 also a violation of. 18 USC § 242

20

### BREACH OF CONTRACT

21 many of the newly discovered individuals are elected officials who signed  
22 an oath of office, which is a contract with the citizens of the state  
23 of Nevada. (i.e. plaintiff.) oath of office is a contract with citizens of state.

24 "to state a claim for breach of contract the pleading party must allege (1) the  
25 existence of a contract; (2) Defendant's performance or excuse for non-

26 performance. (3) Defendant's breach; and (4) Damages. Sawer v Prudential

27 INS CO. U.S. Dist Lexis 125205 C. Dist (Cal 2011) oath of office. see CONST OF

28 NEV ART 15 § 2



1 To state a claim for conspiracy to violate ones constitutional rights  
2 under section 1983 the plaintiff must state specific acts to support the  
3 existence of the claimed conspiracy. Augborne v Filson 3:17-cv-00393  
4 (2019) U.S. Dist et Lexis Nexis 78495  
5 plaintiff would ask the following questions to answer that. (1) why would  
6 multiple secretary of states continue to violate NEV CONST ART 5 § 20  
7 (2) why would after an issue of SUBJECT MATTER JURISDICTION being  
8 raised would an elected judge not allow an issue to expand on the  
9 record that would affect plaintiffs U.S. CONSTITUTIONAL RIGHTS  
10 under the FIRST AMEND, FIFTH AMEND, EIGHTH AMEND, FOURTEENTH  
11 AMEND as well as his DUE PROCESS under NEVADA CONSTITUTION ARTICLE  
12 ONE SECTION EIGHT ART 1 § 8 CONST OF NEV, in violation of the CONST  
13 OF NEV. ART 15 § 2 "under the Supremacy clause state courts are obligated to  
14 apply and adjudicate federal claims fairly presented to them" City of Auburn  
15 v Qwest Corp, 260 F3d 1160 (9th Cir 2001)  
16 Furthermore as plaintiff has already iterated "A federal private right cause of  
17 action for a state officials actions contrary to his/her oath of office  
18 unless that action otherwise violated a statute affording the plaintiff a  
19 private right of action or violated the plaintiffs constitutional rights forming  
20 the basis of a § 1983 Action. Etherton v City of Rainsville 2015 U.S. Dist  
21 Lexis 141650

#### 22 conclusion

23 plaintiff contends that after receiving multiple items 'legal in nature'  
24 in past few months; has brought to his attention that its not only  
25 this named defendant involved in this, that the cover up is much  
26 larger in nature, in fact a federal crime, in the interest of  
27 justice, judicial economy this issue he feels must be heard in  
28 U. S. District court



1  
2 VERIFICATION

3 I Bryan p Bonham Declare and verify that I have read the foregoing motion  
4 to move case to U.S DIST CRT DIST OF NEV Due to Fact of Federal Law being  
5 violated, & causing plaintiffs rights to be violated, and to the best of  
6 my belief and knowledge that the foregoing is true & correct under the  
7 pains & penalties of perjury pursuant to 28 U.S.C.A. §1746 & 18 U.S.C.A §1621

8 CERTIFICATE OF SERVICE

9 I Bryan p Bonham, certify that read the foregoing motion to move case  
10 to U.S. DIST court DIST OF NEV with special instructions for electronic  
11 filing & service to the clerk of the court to serve all of my opponents  
12 pursuant to N.E.F.C.R. 5(K), 9 et seq (A-E) etc, to the following.

13  
14 Deputy Attorney General


15 Douglas R Rands.

16

17 carson city, nev. 89

18

19 Dated this 26<sup>th</sup> day of October, 2021

20 15/ 

21 Bryan p Bonham 60575

22 PO Box 650 (HOSP)

23 Indian Springs, nev 89070

24

25

26

27

28

1 Bryan p Bonham 60575

2 poBox 650 (HOSP)

3 Indian Springs, NEV 89070

4

5

11TH JUDICIAL DISTRICT COURT

6

PERSHING COUNTY, NEVADA

7

8 Bryan p Bonham

CASE NO 27-CV-WR3-2019-0039

9

plaintiff

DEPT NO 1

10 -vs-

HEARING REQUESTED

11 Barbara K. Cegauske

TIME OF HEARING

12

Defendant

DATE OF HEARING

13

14

PLAINTIFFS REPLY TO DEFENDANTS

15

OPPOSITION TO PLAINTIFFS MOTION

16

FOR DISCOVERY AND ORDER TO SHOW CAUSE

17

18 comes now plaintiff, Bryan p Bonham in prose here by submits the foregoing

19 Reply.

20 this Reply is further made & based upon all papers, pleadings, files and

21 documents before this court, all attached points & authorities.

22 and Argument in support of foregoing pleadings, request of/or for oral argument,

23 and "SHOW CAUSE HEARING"

24

25

26

27

28



1 Bryan p Bonham 60575

2 po Box 650 (HDSP)

3 Indian Springs, NEV 89070

4

5

11TH JUDICIAL DISTRICT COURT

6

PERSHING COUNTY, NEVADA

7

8 Bryan p Bonham

9

plaintiff

CASE NO \_\_\_\_\_

10

DEPT NO \_\_\_\_\_

11

12

NOTICE OF MOTION

13

14 TO:

15 DEPUTY ATTORNEY GENERAL

16 DOUGLAS R Rands

17 100 N. Carson ST

18 Carson City, NEV 89701

19

20 please take notice, that the undersigned will bring the above motion for a

21 hearing as soon as possible for a decision based on the courts docket availability

22

23 Dated this 16th day of November 2021

24



25 Bryan p Bonham 60575

26 po Box 650 HDSP

27 Indian Springs, NEV 89070

28



## POINTS AND AUTHORITIES

### ARGUMENT

#### STATEMENT OF THE CASE

#### CONSTITUTIONAL VIOLATIONS

That due to the very specific nature of the pleadings now before this court, the statement of the case is. BOVINE SCATOLOGY, SAMANTIC PRESIDYTYAT ION = B.S., word magic.

However, moving forward this plaintiff does hereby adopt the defence's statement of the case, as iterated in their opposition to His motion for discovery and order to show cause.

(I)

### ARGUMENT

As iterated in plaintiff's (2nd) Second amended complaint, the Defendant pursuant to Her Oath of Office NEV CONST ARTICLE 15 § 2 is mandated/Required to be in possession of all Legislative Acts passed in Nevada. see NEV CONST ARTS § 20

A state CONSTITUTION IS PARAMOUNT LAW "A state constitution is binding on the COURTS of the state and on every OFFICER and every CITIZEN, Any attempt to do that which is prescribed in any manner than that prescribed or to do that which is prohibited is repugnant to the supreme and paramount Law, and void" <sup>99</sup> see porch v patterson 39 nev 251, 268, 156 p 439, 445 (1916). The argument that NRS 378, 255 permits Defendant to violate Her Oath of Office, as well as the above iterated articles of the NEV CONST. is repugnant.

It has been said with much truth, "where the Law ends, TYRANNY begins." <sup>99</sup> see merritt v. Welsh, 104 U.S. 694, 702 (1881)



1 THIS COURT MUST CONDUCT A HEARING TO DETERMINE WHETHER THE DEFENDANT IS  
2 IN VIOLATION OF HER OATH OF OFFICE ALONG WITH NEV CONST ART 15 § 2, ART 5 § 20  
3 WHILE VIOLATING PLAINTIFFS DUE PROCESS RIGHTS. NEV CONST ART 1 § 8

4  
5 this plaintiff has submitted multiple issues by which it is alleged that  
6 the defendant's actions in violation of NEV CONST ART 15 § 2, ART 5 § 20  
7 which in turn deprives plaintiff of the ability to present his belief that  
8 his criminal conviction is UNCONSTITUTIONAL, by this action of this  
9 named defendant is a violation of plaintiff's due process rights. see  
10 NEV CONST ART 1 § 8, as well as UNITED STATES CONSTITUTION AMEND I,  
11 AMEND V., AMEND 14

12 This plaintiff has put forth a "PRIMA FACIE SHOWING" which should  
13 be understood to simply be, a sufficient showing of possible merit to  
14 "warrant a full exploration by this court." that, in light of the documents  
15 with plaintiff's motion for discovery and an order to show cause as to why  
16 plaintiff's summary judgment should not be granted, demonstrate reasonable  
17 likely hood that the pleadings satisfies any stringent requirements for  
18 filing the foregoing pleadings. see CONST OF NEV ART 1 § 8., ART 5 § 20.,  
19 ART 15 § 2.

20 Additionally, this plaintiff specifically articulates that, where  
21 the CONST OF NEV., provides a greater protection of the plaintiff's right  
22 as to the UNITED STATES CONSTITUTION, and its Amendments., This plaintiff  
23 does seek and respectfully request that he be so protected. see/compare  
24 Wilson v State 123 Nev 587, 595 (Nev 2007)  
25 plaintiff's pleadings and exhibits submitted and filed with this  
26 court, require that a "fact finding" hearing be conducted, as the  
27 supreme court of Nevada (Supct of Nev) is not a fact finding tribunal  
28 see Zugel v Miller, 99 Nev. 100, , 659 p.2d 296, 297 (Nev 1983); 418



1 and Zobrist v Sheriff 96 Nev 625, 614 p.2d 538 (1980)

2 That, without adequate, full, and fair presentation of the "FACTS"

3 it is wholly impossible for the sup crt of Nev to be in a position, to

4 render a full, fair, and adequate Appellant review as to "FACTS" not

5 fully developed in the district court, due to the Appellate court not

6 being a ~~fact~~ "FACT FINDING TRIBUNAL" Zugel, 99 Nev at \_\_\_ 659 p.2d at

7 297

8 Additionally, the sup crt of Nev cannot review, or presume facts etc

9 From a silent record Compare: Boykin v Alabama, 395 U.S. 238, 242

10 (1969)

11 furthermore, this plaintiff has cited to decisions of the U.S SUPREME

12 COURT as well as NEVADA SUPREME COURT, that this court should be

13 mindful of the submitted pleadings, and should be mindful of the CONST OF

14 NEU, and should be mindful of making a decision that is contrary to, or

15 involves an unreasonable application of, clearly established federal Law,

16 STATE LAW, as determined by the sup crt of Nev., & the U.S. sup. crt as

17 well as the NEU CONST and U.S. CONST ~~see~~ & based on an unreasonable

18 determination of the "FACTS" see Williams v Taylor 529 U.S. 362, 405

19 (2000)

20 Again, the plaintiff iterates that He has submitted "PRIMA FACIE

21 EVIDENCE" & exhibits that "does prove, present claims, issues, Allegations

22 That (1) Defendant was properly served. (2) Defendant was elected & signed an

23 Oath of Office; (3) Defendant violated NEU CONST ART 15 § 2 (4) Defendant

24 violated NEU CONST ART 5 § 20 (5) by violating ART 5 § 20, ART 15 § 2

25 deprived plaintiff of being able to prove or disprove his claim that

26 His conviction is unconstitutional which deprives Him of due

27 process. NEU CONST ART 1 § 8, U.S. CONST AMEND ONE, FIVE,

28 FOURTEEN as well as the EIGHTH AMENDMENT.



1 to which this plaintiff must be permitted to establish as a fact; that  
2 defendant has not in any manner presented contradictory evidence  
3 there to. CONST OF NEV ART 138

4  
5 wherefore, this plaintiff is entitled to relief. RUBIO V STATE, 194 P.3d  
6 124, 1233 (NEV 2008)

7 (II) THE DUE PROCESS CLAUSE OF THE CONSTITUTION OF THE STATE OF NEVADA  
8 ARTICLE 138, MANDATES THAT THIS COURT CONDUCT A HEARING THAT  
9 ALLOWS THE PLAINTIFF TO ESTABLISH "ANY FACT" THAT PROTECTS HIM

10 The due process clause requires that a person have the opportunity  
11 to "ESTABLISH 'ANY FACT'" which would be "protection to him" or his property. Due  
12 process clause of the CONST OF NEV ART 138, not only requires that persons  
13 shall be properly brought into court.

14 (Subject matter Jurisdiction), yet that He shall have opportunity to  
15 "ESTABLISH 'ANY FACT'" which according to usages of common law or  
16 provisions of the CONSTITUTION would be protection to him or his property.

17 (emphasis added) see wright v cradlebaugh, 3 NEV 341 1867; cited  
18 pershing v Reno stock Brokerage co, 30 NEV 342, 349, 96 PAC 1054 (1908)

19 state v Fouquette, 67 NEV 505, 514, ~~221~~ 221 P.2d 404 (1950) see also

20 vipperman v state, 96 NEV 592, 614 P.2d 532 (1980), casio v state, 106 NEV  
21 327, 793 P.2d 836 (1990)

22 The plaintiff by virtue of the "PROVISIONS" of the CONST OF NEV 138 that  
23 He is entitled to due process; ART 1532 this defendant swore an oath  
24 to support, & defend the NEV CONST as well as the UNITED STATES CONST

25 and Has a reasonable expectation to expect the above named defendant  
26 to comply with & be in possession of all Legislative acts passed in  
27 the state of Nevada as Required by CONST OF NEVADA ARTICLE 5320

28 The Plaintiff further iterates that in past papers i.e. Defence counsel 420



1 argued that NRS 378.255 Allows Defendant to violate her oath of  
2 office as well as CONST OF NEV ART 5 § 20 He further argues that  
3 plaintiff cites no Authority. This is argued in opposition to  
4 motion for summary Judgment. FIRST, CONSTITUTION IN NEV IS  
5 PARAMOUNT AUTHORITY therefore that is a fraudulent argument.  
6 NRS 378.255 violates CONST OF NEV ART 4 § 23, does not supersede  
7 the CONSTITUTION.

8  
9 Defence counsel, STATE "CANNOT" produce any legitimate argument  
10 that allows, permits, Affords the Defendant the ability, right to  
11 violate her oath. NEV CONST ART 1 § 2, the NEV CONST 5 § 20 as well  
12 as plaintiffs due process rights NEV CONST ART 1 § 8

13  
14 the CONSTITUTION IS SUPREME LAW OF THE STATE provisions of the  
15 constitution are supreme Law this state & must be enforced by courts in  
16 letter and spirit whether or not courts consider policy of such provisions  
17 wise. STATE V DUFFY, 6 NEV 138 1870 cited Goldman v Bryan, 106  
18 NEV 30, 37, 787 p. 2d 372 (1990)

19 The plaintiff pursuant to the constitutional provision ART 1 § 8 of the  
20 CONST OF NEV "MUST BE ALLOWED TO ESTABLISH THESE 'FACTS'", by this court  
21 conducting a hearing "SHOW CAUSE HEARING", a hearing evidentiary in  
22 nature where the plaintiff, being present in court is given the opportunity  
23 to establish "ANY FACT" that would be protection to Him, this plaintiff  
24 must reiterate He be brought before this court 'in person' to establish  
25 "ANY FACT" according to usages of common law or provisions of the  
26 NEV CONST, would be protection to Him. STATE V FOUQUETTE, 67 NEV  
27 at 514 plaintiff asserts that even if court wanted to, it lacks subject  
28 matter Jurisdiction to enforce NRS 378.255 which protects Him; request 421



1 to come before this court for an opportunity to establish any fact thereto.  
2  
3 counsel continues to argue only statutes, with no case cites to support  
4 or constitution support.  
5 plaintiff will reiterate "when a statute comes into conflict with the  
6 constitution the statute must yield to the extent of the repugnancy.  
7 STATE EXREL MOON V STATE Bd of EXAMINERS 104 Idaho 640, 648 662 p. 2d 221,  
8 229 (Idaho 1983)  
9 "66 A STATE CONSTITUTION IS Binding on the courts of the state and on  
10 every officer and every citizen, any attempt to do that which is  
11 prescribed in any manner than that PRESCRIBED or to do that which is  
12 prohibited is repugnant to the supreme and paramount Law, and void"  
13 STATE porch v patterson 39 NEV 251, 268, 156 p 439, 445 (1916)  
14 This applies to defendant!  
15 defendant's opposition to motion for Discover & order to show cause.  
16 page 1 line 24 to 28. (1) How can a STATUTE Reference a Law that was  
17 Repealed in or better yet on January 21, 1957 which were STATUTES OF  
18 NEVADA A closer look at CONCURRENT RESOLUTION attached as exhibit "1"  
19 Furthermore plaintiff points out that NRS cannot be evidence of a Law  
20 that no longer exists. but rather is The Law of Nevada. see exhibit "1"  
21 "File No 2.  
22 whereas, the 48<sup>th</sup> legislature Session of the legislature of the State of Nevada, by  
23 unanimous vote of the members thereof has ENACTED INTO LAW the  
24 NEVADA REVISED STATUTES as the LAW of the STATE OF NEVADA to supersede  
25 all prior laws of a general, public and permanent nature  
26 Attached as exhibit "3" 48TH SESSION OF THE NEVADA LEGISLATURE ADOPTING  
27 AND ENACTING NEVADA REVISED STATUTES. See Sec 3 Repeal of prior laws  
28 January 21, 1957, on cover page. APPROVED January 25th, 1957



1 plaintiff asks counsel this as well as court. How do you repeal all prior laws  
2 on January 21, 1957 then (4) four days later on January 25th, 1957 enact the  
3 NRS as law, when CONSTITUTION requires Bill/Act to be in both Houses  
4 Assembly & Senate Three days (3) and to be read chapter by chapter 3 times  
5 over 3 days. cannot! be done in (4) four days when it takes (6) six days.  
6 now lets take a look at Attached exhibit "2" How first of all are  
7 Laws that are of the public Legal Domain. Copyrighted? does a copyright  
8 not infer a private ownership of a Book?  
9 back to Exhibit "3" Section 1: The Nevada Revised statutes being the statute Laws  
10 set forth after section 9 of this act, are hereby adopted and enacted as law of the  
11 State of Nevada  
12 Plaintiff further asks where is the constitutionally mandated enacting  
13 clause of the attached exhibits. NRS 19.010, 220.120, 220.110 Also see STATE  
14 OF NEVADA v ROGERS, 10 NEU 250, 255, 256 (1875); Caine v Robbins, 61 NEU 416, 131  
15 p. 2d 516, 518 (NEU 1942); citing Sjoberg v Security Savings & Loan Association  
16 73 MINN 203, 75 N.W. 1116, 72 AM ST. REP 616 (1898); see also Nevada High  
17 Way Patrol ASS'n v. State Dept of Motor Vehicles and Public Safety, Nevada  
18 Highway Patrol DIV, 107 NEU 547, 549 815 p. 2d 608, 610 (NEU 1991) This provision  
19 ~~is~~ of ~~the~~ the Constitution ~~can~~ cannot be legislated away. NEU CONST ART 4 § 23  
20 nor can ARTICLE 5 § 20 or ARTICLE 15 § 2 be legislated away.  
21 plaintiff would also point out the lack of yea or nay vote of the 48th  
22 session as opposed to Exhibit "4" attached herein.

23  
24 It is the duty of courts to be watchful for the constitutional rights  
25 of the citizen, and to guard against any stealthy encroachments thereon.

26  
27 Counsel would have this court believe that a statute or statutes have  
28 superseeding Authority over the U.S. CONST & ITS Amendments as well as



## 1 The CONSTITUTION OF NEVADA

2 Plaintiff regards it as just and necessary to give <sup>66</sup>FAIR WARNING<sup>99</sup> to this  
3 court of the consequences of its failure to follow the plain and unambiguous  
4 language of the NEVADA CONSTITUTION (NEU CONST) and to uphold the NEU CONST  
5 pursuant to and in accordance with the <sup>66</sup>OATH OF OFFICE<sup>99</sup> taken by your Honor;  
6 The Attorney General; even Senior Deputy Attorney General Douglas R Rands  
7 as well as defendant Barbara K Regal ~~vs~~ pursuant to the NEU CONST ART 15 § 2;  
8 and this court's duties in the matter of Defendant's motion to Dismiss, 2nd  
9 amended complaint, plaintiff's motion for Summary Judgment..., being that  
10 it can result in this court (participants) committing acts of TREASON,  
11 USURPATION and TYRANNY such trespasses would be clearly evident to  
12 the public, especially in light of the clear and unambiguous provisions of the  
13 NEU CONST that are involved here which <sup>66</sup>LEAVE NO ROOM FOR CONSTRUCTION<sup>99</sup>  
14 It has been said, with much truth "where the law ends tyranny begins"  
15 Tyranny and despotism exist where the will and pleasure of those in  
16 Government is followed rather than established Law. It has been  
17 repeatedly said and Affirmed as a most basic principle of our  
18 Government that this is a gov't of laws and not of men; and that there  
19 is no arbitrary power located in any individual or body of individuals.  
20 Merritt v Welsh 104 U.S. 694, 702 (1881)

## 21 CONCLUSION

22 Plaintiff Respectfully Requests/Prays this court to be watchful/  
23 mindful of HIS CONSTITUTIONAL RIGHTS, as well as the violation  
24 of the violations of ARTICLES 15 § 2, § 20, now that counsel wants  
25 to argue STATUTES override/supersede the CONSTITUTION. ARTICLE 4 § 23  
26 and grant plaintiff's motion for Summary Judgment or in the  
27 alternative, should counsel, or court see it fit/or just order this court  
28 case to move forward to trial.



VERIFICATION

I Bryan P Bonham, plaintiff declare and verify, that I have read the foregoing Reply to Defendants opposition to plaintiffs motion for Discovery and order to show cause as to why summary judgment should not be granted. to best of my belief & knowledge that the foregoing is true & correct under the pains & penalties of perjury pursuant to 28 U.S.C.A. § 1746 & 18 U.S.C.A. § 1621

CERTIFICATE OF SERVICE

I Bryan P Bonham certify that I am attaching a true & correct copy of the foregoing Reply to Defendants opposition to plaintiffs motion for Discovery & order to show cause as to why summary judgment should not be granted. with special instructions to the clerk of the court to serve all my opponents pursuant to N.E.R.C.R. 5(k), a et seq (A-E) etc to the following

Deputy Attorney General  
Douglas R Rands  
100 N. Carson ST  
Carson City, NEV 89701

Dated This 16th day of November, 2021



Bryan P Bonham 60575  
PO Box 650 HDSP  
Indian Springs, NEV 89070

**EXHIBIT**

1

**EXHIBIT**

1

#001

LCC

# Resolutions and Memorials

Senate Concurrent Resolution No. 1—Committee on Judiciary

## FILE NO. 1

SENATE CONCURRENT RESOLUTION—Providing that the official engrossed copy of Senate Bill No. 2 may be used as the enrolled bill.

WHEREAS, The provisions of sec. 8 of chapter 3, Statutes of Nevada 1949, as amended by chapter 335, Statutes of Nevada 1955, provide that the official engrossed copy of a bill may by resolution be used as the enrolled bill; now, therefore, be it

*Resolved by the Senate of the State of Nevada, the Assembly concurring,* That the official engrossed copy of Senate Bill No. 2 shall be used as the enrolled bill as provided by law.

Assembly Concurrent Resolution No. 1—Committee on Judiciary

## FILE NO. 2

ASSEMBLY CONCURRENT RESOLUTION—Expressing congratulations and gratitude to Russell West McDonald upon completion and enactment of Nevada Revised Statutes.

WHEREAS, The 48th session of the legislature of the State of Nevada, by unanimous vote of the members thereof, has enacted into law the Nevada Revised Statutes as the law of the State of Nevada to supersede all prior laws of a general, public and permanent nature; and

WHEREAS, Nevada Revised Statutes constitutes a complete revision and reorganization of all general statutes enacted during the 95 years that Nevada has existed as a state and territory, and is the first such revision in the history of our state; and

WHEREAS, The preparation of Nevada Revised Statutes was a monumental undertaking requiring a degree of intelligence, knowledge, technical ability and dedication possessed by few men; and

WHEREAS, The State of Nevada was fortunate that the Justices of the Supreme Court of the State of Nevada, in their capacity as the Statute Revision Commission, were able to secure as director of the commission Russell West McDonald, a native-born Nevadan, educated in the public schools of our state, a Rhodes scholar and a graduate of Stanford Law School, who was eminently qualified in all respects to perform the tremendous task imposed upon him; and

WHEREAS, The enactment of Nevada Revised Statutes marks the culmination of nearly 6 years of exceptionally devoted public service on the part of Russell West McDonald as statute reviser and legislative bill drafter; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring,* That the legislature of the State of Nevada hereby extends

STATUTES OF NEVADA 1956-57

to Russell West McDonald its most hearty congratulations upon the completion and enactment of Nevada Revised Statutes and expresses to him its gratitude and that of the people of the State of Nevada for the years of selfless, dedicated and devoted effort which he has contributed in the public service to the preparation of Nevada Revised Statutes; and be it further

*Resolved*, That a copy of this resolution, signed by all of the members of the 48th session of the Nevada legislature, be duly certified by the secretary of state of the State of Nevada and be transmitted forthwith to Russell West McDonald.

---

Assembly Concurrent Resolution No. 2—Committee on Legislative Functions

FILE NO. 3

ASSEMBLY CONCURRENT RESOLUTION—Memorializing the late United States Senator and governor, Edward P. Carville.

WHEREAS, The people of our state suffered a tremendous loss on the 27th day of June, 1956, by the passing of the beloved and esteemed Edward P. Carville; and

WHEREAS, Edward P. Carville, affectionately known as "Ted," was a native of Mound Valley, the son of a pioneer Nevada family, was educated in the schools of this state, and was a graduate of Notre Dame University; and

WHEREAS, Few persons have ever held so many high offices of honor and trust as the late "Ted" Carville, who, in addition to his role as a civic leader and outstanding attorney, served with distinction as district attorney, district judge, United States District Attorney, and finally as our governor and United States Senator, and his industriousness, selfless dedication and integrity were the keys to his success as a lawyer and public servant and will forever remain as a radiant example for our future statesmen; now, therefore, be it

*Resolved by the Assembly of the State of Nevada, the Senate concurring*, That we express this day our profound sorrow and condolences to the family of the late Senator Carville and tender them our deepest sympathy, and that we further acknowledge to them the irreparable loss which the calling of the late Senator Carville means to this state and nation; and be it further

*Resolved*, That the written form of this resolution be given such permanency as is possible for us to give by spreading it upon a memorial page of the journals of the assembly and the senate of this day in memory of and as a solemn tribute to Edward P. Carville; and be it further

*Resolved*, That a duly certified copy of this resolution be prepared by the secretary of state of the State of Nevada and be transmitted forthwith to the bereaved family of the deceased.

## EXHIBIT "2"

Pg. 1 Proof of illegal copyright;

Pg. 2 Names of Supreme Court Justice's appointed to statute revision commission, Violation of Nev. Const. Art. 3§1 (Separation of powers); (Pg. XI) illegal commingling of power, duties, and functions of branches of government;

Pg. 3 History and Objectives of the Revision (Pg. XIII);

Pg. 4 Legislative Counsel's Preface (XIV)

Abolishing the statute review commission, transfer of power, to legislative counsel of the State of Nevada  
Vital Problem

Pg. 5 METHOD AND FORM PUBLICATION (Pg. XV)

Nevada Revised Statutes is the law of Nevada  
The revised statutes speak for themselves

**NEVADA REVISED STATUTES**

**Should be cited as:**

**NRS**

**Thus: NRS 19.010**

**Legislative Counsel Bureau  
401 S. Carson Street  
Carson City, Nevada 89701-4747  
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EXHIBIT "2"

80

(120)



## FOREWORD

By the provisions of chapter 304, Statutes of Nevada 1951, amended by chapter 280, Statutes of Nevada 1953, and chapter 248, Statutes of Nevada 1955, the legislature of the State of Nevada created the statute revision commission comprised of the three justices of the supreme court, authorized such commission to appoint a reviser of statutes to be known as the director of the statute revision commission, and charged the commission to commence the preparation of a complete revision and compilation of the laws of the State of Nevada to be known as Nevada Revised Statutes. Reference is made to chapter 220 of Nevada Revised Statutes for the further duties and authority of the statute revision commission relating to the preparation of Nevada Revised Statutes, the numbering of sections, binding, printing, classification, revision and sale thereof.

The commission employed as director Russell W. McDonald, a member of the State Bar of Nevada, who, with his staff, undertook and performed this monumental task with such methods, care, precision, completeness, accuracy and safeguards against error as to evoke the highest praise of the commission and the commendation of the bench and bar of the state.

As the work progressed, Mr. McDonald submitted drafts of chapter after chapter as recompiled and revised, and the members of the commission individually and in conference meticulously checked all revisions. In the vast majority of cases these revisions were promptly approved. Many required further conferences with the director. Some were modified and redrafted. As the several chapters were returned with approval to the director, they were in turn delivered to the superintendent of state printing for printing, to the end that upon the convening of the 1957 legislature Nevada Revised Statutes was ready to present for approval. By the provisions of chapter 2, Statutes of Nevada 1957, Nevada Revised Statutes, consisting of NRS 1.010 to 710.590, inclusive, was "adopted and enacted as law of the State of Nevada."

### STATUTE REVISION COMMISSION

MILTON B. BADT  
EDGAR EATHER  
CHARLES M. MERRILL

66 277

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# LEGISLATIVE COUNSEL'S PREFACE

## History and Objectives of the Revision

*Nevada Revised Statutes* is the result of the enactment, by the 45th session of the legislature of the State of Nevada, of chapter 304, Statutes of Nevada 1951 (subsequently amended by chapter 280, Statutes of Nevada 1953, and chapter 248, Statutes of Nevada 1955), which created the statute revision commission and authorized the commission to undertake, for the first time in the state's history, a comprehensive revision of the laws of the State of Nevada of general application. Although revision was not commenced until 1951, the need for statutory revision had been recognized as early as 1865 when an editorial published in the *Douglas County Banner* stated:

One subject which ought to engage the early, and serious consideration of the Legislature, about to convene, and one which should be acted upon without delay, is the revision and codification of the laws of Nevada. Amendment has been added to amendment, in such manner as to leave, in many instances, the meaning of the Legislature, that last resort of the jurist, in determining the application of the law, more than doubtful \* \* \*. The most serviceable members of the Legislature will be those gentlemen who will do something toward reducing to order our amendment-ridden, imperfectly framed and jumbled up statutes at large.

From 1861 to 1951 the legislature made no provisions for statutory revision, although during that period 8,423 acts were passed by the legislature and approved by the governor. During the period from 1873 to 1949 eight compilations of Nevada statutes were published. "Compiling" must be distinguished from "revising." Ordinarily, the "compiling" of statutes involves the following steps: Removing from the last compilation the sections that have been specifically repealed since its publication; substituting the amended text for the original text in the case of amended sections; inserting newly enacted sections; rearranging, to a limited extent, the order of sections; and bringing the index up to date.

"Revising" the statutes, on the other hand, involves these additional and distinguishing operations: (1) The collection into chapters of all the sections and parts of sections that relate to the same subject and the orderly arrangement into sections of the material assembled in each chapter. (2) The elimination of inoperative or obsolete, duplicated, impliedly repealed and unconstitutional (as declared by the Supreme Court of the State of Nevada) sections and parts of sections. (3) The elimination of unnecessary words and the improvement of the grammatical structure and physical form of sections.

The revision, instead of the recompilation, of the statutes was undertaken, therefore, first, to eliminate sections or parts of sections which, though not specifically repealed, were nevertheless ineffective and, second, to clarify, simplify, classify and generally make more accessible, understandable and usable the remaining effective sections or parts of sections.

With respect to the accomplishment of the second purpose of revision specified above, the following revisions, in addition to those mentioned elsewhere in this preface, were made:

## LEGISLATIVE COUNSEL'S PREFACE

1. Long sections were divided into shorter sections. The division of long sections facilitates indexing and reduces the complications and expense incident to future amendment of the statutes.

2. Whole sections or parts of sections relating to the same subject were sometimes combined.

3. Sentences within a section, and words within a sentence, were rearranged, and tabulations were employed where indicated.

4. Such words and phrases as "on and after the effective date of this act," "heretofore," "hereinafter," "now," and "this act" were replaced by more explicit words when possible.

5. The correct names of officers, agencies or funds were substituted for incorrect designations.

The general types of revisions to be made by the reviser, as well as the broad policies governing the work of revision, were determined by the statute revision commission at frequent meetings. Precautions were taken to ensure the accomplishment of the objectives of the program without changing the meaning or substance of the statutes.

Upon completion of the revision of the text of the statutes in December 1956, the commission turned to the solution of a vital problem: Would it recommend the enactment of the revised statutes or would it request the legislature merely to adopt the revised statutes as evidence of the law? The commission concluded that the enactment of the revised statutes as law, rather than the mere adoption thereof as evidence of the law, would be the more desirable course of action. Accordingly, *Nevada Revised Statutes* in typewritten form was submitted to the 48th session of the legislature in the form of a bill providing for its enactment as law of the State of Nevada. This bill, Senate Bill No. 2 (hereafter referred to in this preface as "the revision bill"), was passed without amendment or dissenting vote, and on January 25, 1957, was approved by Governor Charles H. Russell.

On July 1, 1963, pursuant to the provisions of chapter 403, Statutes of Nevada 1963, the statute revision commission was abolished, and its powers, duties and functions were transferred to the legislative counsel of the State of Nevada.

## SCOPE AND EFFECT OF NEVADA REVISED STATUTES

*Nevada Revised Statutes*, including the supplementary and replacement pages, constitutes all of the statute laws of Nevada of a general nature enacted by the legislature. All statutes of a general nature enacted before the regular legislative session of 1957 have been repealed. See section 3 of chapter 2, Statutes of Nevada 1957, immediately following this preface.

The revised statutes were the result of 7 years of labor by the statute revision commission and its editorial staff addressed to the problem of eliminating from the accumulation of 95 years of legislation those provisions no longer in force and restating and compiling the remainder in an understandable form. This involved elimination of duplicating, conflicting, obsolete and unconstitutional provisions, and those provisions that had been repealed by implication. It involved a complete reclassification, bringing together those laws and parts of laws which, because of similarity of subject matter, properly belonged together, and an arrangement of the laws within each class in a logical order. It involved the elimination of thousands of needless words and redundant expressions. It was a labor involving almost infinite detail, as well as the problems of classification and the general plan of arrangement.

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(2001)

④ 83

## LEGISLATIVE COUNSEL'S PREFACE

*Nevada Revised Statutes* is the law of Nevada. The revised statutes speak for themselves; and all sections of the *Nevada Revised Statutes* are considered to speak as of the same date, except that in cases of conflict between two or more sections or of any ambiguity in a section, reference may be had to the acts from which the sections are derived, for the purpose of applying the rules of construction relating to repeal or amendment by implication or for the purpose of resolving the ambiguity. See sections 4 and 5 of chapter 2, Statutes of Nevada 1957.

## METHOD AND FORM OF PUBLICATION

As required by NRS 220.120, all volumes are "bound in loose-leaf binders of good, and so far as possible, permanent quality." The use of the loose-leaf method makes it possible to keep *Nevada Revised Statutes* up to date, without using pocket parts or supplements or completely reprinting and rebinding each volume, simply by the insertion of new pages. As required by NRS 220.160, replacement and supplementary pages to the statute text made necessary by the session of the legislature are prepared as soon as possible after each session. Complete reprintings of *Nevada Revised Statutes* were made in 1967, 1973 and 1979, and after each regular session beginning in 1985.

Replacement pages are additionally provided periodically between legislative sessions as necessary to update the annotations to NRS, including federal and state case law. Occasionally these replacement pages will contain material inadvertently omitted in the codification of NRS and the correction of manifest clerical errors, as well as sections or chapters of NRS which have been recodified pursuant to chapter 220 of NRS for clarification or to alleviate overcrowding.

The outside bottom corner of each page of NRS contains a designation which indicates the reprint or group of replacement pages with which the page was issued. A designation consisting of four numerals contained in parentheses means that the page was issued as part of a reprint of NRS immediately following the legislative session held in the year indicated by the four numerals. For example, the designation "(1999)" means that the page was issued as part of the reprint of NRS immediately following the 70th legislative session which was held in 1999. A designation consisting of four numerals contained in parentheses immediately followed by the capitalized letter "R" and a numeral means that the page was issued as part of a group of replacement pages in the year indicated by the four numerals in parentheses. The numeral following the "R" indicates the number of the group of replacement pages. The groups begin with the number one and increase sequentially by one number so that the later group will always have a higher number. For example, the designation "(2000) R1" means that the page was part of the first group of replacement pages issued in 2000. Similarly, the designation "(2000) R4" means that the page was part of the fourth group of replacement pages issued in 2000.

Each user of *Nevada Revised Statutes* is urged to make arrangements for the retention of obsolete pages for reference.

## CLASSIFICATION AND ARRANGEMENT

One of the first and most fundamental tasks in the revision was the adoption of a sound system of classification. Proper classification, by which the laws or parts of laws are brought together in logical consecutive units, is vital for a number of reasons: It makes the law more accessible and understandable; only through it can all

66 273

⑤ 84

# EXHIBIT 3

## ACTS OF THE 48TH SESSION OF THE NEVADA

Pg. 1 The so called 48TH Session of the Nevada legislature 1957, is written the form and style of a Resolution and not a bill. Which was ~~not~~ prepared the quasi Group of the QUESTIONABLE established statute revision commission and not anyone from the Legislative branch. (Identified as Senate Bill No. 2, however the Act of the 48TH Session is not addressed as S.B. 2)

No true identity of the Senate Bill as stated in Exhibit 2 Pg. 4 (XIV)

No Bill History i.e. who introduced the bill (proper protocol of Bill History missing.

No

Not read three (3) times in assembly on different days

No record of Vote's taken.

The put the NRS in a resolution which the Gov. signed and passed a resolution not a bill.

That, due to this act NRS 1.010 to 710.590 are invalid, unconstitutional.

There are additional inherent problems with Act of the 48TH Session/Resolution

copy

**ACT OF THE 48TH SESSION OF THE NEVADA LEGISLATURE  
ADOPTING AND ENACTING NEVADA REVISED STATUTES**

**Chapter 2, Statutes of Nevada 1957, page 2**

- Section 1. Enactment of Nevada Revised Statutes.  
Sec. 2. Designation and citation.  
Sec. 3. Repeal of prior laws.  
Sec. 4. Construction of act.  
Sec. 5. Effect of enactment of NRS and repealing clause.  
Sec. 6. Severability of provisions.  
Sec. 7. Effective date.  
Sec. 8. Omission from session laws.  
Sec. 9. Content of Nevada Revised Statutes.

AN ACT to revise the laws and statutes of the State of Nevada of a general or public nature; to adopt and enact such revised laws and statutes, to be known as the Nevada Revised 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.

[Approved January 25, 1957] *The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

**Section 1. Enactment of Nevada Revised Statutes.**

The Nevada Revised Statutes, being the statute laws set forth after section 9 of this act, are hereby adopted and enacted as law of the State of Nevada.

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## Sec. 2. Designation and citation.

The Nevada Revised Statutes adopted and enacted into law by this act, and as hereafter amended and supplemented and printed and published pursuant to law, shall be known as Nevada Revised Statutes and may be cited as "NRS" followed by the number of the Title, chapter or section, as appropriate.

## Sec. 3. Repeal of prior laws.

Except as provided in section 5 of this act and unless expressly continued by specific provisions of Nevada Revised Statutes, all laws and statutes of the State of Nevada of a general, public and permanent nature enacted prior to January 21, 1957, hereby are repealed.

## Sec. 4. Construction of act.

1. The Nevada Revised Statutes, as enacted by this act, are intended to speak for themselves; and all sections of the Nevada Revised Statutes as so enacted shall be considered to speak as of the same date, except that in cases of conflict between two or more sections or of any ambiguity in a section, reference may be had to the acts from which the sections are derived, for the purpose of applying the rules of construction relating to repeal or amendment by implication or for the purpose of resolving the ambiguity.

2. The provisions of Nevada Revised Statutes as enacted by this act shall be considered as substituted in a continuing way for the provisions of the prior laws and statutes repealed by section 3 of this act.

3. The incorporation of initiated and referred measures is not to be deemed a legislative reenactment or amendment thereof, but only a mechanical inclusion thereof into the Nevada Revised Statutes.

4. The various analyses set out in Nevada Revised Statutes, constituting enumerations or lists of the Titles, chapters and sections of Nevada Revised Statutes, and the descriptive headings or catchlines immediately preceding or within the texts of individual sections, except the section numbers included in the headings or catchlines immediately preceding the texts of such sections, do not constitute part of the law. All derivation and other notes set out in Nevada Revised Statutes are given for the purpose of convenient reference, and do not constitute part of the law.

5. Whenever any reference is made to any portion of Nevada Revised Statutes or of any other

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law of this state or of the United States, such reference shall apply to all amendments and additions thereto now or hereafter made.

**Sec. 5. Effect of enactment of NRS and repealing clause.**

1. The adoption and enactment of Nevada Revised Statutes shall not be construed to repeal or in any way affect or modify:

- (a) Any special, local or temporary laws.
- (b) Any law making an appropriation.
- (c) Any law affecting any bond issue or by which any bond issue may have been authorized.
- (d) The running of the statutes of limitations in force at the time this act becomes effective.
- (e) The continued existence and operation of any department, agency or office heretofore legally established or held.
- (f) Any bond of any public officer.
- (g) Any taxes, fees, assessments or other charges incurred or imposed.
- (h) Any statutes authorizing, ratifying, confirming, approving or accepting any compact or contract with any other state or with the United States or any agency or instrumentality thereof.

2. All laws, rights and obligations set forth in subsection 1 of this section shall continue and exist in all respects as if Nevada Revised Statutes had not been adopted and enacted.

3. The repeal of prior laws and statutes provided in section 3 of this act shall not affect any act done, or any cause of action accrued or established, nor any plea, defense, bar or matter subsisting before the time when such repeal shall take effect; but the proceedings in every case shall conform with the provisions of Nevada Revised Statutes.

4. All the provisions of laws and statutes repealed by section 3 of this act shall be deemed to have remained in force from the time when they began to take effect, so far as they may apply to any department, agency, office, or trust, or any transaction, or event, or any limitation, or any right, or obligation, or the construction of any contract already affected by such laws, notwithstanding the repeal of such provisions.

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5. No fine, forfeiture or penalty incurred under laws or statutes existing prior to the time Nevada Revised Statutes take effect shall be affected by repeal of such existing laws or statutes, but the recovery of such fines and forfeitures and the enforcement of such penalties shall be effected as if the law or statute repealed had still remained in effect.

6. When an offense is committed prior to the time Nevada Revised Statutes take effect, the offender shall be punished under the law or statute in effect when the offense was committed.

7. No law or statute which heretofore has been repealed shall be revived by the repeal provided in section 3 of this act.

8. The repeal by section 3 of this act of a law or statute validating previous acts, contracts or transactions shall not affect the validity of such acts, contracts or transactions, but the same shall remain as valid as if there had been no such repeal.

9. If any provision of the Nevada Revised Statutes as enacted by this act, derived from an act that amended or repealed a preexisting statute, is held unconstitutional, the provisions of section 3 of this act shall not prevent the preexisting statute from being law if that appears to have been the intent of the legislature or the people.

#### Sec. 6. Severability of provisions.

If any provision of the Nevada Revised Statutes or amendments thereto, or the application thereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the provisions or application of the Nevada Revised Statutes or such amendments that can be given effect without the invalid provision or application, and to this end the provisions of Nevada Revised Statutes and such amendments are declared to be severable.

#### Sec. 7. Effective date.

This act, and each and all of the laws and statutes herein contained and hereby enacted as the Nevada Revised Statutes, shall take effect upon passage and approval.

#### Sec. 8. Omission from session laws.

The provisions of NRS 1.010 to 710.590, inclusive, appearing following section 9 of this act shall not be printed or included in the Statutes of Nevada as provided by NRS 218.500 and NRS 218.510; but there shall be inserted immediately following section 9 of this act the words: "(Here followed NRS 1.010 to 710.590, inclusive.)"

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**Sec. 9. Content of Nevada Revised Statutes.**

The following laws and statutes attached hereto, consisting of NRS sections 1.010 to 710.590, inclusive, constitute the Nevada Revised Statutes:

(Here followed NRS 1.010 to 710.590, inclusive.)

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## EXHIBIT 4

Pg. 1. The mode of introducing of Assembly Bill No. Committee on Judiciary seems to be, the commingling of the branches of Gov. of the Legislature and Judicial Branches of Gov.

It seems that the form and style of Assem. Bill No. 43 is in the style of a bill,

That, the Acts of the 71th Session goes back to the 48TH Session makes the laws invalid and unconstitutional. (Pg. 2)

ASSEMBLY BILL NO. 43—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF CORRECTIONS)

PREFILED DECEMBER 20, 2012 \_\_\_\_\_

Referred to Committee on Judiciary

SUMMARY—Clarifies provisions governing credits earned by an offender which reduce the offender's term of imprisonment. (BDR 16-318)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

~ EXPLANATION – Matter in bolded italics is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to offenders; clarifying provisions governing credits earned by an offender which reduce the term of imprisonment of the offender; and providing other matters properly relating thereto.

Legislative Counsel's Digest: Under existing law, certain offenders who have been sentenced to a term of 1 imprisonment generally may earn certain amounts of credit for various 2 achievements. Any amount of credit earned is applied to the length of the 3 offender's term of imprisonment and thereby reduces the offender's sentence. (NRS 4 209.432-209.451) This bill: (1) clarifies that an offender may not earn more than 5 the amount of credit required to expire his or her sentence; and (2) specifies that 6 such a provision shall not be construed to reduce retroactively the amount of credit 7 earned by an offender if doing so would constitute a violation under the 8 Constitution of the United States or the Constitution of the State of Nevada. 9

EX4

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding 1 thereto a new section to read as follows: 2 1. Notwithstanding any provision of this section and NRS 3 209.432 to 209.451, inclusive, which entitles an offender to receive 4 credit or which authorizes the Director to allow credit for an 5

- 2 -

- \*AB43\*

offender, an offender may not earn more than the amount of 1 credit required to expire his or her sentence. 2 2. Nothing in this section shall be construed to reduce 3 retroactively the amount of credit earned by an offender if doing 4 so would constitute a violation under the

4

**77th (2013) Session**  
**Vote on AB43 (As Introduced) on**  
**Assembly Final Passage**  
**March 27, 2013 at 11:46 AM**

| 41 Yea | 0 Nay | 1 Excused | 0 Not Voting | 0 Absent |

Paul Aizley	Yea
Paul Anderson	Yea
Elliot Anderson	Yea
Teresa Benitez-Thompson	Yea
David Bobzien	Yea
Steven Brooks	Excused
Irene Bustamante Adams	Yea
Maggie Carlton	Yea
Richard Carrillo	Yea
Lesley Cohen	Yea
Skip Daly	Yea
Olivia Diaz	Yea
Marilyn Dondero Loop	Yea
Wesley Duncan	Yea
Andy Eisen	Yea
John Ellison	Yea
Michele Fiore	Yea
Lucy Flores	Yea

Jason Frierson	Yea
Tom Grady	Yea
John Hambrick	Yea
Ira Hansen	Yea
Crescent Hardy	Yea
James Healey	Yea
Pat Hickey	Yea
Joseph Hogan	Yea
William Horne	Yea
Marilyn Kirkpatrick	Yea
Randy Kirner	Yea
Peter Livermore	Yea
Andrew Martin	Yea
Harvey Munford	Yea
Dina Neal	Yea
James Ohrenschall	Yea
James Oscarson	Yea
Peggy Pierce	Yea
Ellen Spiegel	Yea
Michael Sprinkle	Yea
Lynn Stewart	Yea
Heidi Swank	Yea
Jim Wheeler	Yea
Melissa Woodbury	Yea

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Constitution of the 5 United States or the Constitution of the State of Nevada. 6 Sec. 2. NRS  
209.432 is hereby amended to read as follows: 7 209.432 As used in NRS 209.432 to 209.451,  
inclusive, and 8 section 1 of this act, unless the context otherwise requires: 9 1. "Offender"  
includes: 10 (a) A person who is convicted of a felony under the laws of this 11 State and  
sentenced, ordered or otherwise assigned to serve a term 12 of residential confinement. 13 (b)  
A person who is convicted of a felony under the laws of this 14 State and assigned to the  
custody of the Division of Parole and 15 Probation of the Department of Public Safety pursuant  
to NRS 16 209.4886 or 209.4888. 17 2. "Residential confinement" means the confinement of a  
18 person convicted of a felony to his or her place of residence under 19 the terms and  
conditions established pursuant to specific statute. The 20 term does not include any  
confinement ordered pursuant to NRS 21 176A.530 to 176A.560, inclusive, 176A.660 to  
176A.690, inclusive, 22 213.15105, 213.15193 or 213.152 to 213.1528, inclusive. 23 Sec. 3.  
This act becomes effective upon passage and approval.

## EXHIBIT 5

Pg. 1 NRS 220.120 has the appearance of forming a creating a stealth Constitution, with the appearance of making the statute greater than the Paramount Law.

Pg. 1 NRS 220.110 the contents seeks to shield the NRS from the mandatory provision of the Nev. Const. Art. 4 § 23. Which also the stealth fraud to continue in their self dealing deals to, copyright and publish for profit.

History  
Pushing back the history of said NRS to confuse, cover-up the stealth fraud (NRS 220.120(10))

**220.120. Compilation, organization, revision and publication of NRS: Form and style; numbering and arrangement; inclusion of notes and reference materials; changes and corrections; legal effect of renumbering; resolution of nonsubstantive conflicts between multiple laws.**

1. In preparing the annotations and keeping Nevada Revised Statutes current, the Legislative Counsel is authorized:

- (a) To adopt such system of numbering as the Legislative Counsel deems practical.
- (b) To cause the revision to be published in a number of volumes deemed convenient.
- (c) To cause the volumes to be bound in loose-leaf binders of good, and so far as possible, permanent quality.

2. The pages of Nevada Revised Statutes must conform in size and printing style to the pages of the Statutes of Nevada, and roman style type must be used.

3. The Legislative Counsel shall classify and arrange the entire body of statute laws in logical order throughout the volumes, the arrangement to be such as will enable subjects of a kindred nature to be placed under one general head, with necessary cross references.

4. Notes of decisions of the Supreme Court, historical references and other material must be printed and arranged in such manner as the Legislative Counsel finds will promote the usefulness thereof.

5. The Legislative Counsel in keeping Nevada Revised Statutes current shall not alter the sense, meaning or effect of any legislative act, but may renumber sections and parts of sections thereof, change the wording of headnotes, rearrange sections, change reference numbers or words to agree with renumbered chapters or sections, substitute the word "chapter" for "article" and the like, substitute figures for written words and vice versa, change capitalization for the purpose of uniformity, correct inaccurate references to the titles of officers, the names of departments or other agencies of the State, local governments, or the Federal Government, and such other name changes as are necessary to be consistent with the laws of this state and correct manifest clerical or typographical errors.

6. The Legislative Counsel may:

- (a) Create new titles, chapters and sections of Nevada Revised Statutes, or otherwise revise the title, chapter and sectional organization of Nevada Revised Statutes, all as may be

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EXHIBIT 5<sup>66 77</sup>

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**220.110. Contents of NRS.**

Nevada Revised Statutes shall contain:

1. The Constitution of the United States.
  2. The Constitution of the State of Nevada.
  3. The laws of this State of general application.
  4. A full and accurate index of the statute laws.
  5. Such annotations, historical notes, Supreme Court and district court rules and other information as the Legislative Counsel deems appropriate to include.
- 1951, p. 470; 1953, p. 388; 1963, p. 1022; 1969, p. 12.

CASE NO. 27CV-WR3-2019-0039

DEPT. NO. I

Affirmation pursuant to NRS 239B.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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**OPPOSITION TO PLAINTIFF'S MOTION  
TO MOVE CASE TO U.S. DISTRICT COURT**

Defendant, Barbara K. Cegavaske, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby opposes Plaintiff's Motion to Move Case to U.S. District Court. This Opposition is based on the following Memorandum of Points and Authorities and all pleadings and papers on file in this action.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. NOTICE OF THE MOTION**

No hearing is requested on this matter.

**II. INTRODUCTION**

Bonham is an inmate currently incarcerated within the Nevada Department of Corrections (NDOC) at High Desert State Prison (HDSP). On or about March 3, 2019, Bonham submitted his Complaint in this Court, alleging "violation of [Secretary of State Cegavaske's] oath of office . . . for the records of office not in her possession." *See* Compl. at 2. His First Amended Complaint is similar. *See* First Amended Complaint at 2.

Bonham alleges Secretary of State Cegavaske is the "constitutional record keeper" for the State of Nevada. *See Id.* at 4. The Nevada Constitution has a procedure for amendment, but that procedure has not

1 been followed. *See Id.* Secretary of State Cegavaske “has no copies of the senate bills that have been  
2 passed since the creation of the State, [she] tells you to contact the Legislative Counsel Bureau for the  
3 requested records.” *See Id.* Bonham tried “to obtain a copy of Senate Bill No. 2 (1957)[,]” but Secretary  
4 of State Cegavaske’s office sent him a letter explaining that he should contact the Legislative Counsel  
5 Bureau. *See Id.*; *see also Id.* at 10.

6 Bonham requests relief in the form of “compensatory and punitive damages in total of  
7 \$1,000,000[.]” and injunctive relief ordering Secretary of Cegavaske to provide him with copies of the  
8 Senate Bills, *See Id.* at 4.

### 9 **III. LEGAL ARGUMENT**

10 Plaintiff, in this motion, is requesting this Court move this matter to Federal Court. The motion is  
11 factually and procedurally deficient. This matter has been before this Court since March of 2019. This  
12 Court has already dismissed the companion case. Plaintiff is not entitled to remove this action to Federal  
13 Court. Therefore, his motion should be denied.

#### 14 **A. Plaintiffs Are Not Entitled to Remove Matters to Federal Court**

15 When a plaintiff files in state court a civil action over which the federal district courts would have  
16 original jurisdiction based on diversity of citizenship, the defendant or defendants may remove the action  
17 to federal court....” *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 68, 117 S.Ct. 467, 136 L.Ed.2d 437 (1996); *see*  
18 28 U.S.C. § 1441. The removing party bears the burden of demonstrating removal was proper. *Abrego*  
19 *Abrego v. Dow Chemical Co.*, 443 F.3d 676, 685 (9th Cir.2006) (examining the propriety of removal under  
20 the Class Action Fairness Act); *United Computer Sys. v. AT & T Corp.*, 298 F.3d 756, 763 (9th Cir.2002);  
21 *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir.1992).

22 A plaintiff objecting to the removal may file a motion asking the district court to remand the case to  
23 state court. *Caterpillar*, 519 U.S. at 69. The removal statutes are strictly construed, and doubts about the  
24 propriety of removal are resolved in favor of remand. *Abrego Abrego*, 443 F.3d at 685, 690 (citations  
25 omitted); *Gaus*, 980 F.2d at 566; *Takeda v. Northwestern Nat’l Life Ins. Co.*, 765 F.2d 815, 818 (9th  
26 Cir.1985). A plaintiff may move for remand when removal to federal court was procedurally defective,  
27 although procedural defects do not necessarily deprive the court of subject matter jurisdiction. 28 U.S.C. §

28 ///

1 1447(c). The timeliness of the removal raises a procedural defect. *Huffman v. Saul Holdings Ltd. P'ship*,  
2 194 F.3d 1072, 1077 (10th Cir.1999) (citing *Snapper, Inc. v. Redan*, 171 F.3d 1249, 1253 (11th Cir.1999)).

3 Plaintiff is not entitled to move for removal to Federal Court. The statute, 28 U.S. Code § 1441, is  
4 clear that a Defendant may move for removal. “Except as otherwise expressly provided by Act of  
5 Congress, any civil action brought in a State court of which the district courts of the United States have  
6 original jurisdiction, may be removed by the **defendant or the defendants**, to the district court of the  
7 United States for the district and division embracing the place where such action is pending.” (Emphasis  
8 added.)

9 **B. Plaintiff’s Motion is Not Timely.**

10 Even if the Court were inclined to consider the Plaintiff’s motion, it is not timely. This matter has  
11 been pending since March of 2019. Only now, when a Motion to Dismiss has been filed and briefed, does  
12 Plaintiff make his motion. Section 1446(b) provides, in relevant part:

13 The notice of removal of a civil action or proceeding shall be filed within thirty days after  
14 the receipt by the defendant, through service or otherwise, of a copy of the initial pleading  
setting forth the claim for relief upon which such action or proceeding is based....

15 If the case stated by the initial pleading is not removable, a notice of removal may be filed  
16 within thirty days after receipt by the defendant, through service or otherwise, of a copy of  
17 an amended pleading, motion, order or other paper from which it may first be ascertained  
18 that the case is one which is or has become removable, except that a case may not be  
removed on the basis of jurisdiction conferred by section 1332 of this title more than 1 year  
after commencement of the action.

19 The motion was not timely filed, and it was filed by the Plaintiff, not the defendant. Therefore, it  
20 should be denied.

21 **C. Plaintiff is Forum Shopping.**

22 It is clear that Plaintiff is forum shopping. He is well aware of this Court’s decision in a  
23 companion case, *Langford v. Cegavaske*, 27CV-OTH-2019-0046. Plaintiff is clearly concerned that this  
24 Court will dismiss his case, as is appropriate. Therefore, he is attempting to remove this case, at this late  
25 date, to the Federal Court. The Court should dismiss his attempt at forum shopping.

26 **IV. CONCLUSION**

27 In this case, Bonham, a prison inmate, alleges a breach of oath of office by the Secretary of State  
28 for failing to maintain or send him copies of “senate bills.” However, Bonham fails to identify any injury



1 he has sustained, a private right of action that would allow him to pursue a claim, or even a known claim  
2 that would arise from his allegations. Bonham's vague citations to constitutional provisions are  
3 insufficient for him to pursue any form of relief, under either tort or civil rights theory. He has no right to  
4 remove this case to Federal Court. He did not file this motion in a timely manner. He is clearly forum  
5 shopping. Therefore, his motion should be denied.

6 DATED this 13th day of December , 2021.

7 AARON D. FORD  
8 Attorney General

9 By: /s/ Douglas R. Rands  
10 DOUGLAS R. RANDS, Bar No. 3572  
11 Senior Deputy Attorney General  
12 100 N. Carson Street  
13 Carson City, NV 89701  
14 (775) 684-1150  
15 drands@ag.nv.gov

16 *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 Nevada, and that  
3 on the 13th of December 2021, I caused to be deposited for mailing a true and correct copy of the  
4 foregoing, **OPPOSITION TO PLAINTIFF'S MOTION TO MOVE CASE TO U.S. DISTRICT**  
5 **COURT**, to the following:

6 Bryan Bonham, #60575  
7 High Desert State Prison  
8 P.O. Box 650  
9 Indian Springs, NV 89070

10 /s/ Roberta W. Bibee  
11 An employee of the  
12 Office of the Attorney General  
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1 CASE NO. 27CV-WR3-2019-0039

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

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

8  
9 BRYAN P. BONHAN,

10 Plaintiff,

11 Vs.

12 BARBARA K. CEGAVSKE,

13 Defendant.

**ORDER AMENDMENT TO**  
**COMPLAINT**

14  
15 The Matter came before the Court on Defendant's Motion To Dismiss Complaint  
16 (Filed: June 24, 2019). Defendant filed an Opposition to Motion to Dismiss (Filed: August  
17 20, 2019). Defendant filed a Reply (July 15, 2019). Defendant filed a second Motion to  
18 Dismiss Plaintiff's Amended Complaint (Filed: October 8, 2019). Plaintiff file an Opposition  
19 (Filed: November 4, 2019). The Court grants the Motion.

20 ***Factual Background***

21 Bonham is an inmate in the custody of the Department of Corrections. He alleged in  
22 his complaint that Cegavske violated the oath of her office. Complaint at 2. He alleges that  
23 she is "not in possession of SB 109 from 1949 nor [SB] 2 from 1957." *Id.* The Nevada  
24 Constitution requires that Cegavske maintain the legislative records. *Id.* at 3. Bonham alleges

1 that the procedure for amendment set forth in the Nevada Constitution has not been followed.  
2 Id. Bonham requests damages in the amount of \$500,000.00 compensatory and \$500,000.00  
3 punitive. Id. at 4. He also requests a copy of the “writ of habeas corpus in case State of  
4 Nevada v. Gary Walters.” Id.

5 ***Standard***

6 A pleading is subject to certain pleading rules. One of those rules required that a  
7 complaint must comply with the requirements of NRCP 8(a). NRCP 8(a) provides:

9 A pleading which sets forth a claim for relief [. . .] shall contain (1) a short  
10 and plain statement of the claim showing that the pleader is entitled to  
11 relief; and (2) a demand for judgment for the relief the pleader seeks.  
12 Relief in the alternative or of several different types may be demanded.

13 NRCP 8(a). Nevada follows a notice pleading standard as to Rule 8(a) and the  
14 sufficiency of the complaint. *See Crucil v. Carson City*, 95 Nev. 583, 585, 600 P.2d 216, 217  
15 (1979) (“[T]he pleading of [a] conclusion, either of law or fact, is sufficient so long as the  
16 pleading gives fair notice of the nature and basis of the claim.”). “Whenever it appears by  
17 suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter,  
18 the court shall dismiss the action.” NRCP 12(h)(3) (emphasis added). Cf. NRCP 12(b)(1)  
19 (regarding motions to dismiss for “lack of jurisdiction over the subject matter”); Mainor v.  
20 Nault, 120 Nev. 750, 761 n.9, 101 P.3d 308, 315 n.9 (2004) (citing Swan v. Swan, 106 Nev.  
21 464, 469, 796 P.2d 221, 224 (1990)) (“Lack of subject matter jurisdiction can be raised at any  
22 time during the proceedings and is not waivable.”).

23 NRCP 12(b)(5) provides that a defendant may move to dismiss a claim in any  
24 pleading for “failure to state a claim upon which relief can be granted[.]” In reviewing such a  
motion, “[a]ll factual allegations of the complaint must be accepted as true.” Simpson v.

1 Mars, Inc., 113 Nev. 188, 190, 929 P.2d 966, 967 (1997). “A complaint will not be dismissed  
2 for failure to state a claim unless it appears beyond a doubt that plaintiff could prove no set of  
3 facts which, if accepted by the trier of fact, would entitle him or her to relief.” Id.

4 ***Legal Analysis***

5 1. Failure to Serve

6  
7 The State of Nevada’s waiver of sovereign immunity is governed by statute. See NRS  
8 41.031; see also NRS 41.0337. In order to avail himself of the limited right of sovereign  
9 immunity Plaintiff must adhere to the strictures of the statutory scheme. For example, a  
10 “action must be brought in the name of the State of Nevada on relation of the particular  
11 department . . . of the State whose actions are the basis for the suit.” NRS 41.031(2). Plaintiff  
12 cured his original pleading by adding the State of Nevada. Another issue, failure by a  
13 plaintiff to invoke a waiver of sovereign immunity deprives a court of subject matter  
14 jurisdiction. See Jiminez v. State, 98 Nev. 204, 205, 644 P.2d 1023, 1024 (1982) (assuming  
15 that failure to name the State of Nevada as a defendant under NRS 41.031 deprived the trial  
16 court of subject matter jurisdiction). NRCP 12(b)(1) requires this Court to dismiss an action  
17 in the absence of subject matter jurisdiction. See also NRCP 12(h)(3) (stating if it appears  
18 “that the court lacks jurisdiction of the subject matter, the court shall dismiss the action”).

19 Furthermore, a plaintiff must accomplish personal service upon both the actual named  
20 defendant as well as the Nevada Attorney General’s office. See NRS 41.031(2)(a)–(b).  
21 Plaintiff failed to effectuate personal service upon Cegavske. Bonham’s failure to invoke a  
22 waiver of sovereign immunity deprives the Court of subject matter jurisdiction, which  
23 requires dismissal of this action under NRCP 12(b)(1). See Jiminez, 98 Nev. at 205, 644 P.2d  
24

1 at 1024. Furthermore, Bonham’s failure to personally serve Secretary of State Cegavske  
2 deprives the Court of personal jurisdiction. "Personal service or a legally provided substitute  
3 must . . . occur in order to obtain jurisdiction over a party." C.H.A. Venture v. G.C. Wallace  
4 Consulting Eng'rs, Inc., 106 Nev. 381, 384, 794 P.2d 707, 709 (1990).

5 The sovereign immunity waiver arguments apply to the extent Bonham has alleged  
6 any tort claims under Nevada law. *See Craig v. Donnelly*, 135 Nev. \_\_, \_\_, 439  
7 P.3d 413, 416–17 (Adv. Op. 6, February 28, 2019). To the extent Bonham has alleged 42  
8 U.S.C. § 1983 civil rights claims, he has failed to serve the actual named Defendant,  
9 Secretary of State Cegavske. He lacks personal jurisdiction over her.  
10

11 Bonham deprived the Court of subject matter jurisdiction and personal  
12 jurisdiction over this case by failing to comply with statutory requirements and failing to  
13 personally serve Secretary of State Cegavske. On this basis, the Court hereby dismisses this  
14 case in its entirety as a matter of law.  
15

16 2. Failure To State A Claim Upon Which Relief Can Be Granted

17 a. No Personal Service

18 Nevada is a notice-pleading state, but to meet the bare requirements of notice  
19 pleading, a plaintiff must “set forth sufficient facts to demonstrate the necessary elements of  
20 a claim for relief so that the defending party has adequate notice of the nature of the claim  
21 and relief sought.” Western States Constr. v. Michoff, 108 Nev. 931, 936, 840 P.2d 1220,  
22 1223 (1992). Bonham alleges Secretary of State Cegavske failed to maintain or produce  
23 copies of “senate bills,” which he asserts is “in violation of her oath of office[.]” *See* Compl.  
24 at 2–4. However, none of Bonham’s citations to the Nevada Constitution provide a private  
right of action that would allow him to sustain a cognizable claim. *See Id.*

1 The Nevada Constitution provides that the Secretary of State “shall keep a true record  
2 of the Official Acts of the Legislative and Executive Departments of the Government,” but  
3 does not create any claim for a private citizen to sue upon. See NEV. CONST. art. V, § 20.  
4 The Nevada Supreme Court has held that a private right of action must be based upon clear  
5 statutory (or constitutional) language, in the absence of any known legislative intent. See  
6 Neville v. Eighth Judicial Dist. Court, 406 P.3d 499, 502–03 (Nev. 2017) (internal citation  
omitted).

7 Plaintiff alleges that Ms. Cegavske was served by someone accepting service at her  
8 office. Plaintiff refers the reader to the Summons on file with the Court. A review of that  
9 summons has Ms. Cegavske name in the summons, but lists the address as the attorney  
10 general. Ms. Cegavske does not occupy space in the Attorney General’s Office. So the Court  
concludes that this is red hering.<sup>1</sup>

11 The Court concludes dismissal would be appropriate.

12 b. No Personal Injury

13 Bonham’s citations to facts fail to set forth the necessary facts to make a claim for  
14 relief. *See* Compl. at 2–4. Bonham does not allege a personal injury that would give rise to a  
15 constitutional right of recovery. Rather, Bonham bootstraps his argument that he was unable  
16 to obtain documents to a claim that he maintains he should be allowed to bring when no  
17 statutory or other provision allows such a suit. No personal injury issued from the secretary’s  
18 alleged failure to produce the documents which can be achieved through the legislative  
counsel bureau. As such, the claim fails.

19 c. No Private Cause of Action Alleged

20 In order to name a suit against a party a statute or legal authority has to authorize the  
21 suit. Bonham has failed to alleged any statute or other legal authority that allows the suit he  
22 brings. As such the claim fails.

23  
24 <sup>1</sup> The Court notes that Plaintiff alleges that the AG’s Office “was  
never served by anyone for this case.” The Court finds that it was.



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***ORDER***

The Court hereby denies the suit completely.

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**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT

**Case Number:** 27CV-WR3-2019-0039

**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

1 CASE NO. 27CV-WR3-2019-0039

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 BRYAN P. BONHAN,

10 Plaintiff,

11 Vs.

12 BARBARA K. CEGAVSKE,

13 Defendant.

**ORDER AMENDMENT TO**  
**COMPLAINT; PLAINTIFF'S**  
**SUMMARY JUDGMENT ORDER;**  
**APPOINTMENT OF COUNSEL;**  
**FILING OF SECOND AMENDED**  
**COMPLAINT; MOTION TO MOVE**  
**TO US DISTRICT COURT**

14 The Matter came before the Court on Plaintiff's Motion For Leave To Amend The  
15 Complaint (Filed August 20, 2019); Plaintiff's Motion to Appoint Counsel (Filed: December  
16 28, 2020); Plaintiff's Summary Judgment; Filing of Plaintiffs Second Complaint; Motion to  
17 Move Court to US District Court. The Court denies the Motions.

18 Plaintiff's Motions generally were too late. The Motion for Leave to Amended can be  
19 determined to have been Granted. It did not change the analysis.

20  
21 The Motion to Appoint Counsel is an appropriate consideration. But Plaintiff comes  
22 at it from a situation where there is no right to counsel. Plaintiff has shown an ability to  
23 litigate in the forum. Plaintiff is not in dire need of counsel (it does not involve his freedom).  
24 Plaintiff has failed to show a need for counsel.

1           Plaintiff's summary judgment Motion is denied with the dismissal of the complaint.  
2           His complaints of fraud upon the court are belied by the record.

3           Plaintiff's Motion to Move the case to U.S. District Court fails to satisfy the  
4           requirements to transfer the case.

5           The Order dismissing the matter make these matters moot.  
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**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

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Judge Shirley

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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 BRYAN P. BONHAN,

10 Plaintiff,

11 Vs.

12 BARBARA K. CEGAVSKE,

13 Defendant.

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**AMENDED ORDER AMENDMENT**  
**TO COMPLAINT**

25 The Matter came before the Court on Defendant's Motion To Dismiss Complaint  
26 (Filed: June 24, 2019). Defendant filed an Opposition to Motion to Dismiss (Filed: August  
27 20, 2019). Defendant filed a Reply (July 15, 2019). Defendant filed a second Motion to  
28 Dismiss Plaintiff's Amended Complaint (Filed: October 8, 2019). Plaintiff file an Opposition  
29 (Filed: November 4, 2019). The Court grants the Motion.

30 ***Factual Background***

31 Bonham is an inmate in the custody of the Department of Corrections. He alleged in  
32 his complaint that Cegavske violated the oath of her office. Complaint at 2. He alleges that  
33 she is "not in possession of SB 109 from 1949 nor [SB] 2 from 1957." Id. The Nevada  
34 Constitution requires that Cegavske maintain the legislative records. Id. at 3. Bonham alleges

1 that the procedure for amendment set forth in the Nevada Constitution has not been followed.  
2 Id. Bonham requests damages in the amount of \$500,000.00 compensatory and \$500,000.00  
3 punitive. Id. at 4. He also requests a copy of the “writ of habeas corpus in case State of  
4 Nevada v. Gary Walters.” Id.

5 ***Standard***

6 A pleading is subject to certain pleading rules. One of those rules required that a  
7 complaint must comply with the requirements of NRCP 8(a). NRCP 8(a) provides:

9 A pleading which sets forth a claim for relief [ . . . ] shall contain (1) a short  
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12 Relief in the alternative or of several different types may be demanded.

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15 (1979) (“[T]he pleading of [a] conclusion, either of law or fact, is sufficient so long as the  
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2 for failure to state a claim unless it appears beyond a doubt that plaintiff could prove no set of  
3 facts which, if accepted by the trier of fact, would entitle him or her to relief.” Id.

4 ***Legal Analysis***

5 1. Failure to Serve

6  
7 The State of Nevada’s waiver of sovereign immunity is governed by statute. See NRS  
8 41.031; see also NRS 41.0337. In order to avail himself of the limited right of sovereign  
9 immunity Plaintiff must adhere to the strictures of the statutory scheme. For example, a  
10 “action must be brought in the name of the State of Nevada on relation of the particular  
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12 cured his original pleading by adding the State of Nevada. Another issue, failure by a  
13 plaintiff to invoke a waiver of sovereign immunity deprives a court of subject matter  
14 jurisdiction. See Jiminez v. State, 98 Nev. 204, 205, 644 P.2d 1023, 1024 (1982) (assuming  
15 that failure to name the State of Nevada as a defendant under NRS 41.031 deprived the trial  
16 court of subject matter jurisdiction). NRCP 12(b)(1) requires this Court to dismiss an action  
17 in the absence of subject matter jurisdiction. See also NRCP 12(h)(3) (stating if it appears  
18 “that the court lacks jurisdiction of the subject matter, the court shall dismiss the action”).

19 Furthermore, a plaintiff must accomplish personal service upon both the actual named  
20 defendant as well as the Nevada Attorney General’s office. See NRS 41.031(2)(a)–(b).  
21 Plaintiff failed to effectuate personal service upon Cegavske. Bonham’s failure to invoke a  
22 waiver of sovereign immunity deprives the Court of subject matter jurisdiction, which  
23 requires dismissal of this action under NRCP 12(b)(1). See Jiminez, 98 Nev. at 205, 644 P.2d  
24

1 at 1024. Furthermore, Bonham’s failure to personally serve Secretary of State Cegavske  
2 deprives the Court of personal jurisdiction. "Personal service or a legally provided substitute  
3 must . . . occur in order to obtain jurisdiction over a party." C.H.A. Venture v. G.C. Wallace  
4 Consulting Eng'rs, Inc., 106 Nev. 381, 384, 794 P.2d 707, 709 (1990).

5 The sovereign immunity waiver arguments apply to the extent Bonham has alleged  
6 any tort claims under Nevada law. *See Craig v. Donnelly*, 135 Nev. \_\_, \_\_, 439  
7 P.3d 413, 416–17 (Adv. Op. 6, February 28, 2019). To the extent Bonham has alleged 42  
8 U.S.C. § 1983 civil rights claims, he has failed to serve the actual named Defendant,  
9 Secretary of State Cegavske. He lacks personal jurisdiction over her.  
10

11 Bonham deprived the Court of subject matter jurisdiction and personal  
12 jurisdiction over this case by failing to comply with statutory requirements and failing to  
13 personally serve Secretary of State Cegavske. On this basis, the Court hereby dismisses this  
14 case in its entirety as a matter of law.  
15

16 2. Failure To State A Claim Upon Which Relief Can Be Granted

17 a. No Personal Service

18 Nevada is a notice-pleading state, but to meet the bare requirements of notice  
19 pleading, a plaintiff must “set forth sufficient facts to demonstrate the necessary elements of  
20 a claim for relief so that the defending party has adequate notice of the nature of the claim  
21 and relief sought.” Western States Constr. v. Michoff, 108 Nev. 931, 936, 840 P.2d 1220,  
22 1223 (1992). Bonham alleges Secretary of State Cegavske failed to maintain or produce  
23 copies of “senate bills,” which he asserts is “in violation of her oath of office[.]” *See* Compl.  
24 at 2–4. However, none of Bonham’s citations to the Nevada Constitution provide a private  
right of action that would allow him to sustain a cognizable claim. *See Id.*

1 The Nevada Constitution provides that the Secretary of State “shall keep a true record  
2 of the Official Acts of the Legislative and Executive Departments of the Government,” but  
3 does not create any claim for a private citizen to sue upon. See NEV. CONST. art. V, § 20.  
4 The Nevada Supreme Court has held that a private right of action must be based upon clear  
5 statutory (or constitutional) language, in the absence of any known legislative intent. See  
6 Neville v. Eighth Judicial Dist. Court, 406 P.3d 499, 502–03 (Nev. 2017) (internal citation  
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7 Plaintiff alleges that Ms. Cegavske was served by someone accepting service at her  
8 office. Plaintiff refers the reader to the Summons on file with the Court. A review of that  
9 summons has Ms. Cegavske name in the summons, but lists the address as the attorney  
10 general. Ms. Cegavske does not occupy space in the Attorney General’s Office. So the Court  
concludes that this is red hering.<sup>1</sup>

11 The Court concludes dismissal would be appropriate.

12 b. No Personal Injury

13 Bonham’s citations to facts fail to set forth the necessary facts to make a claim for  
14 relief. *See* Compl. at 2–4. Bonham does not allege a personal injury that would give rise to a  
15 constitutional right of recovery. Rather, Bonham bootstraps his argument that he was unable  
16 to obtain documents to a claim that he maintains he should be allowed to bring when no  
17 statutory or other provision allows such a suit. No personal injury issued from the secretary’s  
18 alleged failure to produce the documents which can be achieved through the legislative  
counsel bureau. As such, the claim fails.

19 c. No Private Cause of Action Alleged

20 In order to name a suit against a party a statute or legal authority has to authorize the  
21 suit. Bonham has failed to alleged any statute or other legal authority that allows the suit he  
22 brings. As such the claim fails.

23  
24 <sup>1</sup> The Court notes that Plaintiff alleges that the AG’s Office “was  
never served by anyone for this case.” The Court finds that it was.

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***ORDER***

The Court hereby denies the suit completely.

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**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT

**Case Number:** 27CV-WR3-2019-0039

**Type:** Order

It is so Ordered.

A handwritten signature in black ink, appearing to read "Shirley", is written over a light blue horizontal line.

Judge Shirley

CASE NO. 27CV-WR3-2019-0039

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that an Order granting Defendant's Motion to Dismiss Plaintiff's Amended Complaint was entered on June 24, 2022, in the above matter, a copy of which Order is attached as Exhibit 1.

DATED this 27th day of June, 2022.

AARON D. FORD  
Attorney General

By: /s/ Douglas R. Rands  
DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
(775) 684-1150  
drands@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 27th of June 2022, I caused to be deposited for mailing a true and correct copy of the foregoing,  
4 **NOTICE OF ENTRY OF ORDER** to the following:

5 Bryan Bonham, #60575  
6 High Desert State Prison  
7 P.O. Box 650  
Indian Springs, NV 89070

8  
9 /s/ Roberta W. Bibee  
10 An employee of the  
Office of the Attorney General  
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**INDEX OF EXHIBITS**

1. Order Amendment to Complaint

# EXHIBIT 1

## Order Amendment to Complaint

# EXHIBIT 1

1 CASE NO. 27CV-WR3-2019-0039

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

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

9 BRYAN P. BONHAN,

10 Plaintiff,

11 Vs.

12 BARBARA K. CEGAVSKE,

13 Defendant.

**ORDER AMENDMENT TO**  
**COMPLAINT**

14  
15 The Matter came before the Court on Defendant's Motion To Dismiss Complaint  
16 (Filed: June 24, 2019). Defendant filed an Opposition to Motion to Dismiss (Filed: August  
17 20, 2019). Defendant filed a Reply (July 15, 2019). Defendant filed a second Motion to  
18 Dismiss Plaintiff's Amended Complaint (Filed: October 8, 2019). Plaintiff file an Opposition  
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8 U.S.C. § 1983 civil rights claims, he has failed to serve the actual named Defendant,  
9 Secretary of State Cegavske. He lacks personal jurisdiction over her.  
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11 Bonham deprived the Court of subject matter jurisdiction and personal  
12 jurisdiction over this case by failing to comply with statutory requirements and failing to  
13 personally serve Secretary of State Cegavske. On this basis, the Court hereby dismisses this  
14 case in its entirety as a matter of law.  
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16 2. Failure To State A Claim Upon Which Relief Can Be Granted

17 a. No Personal Service

18 Nevada is a notice-pleading state, but to meet the bare requirements of notice  
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20 a claim for relief so that the defending party has adequate notice of the nature of the claim  
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13           Bonham’s citations to facts fail to set forth the necessary facts to make a claim for  
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19                   c.       No Private Cause of Action Alleged

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**ORDER**

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**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT  
**Case Number:** 27CV-WR3-2019-0039  
**Type:** Order

It is so Ordered.

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

Judge Shirley

Electronically signed on 2022-06-24 14:57:58 page 7 of 7

1 CASE NO. 27CV-WR3-2019-0039

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11 Vs.

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**ORDER RE: MOTION TO DISMISS**  
**THE COMPLAINT**

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**ORDER**

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**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT

**Case Number:** 27CV-WR3-2019-0039

**Type:** Order - Dismissal with Prejudice

It is so Ordered.

A handwritten signature in black ink, appearing to read "Shirley", is written over a light blue horizontal line.

Judge Shirley

CASE NO. 27CV-WR3-2019-0039

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that an Order granting Defendant's Motion to Dismiss Complaint  
was entered on June 27, 2022, in the above matter, a copy of which Order is attached as Exhibit 1.

DATED this 29th day of June, 2022.

AARON D. FORD  
Attorney General

By: /s/ Douglas R. Rands  
DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
(775) 684-1150  
drands@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 29th of June 2022, I caused to be deposited for mailing a true and correct copy of the foregoing,  
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6 High Desert State Prison  
7 P.O. Box 650  
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The Complaint

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4 Consulting Eng'rs, Inc., 106 Nev. 381, 384, 794 P.2d 707, 709 (1990).

5 The sovereign immunity waiver arguments apply to the extent Bonham has alleged  
6 any tort claims under Nevada law. See Craig v. Donnelly, 135 Nev. \_\_\_, \_\_\_, 439  
7 P.3d 413, 416–17 (Adv. Op. 6, February 28, 2019). To the extent Bonham has alleged 42  
8 U.S.C. § 1983 civil rights claims, he has failed to serve the actual named Defendant,  
9 Secretary of State Cegavske. He lacks personal jurisdiction over her.  
10

11 Bonham deprived the Court of subject matter jurisdiction and personal  
12 jurisdiction over this case by failing to comply with statutory requirements and failing to  
13 personally serve Secretary of State Cegavske. On this basis, the Court hereby dismisses this  
14 case in its entirety as a matter of law.  
15

16 2. Failure To State A Claim Upon Which Relief Can Be Granted

17 a. No Personal Service

18 Nevada is a notice-pleading state, but to meet the bare requirements of notice  
19 pleading, a plaintiff must "set forth sufficient facts to demonstrate the necessary elements of  
20 a claim for relief so that the defending party has adequate notice of the nature of the claim  
21 and relief sought." Western States Constr. v. Michoff, 108 Nev. 931, 936, 840 P.2d 1220,  
22 1223 (1992). Bonham alleges Secretary of State Cegavske failed to maintain or produce  
23 copies of "senate bills," which he asserts is "in violation of her oath of office[.]" See Compl.  
24 at 2–4. However, none of Bonham's citations to the Nevada Constitution provide a private  
right of action that would allow him to sustain a cognizable claim. See Id.

1 The Nevada Constitution provides that the Secretary of State “shall keep a true record  
2 of the Official Acts of the Legislative and Executive Departments of the Government,” but  
3 does not create any claim for a private citizen to sue upon. See NEV. CONST. art. V, § 20.  
4 The Nevada Supreme Court has held that a private right of action must be based upon clear  
5 statutory (or constitutional) language, in the absence of any known legislative intent. See  
6 Neville v. Eighth Judicial Dist. Court, 406 P.3d 499, 502–03 (Nev. 2017) (internal citation  
omitted).

7 Plaintiff alleges that Ms. Cegavske was served by someone accepting service at her  
8 office. Plaintiff refers the reader to the Summons on file with the Court. A review of that  
9 summons has Ms. Cegavske name in the summons, but lists the address as the attorney  
10 general. Ms. Cegavske does not occupy space in the Attorney General’s Office. So the Court  
concludes that this is red hering.<sup>1</sup>

11 The Court concludes dismissal would be appropriate.

12 b. No Personal Injury

13 Bonham’s citations to facts fail to set forth the necessary facts to make a claim for  
14 relief. *See* Compl. at 2–4. Bonham does not allege a personal injury that would give rise to a  
15 constitutional right of recovery. Rather, Bonham bootstraps his argument that he was unable  
16 to obtain documents to a claim that he maintains he should be allowed to bring when no  
17 statutory or other provision allows such a suit. No personal injury issued from the secretary’s  
18 alleged failure to produce the documents which can be achieved through the legislative  
counsel bureau. As such, the claim fails.

19 c. No Private Cause of Action Alleged

20 In order to name a suit against a party a statute or legal authority has to authorize the  
21 suit. Bonham has failed to alleged any statute or other legal authority that allows the suit he  
22 brings. As such the claim fails.

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23 <sup>1</sup> The Court notes that Plaintiff alleges that the AG’s Office “was  
24 never served by anyone for this case.” The Court finds that it was.

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**ORDER**

The Court hereby denies the suit completely.

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**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT  
**Case Number:** 27CV-WR3-2019-0039  
**Type:** Order - Dismissal with Prejudice

It is so Ordered.

Judge Shirley

CASE NO. 27CV-WR3-2019-0039

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that an Order denying Plaintiff's Motion for Leave to Amend the Complaint; Plaintiff's Motion to Appoint Counsel; Plaintiff's Summary Judgment; Filing of Plaintiff's Second Complaint; and Motion to Move to U.S. District Court was entered on June 27, 2022, in the above matter, a copy of which Order is attached as Exhibit 1.

DATED this 29th day of June, 2022.

AARON D. FORD  
Attorney General

By: /s/ Douglas R. Rands  
DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
(775) 684-1150  
drands@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 29th of June 2022, I caused to be deposited for mailing a true and correct copy of the foregoing,  
4 **NOTICE OF ENTRY OF ORDER** to the following:

5 Bryan Bonham, #60575  
6 High Desert State Prison  
7 P.O. Box 650  
Indian Springs, NV 89070

8  
9 /s/ Roberta W. Bibee  
10 An employee of the  
Office of the Attorney General  
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**INDEX OF EXHIBITS**

1. Order Amendment to Complaint; Plaintiff's Summary Judgment Order; Appointment of Counsel; Filing of Second Amended Complaint; Motion to Move to U.S. District Court

# EXHIBIT 1

Order Amendment to  
Complaint; Plaintiff's  
Summary Judgment Order;  
Appointment of Counsel;  
Filing of Second Amended  
Complaint; Motion to Move  
to U.S. District Court

# EXHIBIT 1

1 CASE NO. 27CV-WR3-2019-0039

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 BRYAN P. BONHAN,

10 Plaintiff,

11 Vs.

12 BARBARA K. CEGAVSKE,

13 Defendant.

**ORDER AMENDMENT TO**  
**COMPLAINT; PLAINTIFF'S**  
**SUMMARY JUDGMENT ORDER;**  
**APPOINTMENT OF COUNSEL;**  
**FILING OF SECOND AMENDED**  
**COMPLAINT; MOTION TO MOVE**  
**TO US DISTRICT COURT**

14 The Matter came before the Court on Plaintiff's Motion For Leave To Amend The  
15 Complaint (Filed August 20, 2019); Plaintiff's Motion to Appoint Counsel (Filed: December  
16 28, 2020); Plaintiff's Summary Judgment; Filing of Plaintiffs Second Complaint; Motion to  
17 Move Court to US District Court. The Court denies the Motions.

18 Plaintiff's Motions generally were too late. The Motion for Leave to Amended can be  
19 determined to have been Granted. It did not change the analysis.

20  
21 The Motion to Appoint Counsel is an appropriate consideration. But Plaintiff comes  
22 at it from a situation where there is no right to counsel. Plaintiff has shown an ability to  
23 litigate in the forum. Plaintiff is not in dire need of counsel (it does not involve his freedom).  
24 Plaintiff has failed to show a need for counsel.

**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT  
**Case Number:** 27CV-WR3-2019-0039  
**Type:** Order

It is so Ordered.

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

**Judge Shirley**

CASE NO. 27CV-WR3-2019-0039

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**

BRYAN BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVASKE, et al.,

Defendants.

**NOTICE OF ENTRY OF ORDER**

PLEASE TAKE NOTICE that an Amended Order granting Defendant's Motion to Dismiss Plaintiff's Amended Complaint was entered on June 27, 2022, in the above matter, a copy of which Order is attached as Exhibit 1.

DATED this 30th day of June, 2022.

AARON D. FORD  
Attorney General

By: /s/ Douglas R. Rands  
DOUGLAS R. RANDS, Bar No. 3572  
Senior Deputy Attorney General  
100 N. Carson Street  
Carson City, NV 89701  
(775) 684-1150  
drands@ag.nv.gov

*Attorneys for Defendant*

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**INDEX OF EXHIBITS**

1. Amended Order Amendment to Complaint

# EXHIBIT 1

Amended Order Amendment  
to Complaint

# EXHIBIT 1

1 CASE NO. 27CV-WR3-2019-0039

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

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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 BRYAN P. BONHAN,

10 Plaintiff,

11 Vs.

12 BARBARA K. CEGAVSKE,

13 Defendant.

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**AMENDED ORDER AMENDMENT**  
**TO COMPLAINT**

25 The Matter came before the Court on Defendant's Motion To Dismiss Complaint  
26 (Filed: June 24, 2019). Defendant filed an Opposition to Motion to Dismiss (Filed: August  
27 20, 2019). Defendant filed a Reply (July 15, 2019). Defendant filed a second Motion to  
28 Dismiss Plaintiff's Amended Complaint (Filed: October 8, 2019). Plaintiff file an Opposition  
29 (Filed: November 4, 2019). The Court grants the Motion.

30 ***Factual Background***

31 Bonham is an inmate in the custody of the Department of Corrections. He alleged in  
32 his complaint that Cegavske violated the oath of her office. Complaint at 2. He alleges that  
33 she is "not in possession of SB 109 from 1949 nor [SB] 2 from 1957." *Id.* The Nevada  
34 Constitution requires that Cegavske maintain the legislative records. *Id.* at 3. Bonham alleges

1 that the procedure for amendment set forth in the Nevada Constitution has not been followed.  
2 Id. Bonham requests damages in the amount of \$500,000.00 compensatory and \$500,000.00  
3 punitive. Id. at 4. He also requests a copy of the “writ of habeas corpus in case State of  
4 Nevada v. Gary Walters.” Id.

5 ***Standard***

6 A pleading is subject to certain pleading rules. One of those rules required that a  
7 complaint must comply with the requirements of NRCP 8(a). NRCP 8(a) provides:

9 A pleading which sets forth a claim for relief [ . . . ] shall contain (1) a short  
10 and plain statement of the claim showing that the pleader is entitled to  
11 relief; and (2) a demand for judgment for the relief the pleader seeks.  
12 Relief in the alternative or of several different types may be demanded.

13 NRCP 8(a). Nevada follows a notice pleading standard as to Rule 8(a) and the  
14 sufficiency of the complaint. *See Crucil v. Carson City*, 95 Nev. 583, 585, 600 P.2d 216, 217  
15 (1979) (“[T]he pleading of [a] conclusion, either of law or fact, is sufficient so long as the  
16 pleading gives fair notice of the nature and basis of the claim.”). “Whenever it appears by  
17 suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter,  
18 the court shall dismiss the action.” NRCP 12(h)(3) (emphasis added). Cf. NRCP 12(b)(1)  
19 (regarding motions to dismiss for “lack of jurisdiction over the subject matter”); Mainor v.  
20 Nault, 120 Nev. 750, 761 n.9, 101 P.3d 308, 315 n.9 (2004) (citing Swan v. Swan, 106 Nev.  
21 464, 469, 796 P.2d 221, 224 (1990)) (“Lack of subject matter jurisdiction can be raised at any  
22 time during the proceedings and is not waivable.”).

23 NRCP 12(b)(5) provides that a defendant may move to dismiss a claim in any  
24 pleading for “failure to state a claim upon which relief can be granted[.]” In reviewing such a  
motion, “[a]ll factual allegations of the complaint must be accepted as true.” Simpson v.

1 Mars, Inc., 113 Nev. 188, 190, 929 P.2d 966, 967 (1997). “A complaint will not be dismissed  
2 for failure to state a claim unless it appears beyond a doubt that plaintiff could prove no set of  
3 facts which, if accepted by the trier of fact, would entitle him or her to relief.” Id.

4 ***Legal Analysis***

5 1. Failure to Serve

6  
7 The State of Nevada’s waiver of sovereign immunity is governed by statute. See NRS  
8 41.031; see also NRS 41.0337. In order to avail himself of the limited right of sovereign  
9 immunity Plaintiff must adhere to the strictures of the statutory scheme. For example, a  
10 “action must be brought in the name of the State of Nevada on relation of the particular  
11 department . . . of the State whose actions are the basis for the suit.” NRS 41.031(2). Plaintiff  
12 cured his original pleading by adding the State of Nevada. Another issue, failure by a  
13 plaintiff to invoke a waiver of sovereign immunity deprives a court of subject matter  
14 jurisdiction. See Jiminez v. State, 98 Nev. 204, 205, 644 P.2d 1023, 1024 (1982) (assuming  
15 that failure to name the State of Nevada as a defendant under NRS 41.031 deprived the trial  
16 court of subject matter jurisdiction). NRCP 12(b)(1) requires this Court to dismiss an action  
17 in the absence of subject matter jurisdiction. See also NRCP 12(h)(3) (stating if it appears  
18 “that the court lacks jurisdiction of the subject matter, the court shall dismiss the action”).

19 Furthermore, a plaintiff must accomplish personal service upon both the actual named  
20 defendant as well as the Nevada Attorney General’s office. See NRS 41.031(2)(a)–(b).  
21 Plaintiff failed to effectuate personal service upon Cegavske. Bonham’s failure to invoke a  
22 waiver of sovereign immunity deprives the Court of subject matter jurisdiction, which  
23 requires dismissal of this action under NRCP 12(b)(1). See Jiminez, 98 Nev. at 205, 644 P.2d  
24

1 at 1024. Furthermore, Bonham’s failure to personally serve Secretary of State Cegavske  
2 deprives the Court of personal jurisdiction. "Personal service or a legally provided substitute  
3 must . . . occur in order to obtain jurisdiction over a party." C.H.A. Venture v. G.C. Wallace  
4 Consulting Eng'rs, Inc., 106 Nev. 381, 384, 794 P.2d 707, 709 (1990).

5 The sovereign immunity waiver arguments apply to the extent Bonham has alleged  
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7 P.3d 413, 416–17 (Adv. Op. 6, February 28, 2019). To the extent Bonham has alleged 42  
8 U.S.C. § 1983 civil rights claims, he has failed to serve the actual named Defendant,  
9 Secretary of State Cegavske. He lacks personal jurisdiction over her.  
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11 Bonham deprived the Court of subject matter jurisdiction and personal  
12 jurisdiction over this case by failing to comply with statutory requirements and failing to  
13 personally serve Secretary of State Cegavske. On this basis, the Court hereby dismisses this  
14 case in its entirety as a matter of law.  
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16 2. Failure To State A Claim Upon Which Relief Can Be Granted

17 a. No Personal Service

18 Nevada is a notice-pleading state, but to meet the bare requirements of notice  
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22 1223 (1992). Bonham alleges Secretary of State Cegavske failed to maintain or produce  
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24 at 2–4. However, none of Bonham’s citations to the Nevada Constitution provide a private  
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1 The Nevada Constitution provides that the Secretary of State “shall keep a true record  
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3 does not create any claim for a private citizen to sue upon. See NEV. CONST. art. V, § 20.  
4 The Nevada Supreme Court has held that a private right of action must be based upon clear  
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11 The Court concludes dismissal would be appropriate.

12 b. No Personal Injury

13 Bonham’s citations to facts fail to set forth the necessary facts to make a claim for  
14 relief. *See* Compl. at 2–4. Bonham does not allege a personal injury that would give rise to a  
15 constitutional right of recovery. Rather, Bonham bootstraps his argument that he was unable  
16 to obtain documents to a claim that he maintains he should be allowed to bring when no  
17 statutory or other provision allows such a suit. No personal injury issued from the secretary’s  
18 alleged failure to produce the documents which can be achieved through the legislative  
counsel bureau. As such, the claim fails.

19 c. No Private Cause of Action Alleged

20 In order to name a suit against a party a statute or legal authority has to authorize the  
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22 brings. As such the claim fails.

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24 <sup>1</sup> The Court notes that Plaintiff alleges that the AG’s Office “was  
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***ORDER***

The Court hereby denies the suit completely.

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**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** BRYAN P. BONHAM, PLAINTIFF VS. BARBARA K. CEGAVSKE,  
DEFENDANT

**Case Number:** 27CV-WR3-2019-0039

**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

1 CASE NO. 27CV-WR3-2019-0039

2 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

3 IN AND FOR THE COUNTY OF PERSHING

4  
5 BRYAN P. BONHAM,

6 Plaintiff,

7 vs.

8 BARBARA K. CEGAVSKE,

9 Defendant.

**AFFIDAVIT OF MAILING**

10  
11 I, Carol Elerick, being first duly sworn depose and say: That I am, and was when the  
12 herein described mailing took place, a citizen of the United States, over 21 years of age, and  
13 not a party to, nor interested in, the within action; that I am a Deputy Court Clerk of the 11<sup>th</sup>  
14 Judicial District Court and that I caused to be served a copy of Order Amendment to  
15 Complaint that was served electronically, in compliance with the Eleventh Judicial District  
16 Court's electronic filing system or enclosed in a sealed envelope with first class prepaid  
17 postage, addressed to:

18 Bryan Bonham  
19 Notified via Traditional Mail  
20 Pro Se Litigant  
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Nevada Attorney General's Office  
Notified via Electronically  
Attorney for Defendant

DATED this 14<sup>th</sup> day of July 2022.

KATE MARTIN  
CLERK OF THE COURT

By: /s/ Carol Elerick

1 CASE NO. 27CV-WR3-2019-0039

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

5 BRYAN P. BONHAM,

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7 vs.

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15 Complaint; Plaintiff's Summary Judgment Order; Appointment of Counsel; Filing of Second  
16 Amended Complaint; Motion to Move to US District Court that was served electronically, in  
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Nevada Attorney General's Office  
Notified via Electronically  
Attorney for Defendant

DATED this 14<sup>th</sup> day of July 2022.

KATE MARTIN  
CLERK OF THE COURT

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14 Judicial District Court and that I caused to be served a copy of Amended Order Amendment  
15 to Complaint that was served electronically, in compliance with the Eleventh Judicial District  
16 Court's electronic filing system or enclosed in a sealed envelope with first class prepaid  
17 postage, addressed to:

18 Bryan Bonham  
19 Notified via Traditional Mail  
20 Pro Se Litigant  
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1 Nevada Attorney General's Office  
2 Notified via Electronically  
3 Attorney for Defendant

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6 CLERK OF THE COURT

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1 Nevada Attorney General's Office  
2 Notified via Electronically  
3 Attorney for Defendant

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5 KATE MARTIN  
6 CLERK OF THE COURT

7 By: /s/ Carol Elerick

1 Bryan p Bonham

2 po Box 650 HDSP

3 Indian Springs, Nev 89070

4

5

11TH JUDICIAL DISTRICT COURT

6

PERSHING COUNTY, NEVADA

7

8 Bryan p Bonham

CASE NO 27-CV-WR3-2019-0039

9

Plaintiff

DEPT NO 1

10

vs.

11

Barbara K. Cepuske

NOTICE OF APPEAL

12

Defendant

13

14 TO

15 DEPUTY ATTORNEY GENERAL

16 Douglas R. Rands

17 100 N CARSON ST.

18 CARSON CITY, NEV 89701

19

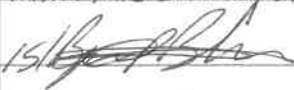
20 please take notice that the undersigned in the above Action gives HIS Notice of Appeal

21 of order given on 06/24/2022. Dismissing HIS Amended complaint. (1st Amended, 2nd

22 complaint.) Amended complaint on 06/27/2022

23 Dated This <sup>18th</sup> ~~30th~~ day of July, 2022

24



25 Bryan p Bonham 60575

26 po Box 650 HDSP

27 Indian Springs, Nev 89070

28

Case No. 27CV-WR3-2019-0039

*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

BRYAN P. BONHAM,

Plaintiff,

vs.

BARBARA K. CEGAVSKE,

Defendant.

**CASE APPEAL STATEMENT**

1. Name of appellant filing this case appeal statement:

Bryan P. Bonham

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:

Bryan P. Bonham #60575

Pro Per  
P.O. Box 650  
High Desert State Prison  
Indian Springs, NV 89070

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

6 Barbara K. Cegavaske

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 03/15/19.

- 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  
03/15/19.

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:

1 Civil Rights Complaint Pursuant to 42 U.S.C. §1983 was filed on 03/15/19.  
2 Defendant's Motion to Dismiss was filed on 06/24/19. Amended Civil  
3 Rights Complaint Pursuant to 42 U.S.C. §1983 was filed on 07/23/19.  
4 Defendant's Motion to Dismiss Plaintiff's Amended Complaint was filed on  
5 10/08/19. Notice of Appeal was filed on 11/27/19. Order Dismissing  
6 Appeal was filed on 06/25/20. Notice of Appeal was filed on 07/14/20.  
7 Order Dismissing Appeal was filed on 08/26/20. Order Re: Motion to  
8 Dismiss the Complaint was filed on 06/27/22. Notice of Appeal was filed  
9 on 08/22/22, which resulted in this instant appeal.

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

13 This case has been appealed to the Supreme Court twice. First appeal was filed  
14 on 11/27/19, case caption: Bryan Phillip Bonham, Appellant vs Barbara K.  
15 Cegavske, Respondent, Supreme Court docket number 80145. Second appeal  
16 was filed on 07/14/20, case caption: Bryan Phillip Bonham, Appellant vs  
17 Barbara K. Cegavske, Respondent, Supreme Court docket number 81522.

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

20 13. If this is a civil case, indicate whether this appeal involves the possibility of  
21 settlement:

22 No, an Order Re: Motion to Dismiss the Complaint was filed.

23 Dated this 30<sup>th</sup> day of August 2022.

24  
25 /s/Adriana Ramos  
26 Adriana Ramos  
27 Deputy Court Clerk  
28 P.O. Box H  
29 Lovelock, NV. 89419  
30 (775) 273-2410



1 Case No. 27CV-WR3-2019-0039

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 BRYAN PHILLIP BONHAM,

10 Appellant,

11 vs.

12 BARBARA K. CEGASVKE,

13 Respondent.

**ORDER DIRECTING  
TRANSMISSION OF RECORD**


IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 85267

**FILED**


JAN 04 2023

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-WR3-2019-0039. 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: Bryan Phillip Bonham  
Attorney General/Carson City  
Clerk of the Court/Court Administrator

Case No. 27CV-WR3-2019-0039

*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

BRYAN PHILLIP BONHAM,

Appellant,

vs.

BARBARA K. CEGASVKE,

Respondent.

**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 2<sup>nd</sup> day of February 2023.

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

February 2, 2023

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

Re: Notice of Appeal / 27CV-WR3-2019-0039  
Bryan P. Bonham, Appellant vs Barbara K. Cegavske, Respondent

Enclosed, please find the Record on Appeal for the above-entitled matter as ordered by the Supreme Court on January 4, 2023.

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: Adrienne Rausch  
Deputy Clerk

/km  
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