

IN THE SUPREME COURT OF THE STATE OF NEVADA

Justin Odell Langford,  
Appellant,

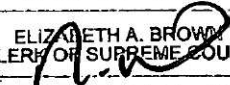
No. 85245

FILED

vs.

C/O SMITH, Et al.,  
Respondents,

JAN 27 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  CHIEF DEPUTY CLERK

MOTION FOR JUDICIAL NOTICE TO BE TAKEN

On Jan. 13<sup>TH</sup>, 2023 Judge Jim Shirley entered an "Amended Order" (AO) wherein he finally came into compliance with a court order this Court issued on April 30, 2021, a 20 and a half month delay by Judge Shirley. On Page 2 of the "AO" Judge Shirley states the following:

"The Court also ruled in its Order of April 30, 2021 that the Plaintiffs' statutory credits were forfeited pursuant to NRS 209.451. While this Court correctly followed the requirements under NRS 209.451(1)(d)(2), the Court of Appeals ruled that the Court erred in forfeiting the Plaintiffs' statutory good time credits because ... "see Exhibit 1.

Apparently Judge Shirley doesn't understand the fact he ordered the NDOC to do this act, taking

JAN 27 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

(4)

23-02771

WDOC's discretion away from them. Apparently his ego is too big for the bench he sits on, as he now calls the Court out in his amended order by making it sound like the Court of Appeals don't know the law. Something needs to be done about this Judge, to calm his ego.

DATE: Jan, 19<sup>TH</sup> 2023,

151 ~~Grub~~ ~~Grub~~  
Justin Langford - 1159546  
LCC, 1200 Prison Road  
Lovelock, Nev. 89419

### Certificate Of Service

I, certify, that I have attached a true and correct copy of the foregoing document with special instructions to the Clerk of the Court to e-file and E-Serve all my opponents pursuant to W.E.F.C.B., 5(R), 9 et seq. Et al (A-E) Etc., to the following.

~~ATTORNEY~~

Attorney General / Carson City  
Judge Jim Shirley

**EXHIBIT**

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**EXHIBIT**

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CASE NO. 27CV-OTH-2020-0057

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

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

JUSTIN ODELL LANGFORD,

Plaintiff,

vs.

**AMENDED ORDER**

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

Defendants.

This matter comes before the Court on an *Order Affirming in Part, Reversing in Part and Remanding* from the Court of Appeals in the above-captioned case. In the its own *Order* of April 30, 2021 (hereinafter "*Order*"), the Court granted the Defendants' Counter-Motion to Dismiss the Plaintiff's Complaint based on 42 U.S.C. § 1983 because it "contain[ed] claims and other arguments that [were] not warranted by existing law." *Order*, at 1. The Court of Appeals upheld this Court's dismissal of the Plaintiff's Complaint because "Langford failed to challenge the dismissal under NRCP 16.1(e)(2) on appeal." *Order Affirming in Part, Reversing in Part and Remanding*, at 2-3 (citing Powell v. Liberty Mut. Fire Ins. Co., 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues not raised on appeal are deemed waived); Hillis v. Heineman, 626 F.3d 1014, 1019 n.1 (9th Cir. 2010) (affirming a dismissal where the appellants failed to challenge the alternative grounds on which the district court based its decision). As a result, this portion of the Court's *Order* shall remain unchanged.

1 The Court also ruled in its *Order* of April 30, 2021 that the Plaintiff's statutory credits  
2 were forfeited pursuant to NRS 209.451. While this Court correctly followed the requirements  
3 under NRS 209.451(1)(d)(2), the Court of Appeals ruled that the Court erred in forfeiting the  
4 Plaintiff's statutory good time credits because "[a] forfeiture may be made *only by the Director*  
5 [of the Department of Corrections] after proof of the commission of an act prohibited pursuant to  
6 this section and notice to the offender in the manner prescribed in the regulations of the  
7 Department." *Order Affirming in Part, Reversing in Part and Remanding*, at 3 (quoting NRS  
8 209.451(3)) (emphasis in original). Because this Court ordered the forfeiture of the Plaintiff's  
9 good time credits with such a referral, the Court of Appeals concluded that the Court had abused  
10 its discretion with such an order. *Id.* As a consequence, the Court of Appeals reversed this  
11 portion of the *Order* and remanded it with instructions for further proceedings, to-wit: "On  
12 remand, the district court shall revise its order to refer Langford to the Director of the  
13 Department of Corrections, who shall determine what forfeiture of credits, if any, is warranted."  
14 *Id.* at 3-4.

15 **WHEREFORE IT IS ORDERED** that lines 20-21 on page 1 of this Court's *Order* of  
16 April 30, 2021 are hereby **AMENDED** as follows: "The Plaintiff, JUSTIN ODELL  
17 LANGFORD, is referred to the Director of the Department of Corrections, who shall determine  
18 what forfeiture of credits, if any, is warranted in this case, in accordance with NRS 209.451 and  
19 other relevant statutes."

20 **IT IS SO ORDERED.**

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**ELEVENTH JUDICIAL  
DISTRICT COURT**



**Eleventh Judicial District Court**

**Case Title:** JUSTIN ODELL LANGFORD VS C/O SMITH; RENEE BAKER;  
CASEWORKER LEFLEUR; C. POTTER; P DELORTO; J.  
BORROWMAN; D. BAZE; T. CARPENTER  
**Case Number:** 27CV-OTH-2020-0057  
**Type:** Order

It is so Ordered.

A handwritten signature in black ink, appearing to read "J. Shirley", is written over a faint, larger version of the same signature.

Judge Shirley