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Case No. CF2207007

Dept. No. 1

**FILED**

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WHITE PINE

Electronically Filed  
SEP 08 2022 02:18 p.m.

Elizabeth A. Brown  
Clerk of the Court  
White Pine County

BY: U DEPUTY

CARL D. EDWARDS 1093761

APPELLANT,

Petitioner/Plaintiff,

NOTICE OF APPEAL

vs.

ELY STATE PRISON DISCIPLIN

AND

HEARING STAFF Respondent/Defendant.

MOTION FOR STAY

Notice is hereby given that CARL EDWARDS, Petitioner/Defendant  
above named, hereby appeals to the Court of Appeals for the State of Nevada from the final  
judgment / order (From Administrative Hearing 07/21/22, for State  
VIOLATION OF MOVANT'S 14th and 6th Amend. Due Process Rights.)

Entered in this action on the 22 day of July, 2022.

Dated this 22nd day of July, 2022.

by Carl D. Edwards

NDOC # 1093761

Appellant - Pro Per  
Ely State Prison  
P.O. Box 1989  
Ely, Nevada 89301-1989

1 IN THE 7th JUDICIAL DISTRICT OF NEVADA

2

3

4 CARL DEAN EDWARDS

5

VS.

6 ELY PRISON, WARDEN, AND

7 NDOC DIRECTOR;

8

9

10 MOTION FOR STAY OF SANCTIONS, PENDING 9th

11 CIRCUIT DENOVO REVIEW OF EMERGENCY MOTION;

12

13

14 This court has jurisdiction pursuant to Nev. R. Civ. P. 7(b)

15 §(1)(A) AND SANDIN V. CONNER, 515 U.S. 472, 115 S. Ct. 2293,

16 2300, 132 L. Ed. 2d 418 (1995); 14th U.S. Amend. §(5); AND

17 the AMERICANS WITH DISABILITIES ACT 2010 Amend. 28 CFR §§

18 35.152 (b)(2)(i-iv); 28 CFR 35.134 (a) For Retaliation,

19

20 The NDOC CONTINUES to Retaliate AGAINST MOVANT by

21 UNLAWFULLY PROTRACTING his sentences with False

22 APPLICATIONS OF the STAT-TIME-LAWS, AND Writeups.

23 MR. EDWARDS is MOVING for a COURT ORDER to "STAY"

24 ANY AND ALL SANCTIONS imposed on 07/21/2020, pending

25 the MOTION FOR EMERGENCY RELIEF IN U.S. DIST. COURT,

26

1. MEMORANDUM, POINTS AND AUTHORITIES,:

2.

3. The MOVANT's right to have counsel present was denied.

4. This COURT has Jurisdiction to issue AN STAY OF

5. the ELY State Prison's disciplinary hearing results,

6. based ON Mr. Edwards' due process having been

7. violated by the ELY STAFF, AND HEARING OFFICERS ON 07/21/22

8.

9. First, MOVANT shows the COURT that the ELY State

10. Prison employees, Lieutenants, AND Wardens, don't

11. have Jurisdiction to hold, detain, or punish, Mr. Edwards,

12. because he has been paroled ON the Controlling

13. OFFENSE - NRS 200.575(2) - AND MUST be released.

14.

15. The Nevada Legislature mandated release when

16. the minimum term is served: NRS § 213.1212(1)(a).

17. Caseworker Oxburrow Aggregated my sentences in

18. 2017, AND I WAS GRANTED Parole ON the 11-28-2015-

19. Aggravated Stalking - ON 01/28/2019, leaving only

20. A 1-year parole. MOVANT MUST be released to P&P in 2019.

21.

22. MOVANT HAS NOW served 12 years 294 days - day for

23. day - ON A 5110 day total Aggregate Sentences.

24. The MOVANT HAS Filed A Civil Rights Complaint For

25. the Due Process Violations, AND MOTION For Emergency

1. Relief in U.S. District Court - LR 7-4(a), and  
2. now seeks a STAY / temporary INJUNCTION for 30-  
3. 90 days pending the NINTH Circuit Ruling; on  
4. the denial of Appointment of Counsel: 21-16202,  
5. and the Failure of the U.S. District Court of Nevada  
6. to Order an Evidentiary Hearing on the Emergency  
7. Motion within 21 days. That Relief is so prayed.

8.  
9. Seconded; Adding years, and days, or otherwise -  
10. protracting Mr. Edwards' sentences is illegal  
11. under State, and Federal Laws, when the Offender  
12. is an qualified-disabled-individual. 28CFR 35.152  
13. §§ (b)(2)(ii); NRS § 213.1212 (1)(a); NRS 209.  
14. 4465 (1)(a-c), §§ (2); Williams v. State, 402 P.3d 1260,  
15. 1262, (Nev. S.Ct. 2017) where stat time must be applied  
16. to minimum parole eligibility dates for early release.

17.  
18. Movant does NOT owe NDOC, or the State of Nevada  
19. anytime. He has served the two five year mandatory  
20. minimum terms - day for day - with 37.5 years  
21. served on the maximum term, which is illegal.

22. I AM NOT A LIFER, my sentences are for two  
23. CLASS 'B', and a CLASS 'C' ASSAULT. Stat time MUST  
24. be given - indiscriminately - to a disabled individual;  
25. 28CFR § 35.130(a). ELH Prison is a public entity.

26. Please grant this Motion for STAY.

Respectfully,

CERTIFICATE OF SERVICE BY MAIL

I, Carl D. Edwards hereby certify pursuant to Rule 5(b) of the NRCP, that on this 22 day of JULY, 2022 I served a true and correct copy of the above-entitled NOTICE OF APPEAL / MOT. FOR STAY postage prepaid and addressed as follows:

<u>RESPONDANTS: ELY PRISON</u>	<u>CARL EDWARDS 1093761</u>
<u>STAFF- LT. Ringley,</u>	<u>PO Box 1989 ELY NV.</u>
<u>LT. ROMAN, Hearing Officer</u>	<u>89301</u>
<u>Serg. COX, Witness</u>	_____
<u>4569 N. ST. RT. Road 490</u>	_____
<u>ELY NV. 89301</u>	

Signature Carl D. Edwards

Print Name CARL DEAN EDWARDS  
Ely State Prison  
P.O. Box 1989  
Ely, Nevada 89301-1989

**AFFIRMATION PURSUANT TO NRS 239B.030**

I, CARL DEAN EDWARDS, NDOC# 1093761,

CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE

ATTACHED DOCUMENT ENTITLED NOA, AND MOTION FOR

STAY OF DISCIPLINARY SANCTIONS FROM 05/22/2022 WUP

DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY

PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

DATED THIS 22nd DAY OF July, 2022.

SIGNATURE: by Carl Dean Edwards

INMATE PRINTED NAME: CARL D. EDWARDS DOB 06/30/1963

INMATE NDOC# 1093761

INMATE ADDRESS: ELY STATE PRISON  
P. O. BOX 1989  
ELY, NV 89301

Case No. CF2207007  
Dept: Dept. 1

FILED

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WHITE PINE

2022 AUG 31 A 8:43  
NICHOLE STEPHEY  
WHITE PINE COUNTY CLERK

EDWARDS, CARL D. #1093761,  
Appellant/Petitioner  
vs.  
ELY STATE PRISON DISCIPLINE  
HEARING STAFF,  
Respondent.

BY: U DEPUTY  
Case Appeal Statement

1. CARL D. EDWARDS #1093761, Appellant/Petitioner.
2. STEVE L. DOBRESU, District Court Judge.
3. CARL D. EDWARDS #1093761, Appellant/Petitioner, BAK # 1093761 resides at ELY STATE PRISON, PO BOX 1989, ELY, NV 89301.
4. ELY STATE PRISON DISCIPLINE HEARING STAFF, Respondent, is not represented in District Court in this matter.
5. CARL D. EDWARDS #1093761, Appellant/Petitioner, is not represented in the District Court in this matter.
6. CARL D EDWARDS #1093761, Appellant/Petitioner, was not issued counsel in the District Court in the matter.
7. Leave to Proceed in Forma Pauperis was granted August 30, 2022.
8. Proceedings commenced on August 30, 2022 in District Court.
9. It is unclear on what the Appellant/Plaintiff is appealing.
10. This case has not been previously on appeal in the Supreme Court.
11. This case does not involve child custody or visitation.
12. It is unknown if there is a possibility of settlement in this matter.

Dated this 31 day of August, 2022.

Run: 08/31/2022  
8:03:55

Case Summary

Page 1

**Case #:** CF2207007

**Judge:** DOBRESU, STEVE L

**Date Filed:** 07/26/2022 **Department:** Dept. 1

**Case Type:** CIVIL FEDERAL RIGHTS

**Title/Caption:** EDWARDS, CARL D #1093761

vs.

ELY STATE PRISON DISCIPLINE HEARING STAFF

**Attorney(s)**

**Plaintiff**

EDWARDS, CARL D #1093761

No \*Attorney 1\* Listed

**Defendant**

ELY STATE PRISON DISCIPLINE HEARING STAF

No \*Attorney 1\* Listed

**Filings:**

Date	Filing
07/26/2022	CASE FILED 07/26/2022 CASE NUMBER CF2207007
07/26/2022	JUDGE DOBRESU, STEVE L: ASSIGNED
07/26/2022	MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS (CONFIDENTIAL)
07/26/2022	AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS (CONFIDENTIAL)
08/30/2022	ORDER TO ALLOW FILING OF COMPLAINT; ORDER WITHOLDING ISSUANCE OF SUMMONS
08/30/2022	CERTIFICATE OF SERVICE
08/30/2022	NOTICE OF APPEAL AND MOTION FOR STAY



SEVENTH JUDICIAL DISTRICT COURT  
STEVE L. DOBRESCU  
DISTRICT JUDGE  
DEPARTMENT 1  
WHITE PINE, LINCOLN AND EUREKA COUNTIES  
STATE OF NEVADA

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Case No. CF-2207007  
Dept. No. 1

**FILED**  
2022 AUG 30 A 10:34  
NICHOLE STEPIEY  
WHITE PINE COUNTY CLERK  
BY: TAK DEPUTY

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF  
NEVADA, IN AND FOR THE COUNTY OF WHITE PINE

CARL D. EDWARDS,  
Plaintiff,  
  
-vs-  
  
ELY STATE PRISON DISCIPLINE  
HEARING STAFF,  
  
Defendant(s).

**ORDER TO ALLOW FILING OF  
COMPLAINT; ORDER WITHHOLDING  
ISSUANCE OF SUMMONS**

Plaintiff filed a Motion for Leave to Proceed in Forma Pauperis with the required supporting documents on July 26, 2022. The Court has reviewed the motion and finds that pursuant to NRS 12.015 Plaintiff is entitled to proceed in forma pauperis. After reviewing the pleading submitted by Plaintiff, it is not clear that Plaintiff's pleading factually or legally states a claim for relief.

Plaintiff, an inmate an Ely State Prison, has submitted a Notice of Appeal and Motion for Stay. In this pleading he seeks an order staying disciplinary sanctions imposed by the prison, and argues that the sentence has been miscalculated. He also alleges that he has a pending Federal Civil Rights case raising these issues.

NRS 34.724 provides the procedure for a person to challenge the computation of time served. Indeed, under Nevada law a writ pursuant to the statute is



1 the "only remedy available" to challenge the computation of time served, after the  
2 exhaustion of "all available administrative remedies." NRS 34.724(2)(c). Thus, it  
3 appears Plaintiff must first exhaust his administrative remedies and then bring a writ of  
4 habeas corpus to challenge his computation of time.

5 Regarding the request for a "stay" of disciplinary sanctions, the proper  
6 procedure would appear to be a petition for writ of mandate or alternatively a writ of  
7 prohibition. Plaintiff's pleading does not meet the requirements for such a petition.

8 The court will allow the filing of Plaintiff's pleading, but withhold the issuance  
9 of summons. Plaintiff shall then have 30 days to file points and authorities with argument  
10 and citations to applicable law, to explain how he can proceed on the pleading. Plaintiff  
11 may also submit an amended pleading.

12 Upon review of Plaintiff's points and authorities, the Court may order an  
13 evidentiary hearing or may allow the issuance of summons, grant leave to amend, or  
14 order the pleading be dismissed.

15 Good cause appearing,

16  
17 **IT IS HEREBY ORDERED** that Plaintiff is granted leave to proceed In  
18 Forma Pauperis.

19 **IT IS HEREBY FURTHER ORDERED** that the Clerk of the Court shall file  
20 the Notice of Appeal and Motion to Stay without the cost of filing.

21 **IT IS HEREBY FURTHER ORDERED** the Clerk shall not issue summons  
22 until further order of the Court.  
23  
24  
25  
26

SEVENTH JUDICIAL DISTRICT COURT  
STEVE L. DOBRESCU  
DISTRICT JUDGE  
DEPARTMENT 1  
WHITE PINE, LINCOLN AND EUREKA COUNTIES  
STATE OF NEVADA



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IT IS HEREBY FURTHER ORDERED Plaintiff shall on or before September 23, 2022, file points and authorities as provided above.

DATED this 29 day of August, 2022.

A handwritten signature in black ink, appearing to be "SLD", written over a horizontal line.

DISTRICT JUDGE

RECEIVED

AUG 30 2022

WHITE PINE CO. CLERK

SEVENTH JUDICIAL DISTRICT COURT  
STEVE L. DOBRESCU  
DISTRICT JUDGE  
DEPARTMENT 1  
WHITE PINE, LINCOLN AND EUREKA COUNTIES  
STATE OF NEVADA



FILED

2022 AUG 30 A 10:35

Case No. CF-2207007  
Dept. No. 01

NICHOLE STEPHEY  
WHITE PINE COUNTY CLERK

BY: IAK DEPUTY

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF  
NEVADA, IN AND FOR THE COUNTY OF WHITE PINE  
\*\*\*\*\*

CARL D. EDWARDS,

Plaintiff,

-VS-

CERTIFICATE OF SERVICE

ELY STATE PRISON DISCIPLINE  
HEARING STAFF,

Defendant(s).

Pursuant to NRCP (5)(b), I certify that I am an employee of the Seventh Judicial District Court, Department 1, and that on this 30<sup>th</sup> day of August, 2022, I served by the following method of service:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> (X) regular U.S. mail   | <input type="checkbox"/> () overnight UPS             |
| <input type="checkbox"/> () certified U.S. mail   | <input type="checkbox"/> () overnight Federal express |
| <input type="checkbox"/> () priority U.S. mail  | <input type="checkbox"/> () Fax to #                  |
| <input type="checkbox"/> () hand delivery   | <input type="checkbox"/> () e-mailed                  |
| <input type="checkbox"/> () copy placed in agency box located in the White Pine County Clerk's Office |   |

a true and correct copy of the: ORDER TO ALLOW FILING OF COMPLAINT; ORDER WITHHOLDING ISSUANCE OF SUMMONS to:

CARL D. EDWARDS, NDOC#1093761  
Ely State Prison  
P.O. Box 1989  
Ely, NV 89301

Carol R. Fielding  
CAROL R. FIELDING



**OFFICE OF  
COUNTY CLERK and EX-OFFICIO CLERK  
OF THE SEVENTH JUDICIAL DISTRICT COURT  
IN AND FOR  
WHITE PINE COUNTY, NEVADA**

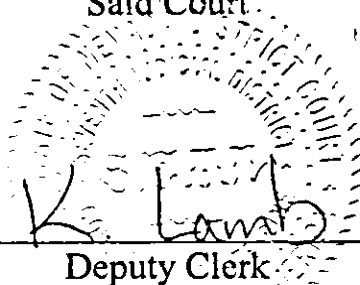
STATE OF NEVADA,            } ss.  
COUNTY OF WHITE PINE,

I, Nichole Baldwin, and ex-officio Clerk of the Seventh Judicial District Court of the State of Nevada, County of White Pine, do hereby certify that the above and foregoing is a full, correct and true copy of the original *NOTICE OF APPEAL AND MOTION FOR STAY, CASE APPEAL STATEMENT, CASE SUMMARY, ORDER TO ALLOW FILING OF COMPLAINT; ORDER WITHHOLDING ISSUANCE OF SUMMONS, CERTIFICATE OF SERVICE, LETTER OF DEFICIENCY* which now remains of record in my office at Ely, County of White Pine and State of Nevada, aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court, at my office in the City of Ely, this 31 day of August, 2022.



County Clerk and Ex-Officio Clerk of  
Said Court.

  
Deputy Clerk

Nichole Baldwin  
County Clerk



Melissa Tremain  
Deputy Clerk

Taylor Adams  
Deputy Clerk

## WHITE PINE COUNTY CLERK

August 30, 2022

THE HONORABLE ELIZABETH A. BROWN  
Clerk of the Supreme Court  
Capitol Complex  
201 S. Carson Street Suite 201  
Carson City, NV 89701

RE: CARL D. EDWARDS,  
Appellant/Petitioner,  
vs.  
ELY STATE PRISON DISCIPLINE HEARING STAFF,  
Respondent.

RE: CF-2207007

Please note that this appeal contains the following deficiency:

- This case was opened with a Notice of Appeal and Motion for Stay, the only order for this case is the Order to Allow Filing of Complaint; Order Withholding Issuance of Summons

Your attention to this matter is greatly appreciated.

Sincerely,  
Nichole Baldwin  
White Pine Co. Clerk

By: Kayleen Lamb  
Deputy Clerk