

# IN THE SUPREME COURT OF THE STATE OF NEVADA

## INDICATE FULL CAPTION:

BRYAN BONHAM,  
v.  
STATE OF NEVADA ex rel. NEVADA  
DEPARTMENT OF CORRECTIONS,  
CHARLES DANIELS, TIM GARRETT, and  
CARTER POTTER

No. 86217

Electronically Filed  
Apr 26 2023 11:05 AM  
Elizabeth A. Brown  
Clerk of Supreme Court  
**DOCKETING STATEMENT  
CIVIL APPEALS**

## GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

## WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department 29  
County Clark Judge Michael Cherry, Senior Judge  
District Ct. Case No. A-20-823142-C

**2. Attorney filing this docketing statement:**

Attorney Samuel L. Pezone Jr. Telephone 7028481708  
Firm State Nevada, Office of the Attorney General  
Address 555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101

Client(s) NDOC, State of Nevada, Charles Daniels, Tim Garrett, Carter Potter

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_  
Firm \_\_\_\_\_  
Address \_\_\_\_\_

Client(s) \_\_\_\_\_

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_  
Firm \_\_\_\_\_  
Address \_\_\_\_\_

Client(s) \_\_\_\_\_

(List additional counsel on separate sheet if necessary)

**4. Nature of disposition below (check all that apply):**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal:                                     |
| <input type="checkbox"/> Judgment after jury verdict           | <input type="checkbox"/> Lack of jurisdiction                           |
| <input type="checkbox"/> Summary judgment                      | <input type="checkbox"/> Failure to state a claim                       |
| <input type="checkbox"/> Default judgment                      | <input type="checkbox"/> Failure to prosecute                           |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief     | <input type="checkbox"/> Other (specify): _____                         |
| <input type="checkbox"/> Grant/Denial of injunction            | <input type="checkbox"/> Divorce Decree:                                |
| <input type="checkbox"/> Grant/Denial of declaratory relief    | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination        | <input type="checkbox"/> Other disposition (specify): _____             |

**5. Does this appeal raise issues concerning any of the following?**

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

Bonham v. State, et al., Case No. 83458; Bonham v. State, et al., Case No. 83033; Bonham v. State, et al., Case No. 82800; Bonham v. State, et al., Case No. 86114.

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

This action involves federal claims, under 42 U.S.C. §1983, by Bryan Bonham, an inmate lawfully incarcerated, against NDOC and its employees for alleged improper deductions from his inmate account in the amount of \$10-20 to pay outstanding postage debt. Summary Judgment was granted in favor of Cross-Respondents, Bonham appealed, and the Nevada Court of Appeals affirmed in part and remanded only for the District Court to determine whether Bonham had stated any state law claim under the notice pleading standard. The matter was briefed, and the District Court held an evidentiary hearing on February 13, 2023. At this hearing, the court found that Bonham had stated a state law action and awarded judgment in the amount of \$16. Cross-Appellants appeal the District Court's subsequent Findings of Fact, Conclusions of Law and Judgement, entered on February 16, 2023, entering judgement in favor of Bonham.

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

Whether the court had subject matter jurisdiction over this action given the amount in controversy

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

**13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This matter is presumptively assigned to the Court of Appeals. This an appeal "from a judgment, exclusive of interest, attorney fees, and costs, of \$250,000 or less in a tort case" pursuant to NRAP 17.

**14. Trial.** If this action proceeded to trial, how many days did the trial last? 0 \_\_\_\_\_

Was it a bench or jury trial? Evidentiary hearing

**15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?  
No

## TIMELINESS OF NOTICE OF APPEAL

**16. Date of entry of written judgment or order appealed from** February 16, 2023

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

**17. Date written notice of entry of judgment or order was served** February 16, 2023

Was service by:

☐ Delivery

☒ Mail/electronic/fax

**18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)**

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b)      Date of filing \_\_\_\_\_

☐ NRCP 52(b)      Date of filing \_\_\_\_\_

☐ NRCP 59      Date of filing \_\_\_\_\_

**NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_, 245 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_

(c) Date written notice of entry of order resolving tolling motion was served \_\_\_\_\_

Was service by:

☐ Delivery

☐ Mail

**19. Date notice of appeal filed** March 20, 2023

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:  
Bonham, Plaintiff, March 6, 2023

**20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

NRAP 4(a)

**SUBSTANTIVE APPEALABILITY**

**21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

- |   |                                       |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205   |
| <input type="checkbox"/> NRAP 3A(b)(2)            | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3)            | <input type="checkbox"/> NRS 703.376  |
| <input type="checkbox"/> Other (specify) _____    |                                       |

(b) Explain how each authority provides a basis for appeal from the judgment or order:  
The District Court's entry of judgment in favor of the Plaintiff on February 16, 2023, is an appealable final judgment pursuant NRAP 3A(b)(1).

**22. List all parties involved in the action or consolidated actions in the district court:**

(a) Parties:

Bryan Bonham, Plaintiff

Nevada Department of Corrections (NDOC), State of Nevada, Charles Daniels,

Tim Garrett, and Carter Potter, Defendants

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

**23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

Bryan Bonham: a 42 U.S.C. Section 1983 claim, which was dismissed on August 5, 2021; a state law claim, judgment was entered in Plaintiff's favor on February 16, 2023.

**24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

☒ Yes

☐ No

**25. If you answered "No" to question 24, complete the following:**

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☒ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☒ No

**26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

Order is independently appealable under NRAP 3A(b).

**27. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order


## VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

NDOC, et. al  
Name of appellant

Samuel L. Pezone Jr.  
Name of counsel of record

April 24, 2023  
Date

  
Signature of counsel of record

Nevada, United States of America  
State and county where signed


## CERTIFICATE OF SERVICE

I certify that on the 25 day of April, 2023, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

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

Dated this 25 day of April, 2023

  
Signature

56

*Steven D. Grierson*

CASE NO: A-20-823142-C  
Department 32

1. Bryan P Bonham 6575
2. PO Box 650 HDSP
3. Indian Springs, NEV 89070

4..

5..

8th JUDICIAL DISTRICT COURT

6..

CLARK COUNTY, NEVADA

7..

8. Bryan P Bonham

case no. \_\_\_\_\_

9.. plaintiff

Dept no. \_\_\_\_\_

10.. -vs-

11. STATE OF NEVADA ex rel

CIVIL RIGHTS COMPLAINT

12. NEVADA DEPT OF CORRECTIONS

PURSUANT TO 42 U.S.C. § 1983

13. Charles Daniels

BENCH TRIAL DEMANDED

14. T. Garrett

RIGHT TO AMEND RESERVED

15. C. Potter

16.. comes now plaintiff Bryan P Bonham for His cause of action complains

17.. of Defendants, and each of them as follows.

18..

A JURISDICTION

19.. This complaint alleges that the civil rights of this plaintiff Bryan

20.. P Bonham, who presently resides at High Desert State Prison herein

21.. known as HDSP Clark County NEVADA; were violated

22.. by the actions of below named Defendants which were directed

23.. against plaintiff on the following dates.

24.. Count one 1/8/20 Count two 1/13/20 Count three 1/31/20

25.. Count four 2/11/20 Count five 2/13/20 Count six 2/21/20

26.. Count seven 2/24/20 Count eight 2/27/20 Count nine 3/10/20

27.. Count ten 3/12/20 Count eleven 3/18/20 Count twelve 3/19/20

28.. Count thirteen 3/26/20 Count fourteen 4/14/20

10FB

6

COURTS COPY

CLERK OF THE COURT

OCT 08 2020

RECEIVED

1. DEFENDANT STATE OF NEVADA excel This Defendant is sued  
2. in there official capacity. This Defendant is/was Responsible  
3. for the actions of All below named Defendants at all  
4. relevant times.

5. DEFENDANT NEVADA DEPARTMENT OF CORRECTIONS  
6. IS sued in ITS official capacity; and at all relevant  
7. times IS/was responsible for the actions of the  
8. below named Defendants.

9. DEFENDANT Charles Daniels This Defendant is sued  
10. in His Individual and official capacity. At all Relevant  
11. times IS/was Responsible for the actions  
12. of the below named Defendants & when issue of the  
13. violation of plaintiffs civil rights were brought to His  
14. attention this Defendant failed to interviene; stop the  
15. violation /or rectify it.

16. DEFENDANT T Garrett This Defendant is sued  
17. in His Individual & official capacity. At all relevant times  
18. This Defendant is/was responsible for the actions  
19. of the below named Defendants as the Responder to plaintiffs  
20. Level one grievance IS in a supervisory position &  
21. when this issue was brought to His Attention this  
22. named Defendant failed to interviene

23. DEFENDANT C. Potter This Defendant is sued  
24. in His Individual & official capacity. At all Relevant  
25. times this Defendant when brought to His Attention  
26. failed to interviene in this issue; Help this plaintiff  
27. Rectify this issue at the informal level of the  
28. Grievance process

1. DEFENDANT C. Potter issued in his individual & official capacity.  
2. At all relevant times this defendant is responsible for the continued  
3. violation of plaintiff's rights after it was brought to his attention by  
4. plaintiff via Doc 544 4/04 ACCOUNTING INQUIRY INMATE SERVICES-  
5. CENTRAL ADMINISTRATION FORM on 01/09/2020

6. NATURE OF CASE

7. On or about 01/08/2020 plaintiff's mother Linda Conroy deposited into  
8. plaintiff's inmate trust one account \$150.00 with the understanding that  
9. 20% would be deducted; paid to U.S. DISTRICT COURT for case no. 3:17-cv-00219;  
10. 10% to be put into his savings account; 50% for costs incurred by the Department  
11. on behalf of plaintiff per NRS 209.246 for legal copies; legal mail which  
12. should have left plaintiff with \$30.00 when in fact he was left with  
13. \$14.00 as of 03/26/2020. in violation of Administrative Regulations  
14. 258.05 (1)(2)(3); 339.01(A)(1)(4)(5)(7); NRS 209.246

15. CAUSE OF ACTION

16. The following civil rights have been violated 4th Amend; 5th Amend  
17. 14th Amend to U.S. Const Art 6 clause 2 (The supremacy clause) 5th Amend  
18. does apply to state, state <sup>entities</sup> ~~officials~~, state officials as it is enforceable through  
19. U.S. Const Art 6 clause 2 which is enforced through the 14th Amendment  
20. DEFENDANT STATE OF NEVADA ex rel has allowed plaintiff's civil  
21. rights to be violated, allows defendants named in this complaint to  
22. also violate NRS 209.246 also violate their own Administrative  
23. Regulations here in known as AR's. by deducting over 50% incurred  
24. by the NDOC on behalf of plaintiff, even after plaintiff  
25. complained through an account inquiry filed on; signed by defendant  
26. C. Potter on 01/09/2020 by not ensuring or failing to ensure defendant  
27. NEVADA DEPT OF CORRECTIONS followed its own Regulations; The Law which  
28. violated plaintiff's civil rights.

1. DEFENDANT NEVADA DEPT OF CORRECTIONS violated plaintiff's civil  
 2. rights by deducting <sup>over</sup> of the 50% which should have been \$75.00  
 3. which was deducted along with 20% to U.S. DIST CT; 10% to HIS  
 4. savings; THIS DEFENDANT proceeded to deduct the following amounts  
 5. on the following dates: 01/08/2020 through 01/13/2020 7.85; .50¢;  
 6. .65¢ 01/31/2020 .50¢; 2.20; .65¢ 02/13/2020 .55¢; 3.30; .55¢  
 7. 02/24/2020 .70¢; .70¢ 02/27/2020 1.10; 03/10/2020 .55; 2.80  
 8. 03/13/20, .55; 03/18/2020 2.40; 03/19/2020 1.80; 03/26/2020, 2.0¢  
 9. 04/14/2020 1.95  
 10. in violation of plaintiff's 4th, 5th, 14th Amend rights along  
 11. with A+6 clause 2 of U.S. CONST; NRS 209.246  
 12. and AR's 339 & 258 leaving plaintiff with only \$14.00 Roughly  
 13. from a total of \$150.00 when it should have been \$30.00  
 14. left in plaintiff's trust one account for plaintiff to spend.  
 15. "... inmates have a property interest in money received from outside  
 16. sources Jensen v Klecker 648 F2d 1179, 1183 (8th Cir 1981) (holding  
 17. That inmates have a property interest in their money); Sell v Puigertt  
 18. 548 F2d 753, 757 (8th Cir ) same Thus inmates are entitled to  
 19. due process before they can be deprived of these monies, The question to  
 20. be answered is what process is due before money received from outside  
 21. sources can be applied towards an inmates restitution obligations"  
 22. Mahers v Halford 76 F3d 951, 954 (8th Cir 1996)  
 23. "There is no question that an inmates interest in the funds in his prison  
 24. account is a protected property interest. See Quick v  
 25. Jones 754 F2d 1521, 1523 (9th Cir 1984); esloff v dekind 708 F2d  
 26. 372, 378 (9th Cir 1983) Haases v May 502 F2d 728, 730 (9th  
 27. Cir 1974); Scott v. Angelone 771 F.Supp 1064, 1067 (D. Nev. 1991)  
 28. DEFENDANT Charles Daniels;

1. Failed to intervene when violation of plaintiffs civil rights were brought
2. to their attention through the grievance process.

### 3. GRIEVANCE RESPONDER

4. "A Grievance responder may be held liable for the violation of a prisoners
5. constitutional rights if there is an ongoing violation of a constitutional
6. right that is brought to the responders attention in the grievance process
7. and the Grievance responder fails to intervene to stop the ongoing
8. violation of the prisoners constitutional rights." Taylor v List 880 F.2d
9. 1040, 1045 (9th Cir 1989); Jeffers v Black Bill order doc 54 (2008) U.S.
10. Dist/Eals 67823

### 11. UNCONSTITUTIONAL STATUTE/LAW

12. statutes are presumed to be valid; and the challenger bears
13. the burden of showing that a statute is unconstitutional
14. Halverson v Secretary of State 121 Nev 484, 487 186 P.3d at
15. 896 (2008)
16. NRS 209.246 which gives Administrative Regulation 258
17. herein known as AR 258 The mode of a statute depends
18. on constitutional mead v Arnell 791 P.2d 410, 117 Idaho
19. 960 (1990) and statutory requirements Harris v Shanahan
20. 387 P.2d 771, 192 Kan 183 (1963) NRS 209.246; \_\_\_\_\_
21. are alleged to have been passed into Law on May 1, 1951; Are
22. in fact constitutionally illegal and void. (See memorandum.)

### 23. PREVIOUS LAWSUITS

24. plaintiff has no other Law suits on this issue in
25. State or Federal court.
26. this case has been exhausted through Grievance NO
27. 20063096886;

28.

1.  
2.  
3. REQUEST FOR RELIEF  
4.

5. (1) Compensatory Damages \$ ~~85~~ 85,000.<sup>00</sup>

6. (2) punitive Damages \$25,000.<sup>00</sup> per individual named

7. Defendant.

8. (3) Injunctive Relief:

9. an order that NDOC stop enforcing these illegally <sup>enacted</sup> ~~enforced~~

10. statutes as they are unconstitutional; void; also an

11. order to return any funds taken from this plaintiff

12. in regards to Legal copy work, legal mail, any other departmental

13. charges.

14. Declaratory Judgment: An order that the NRS's in question

15. were created illegally; Are there by constitutionally void. published

16. I declare under penalty of perjury under the laws of the United

17. States of America that the foregoing is true & correct, and is

18. Submitted without benefit of a notary pursuant to 28 U.S.C.A. §

14. 1746 §18 U.S.C.A. §1621

20.

21. Dated this 30th day of September 2020

22. /s/ ~~Bryan P Bonham~~

23. Bryan P Bonham 60575

24. PO Box 650 (HOSP)

25. Indian Springs, NE 689070

26.

27.

28.

**FFCL**  
**AARON D. FORD**  
Attorney General  
**SAMUEL L. PEZONE, JR.** (Bar No. 15978)  
Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101  
(702) 486-4070 (phone)  
(702) 486-3773 (fax)  
Email: spezone@ag.nv.gov  
  
*Attorneys for Defendants Nevada Department  
of Corrections (NDOC), State of Nevada,  
Charles Daniels, Tim Garrett, and Carter Potter*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

<p><b>BRYAN BONHAM,</b></p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p><b>STATE OF NEVADA <i>ex rel.</i> NEVADA DEPARTMENT OF CORRECTIONS, <i>et al.</i>,</b></p> <p style="text-align: center;">Defendants.</p>	<p>Case No.   A-20-823142-C</p> <p>Dept. No.   29</p> <p>HEARING DATE: February 13, 2023 HEARING TIME: 9:00 AM</p>
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**FINDINGS OF FACT, CONCLUSIONS OF LAW AND**  
**JUDGEMENT**

THIS MATTER came before this Court for an evidentiary hearing on February 13, 2023. Defendants Nevada Department of Corrections (NDOC), State of Nevada, Charles Daniels, Tim Garrett, and Carter Potter were represented by counsel, Aaron D. Ford, Nevada Attorney General of the State of Nevada, and Samuel L. Pezone, Jr., Deputy Attorney General. Pro se Plaintiff Bryan Bonham was present via Bluejeans. This Court, having considered the pleadings and papers on file and the arguments of the parties, hereby makes the following Findings of Fact, Conclusions of Law, and Judgement entering judgment for the Plaintiff as follows:

///

1 **ALLEGATIONS**

2 Plaintiff Bryan Bonham (Bonham) is an inmate currently incarcerated in the NDOC.  
3 Bonham filed a Complaint alleging that Defendants deducted funds from an outside deposit  
4 to pay off debts that Bonham admittedly accrued. Complaint at 3:7-14.

5 Specifically, Bonham alleges that on January 8, 2020, Bonham's mother deposited  
6 \$150.00 into Bonham's inmate banking account. Complaint at 3:7-8. Bonham concedes that  
7 20% of the deposit was withheld to pay for the filing fee in Bonham's federal civil case. *Id.*  
8 at 3:9-10. Another 10% was deducted and placed into Bonham's inmate savings account.  
9 *Id.* at 3:10. Finally, Bonham alleges 50% was deducted to pay for costs the NDOC incurred  
10 as a result of housing Bonham. *Id.* at 3:11-13. Bonham alleges he received only \$14.00  
11 instead of the expected remaining \$30.00. *Id.*

12 **FINDINGS OF FACT**

13 **A. Findings Regarding NDOC Administrative Regulation (AR) 258**

14 Pursuant to NRS 209.246, the NDOC shall establish "criteria for a reasonable  
15 deduction from money credited to" an inmate account for various costs incurred by the  
16 inmate. Because the deposit at issue was made in January 2020, it is governed by AR 258,  
17 effective date May 15, 2018. Pursuant to AR 258.05, NDOC may deduct up to 50% for costs  
18 incurred on by NDOC behalf of the inmate, including for postage and copy work, 10% for  
19 credit to the inmate's prison savings account, and 20% towards any court ordered filing fee,  
20 if applicable.

21 **B. Findings Regarding the Deposit**

22 On January 8, 2020, an individual named Linda Conry deposited \$150.00 into  
23 Bonham's inmate banking account. NDOC banking records demonstrate the following  
24 deductions:

25 First, thirty dollars (\$30.00) were deducted from the deposit to pay a portion of  
26 Bonham's filing fee for his federal litigation. This reduced the deposit to \$120.00.

27 Second, the NDOC deducted seventy-five dollars (\$75.00) to pay for the legal copies,  
28 which Bonham requested and authorized payment for. This further reduced Bonham's

1 deposit to \$45.00. It is undisputed that Bonham requested these copies and thus authorized  
2 payment for them.

3 Third, the NDOC deducted fifteen dollars (\$15.00) and placed it into Bonham's  
4 inmate savings fund. Bonham was then left with \$30.00.

5 Fourth, the NDOC deducted an additional nine dollars (\$9.00) to pay for mail that  
6 Bonham wished to send. Ultimately, Bonham was left with \$21.00.

### 7 CONCLUSIONS OF LAW

8 Under Administrative Regulation 258, Defendants were permitted to deduct only up  
9 to 50% of the \$150 deposit for costs incurred on Bonham's behalf. Because the \$75 deducted  
10 for costs incurred was 50% of the \$150 deposit, NDOC was not authorized to deduct from  
11 the deposit an additional \$9 incurred for postage.

12 As to all of Plaintiff's outstanding claims in the Complaint, this Court finds in favor  
13 of the Plaintiff. This Court finds that the Plaintiff is entitled to judgment in the total  
14 amount of \$9 for the \$9 of additional postage deducted from the deposit to his inmate trust  
15 account. Accordingly, and for good cause appearing, judgment is entered in favor of  
16 Plaintiff, and against Defendants, in the total amount of \$9 on all outstanding claims.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 ///

28 ///

Accordingly, the Court orders as follows:

**IT IS HEREBY ORDERED** that judgement is entered in favor of the Plaintiff and against Defendants on any and all claims in the total amount of \$9.

**IT IS FURTHER ORDERED** that NDOC, on behalf of all Defendants, is to pay \$9 to Plaintiff's prison trust account.

**IT IS FURTHER ORDERED** that all outstanding claims being now resolved, this order constitutes the final judgment in this case. Accordingly, this case is closed.

**THIS IS A FINAL ORDER.**

Dated this 16th day of February, 2023



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**DAA 036 DF73 1D59**  
**Michael Cherry**  
**District Court Judge**

*Respectfully Submitted by:*  
**AARON D. FORD**  
Attorney General

/s/ Samuel L. Pezone  
**SAMUEL L. PEZONE, JR.** (Bar No. 15978)  
Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101

*Attorneys for Defendants Nevada Department  
of Corrections (NDOC), State of Nevada,  
Charles Daniels, Tim Garrett, and Carter Potter*

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

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6 Bryan Bonham, Plaintiff(s)

CASE NO: A-20-823142-C

7 vs.

DEPT. NO. Department 29

8 Nevada State of, Defendant(s)  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Findings of Fact, Conclusions of Law and Judgment was served via the  
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
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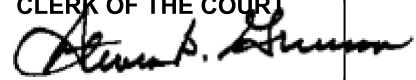
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of Corrections (NDOC), State of Nevada,  
Charles Daniels, Tim Garrett, and Carter Potter*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

BRYAN BONHAM,  
Plaintiff,

Case No. A-20-823142-C  
Dept. No. 29

v.

STATE OF NEVADA *ex rel.* NEVADA  
DEPARTMENT OF CORRECTIONS, *et al.*,

HEARING DATE: February 13, 2023  
HEARING TIME: 9:00 AM

**NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND  
JUDGMENT**

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the **FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND JUDGMENT** was entered in the above-entitled action on the 16th day of  
February, 2023, a copy of which is attached hereto.

DATED this 16th day of February, 2023.

AARON D. FORD  
Attorney General

By: /s/ Samuel L. Pezone  
SAMUEL L. PEZONE (Bar No. 15978)  
Deputy Attorney General  
*Attorneys for Petitioners*

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Bryan Bonham, #60575  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070  
*Plaintiff, Pro se*

/s/ Jennifer N. Briones  
Jennifer N. Briones, an employee of the  
Office of the Nevada Attorney General

**FFCL**  
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**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

<p><b>BRYAN BONHAM,</b></p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p><b>STATE OF NEVADA <i>ex rel.</i> NEVADA DEPARTMENT OF CORRECTIONS, <i>et al.</i>,</b></p> <p style="text-align: center;">Defendants.</p>	<p>Case No.   A-20-823142-C</p> <p>Dept. No.   29</p> <p>HEARING DATE: February 13, 2023 HEARING TIME: 9:00 AM</p>
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**FINDINGS OF FACT, CONCLUSIONS OF LAW AND**  
**JUDGEMENT**

THIS MATTER came before this Court for an evidentiary hearing on February 13, 2023. Defendants Nevada Department of Corrections (NDOC), State of Nevada, Charles Daniels, Tim Garrett, and Carter Potter were represented by counsel, Aaron D. Ford, Nevada Attorney General of the State of Nevada, and Samuel L. Pezone, Jr., Deputy Attorney General. Pro se Plaintiff Bryan Bonham was present via Bluejeans. This Court, having considered the pleadings and papers on file and the arguments of the parties, hereby makes the following Findings of Fact, Conclusions of Law, and Judgement entering judgment for the Plaintiff as follows:

///

1 **ALLEGATIONS**

2 Plaintiff Bryan Bonham (Bonham) is an inmate currently incarcerated in the NDOC.  
3 Bonham filed a Complaint alleging that Defendants deducted funds from an outside deposit  
4 to pay off debts that Bonham admittedly accrued. Complaint at 3:7-14.

5 Specifically, Bonham alleges that on January 8, 2020, Bonham's mother deposited  
6 \$150.00 into Bonham's inmate banking account. Complaint at 3:7-8. Bonham concedes that  
7 20% of the deposit was withheld to pay for the filing fee in Bonham's federal civil case. *Id.*  
8 at 3:9-10. Another 10% was deducted and placed into Bonham's inmate savings account.  
9 *Id.* at 3:10. Finally, Bonham alleges 50% was deducted to pay for costs the NDOC incurred  
10 as a result of housing Bonham. *Id.* at 3:11-13. Bonham alleges he received only \$14.00  
11 instead of the expected remaining \$30.00. *Id.*

12 **FINDINGS OF FACT**

13 **A. Findings Regarding NDOC Administrative Regulation (AR) 258**

14 Pursuant to NRS 209.246, the NDOC shall establish "criteria for a reasonable  
15 deduction from money credited to" an inmate account for various costs incurred by the  
16 inmate. Because the deposit at issue was made in January 2020, it is governed by AR 258,  
17 effective date May 15, 2018. Pursuant to AR 258.05, NDOC may deduct up to 50% for costs  
18 incurred on by NDOC behalf of the inmate, including for postage and copy work, 10% for  
19 credit to the inmate's prison savings account, and 20% towards any court ordered filing fee,  
20 if applicable.

21 **B. Findings Regarding the Deposit**

22 On January 8, 2020, an individual named Linda Conry deposited \$150.00 into  
23 Bonham's inmate banking account. NDOC banking records demonstrate the following  
24 deductions:

25 First, thirty dollars (\$30.00) were deducted from the deposit to pay a portion of  
26 Bonham's filing fee for his federal litigation. This reduced the deposit to \$120.00.

27 Second, the NDOC deducted seventy-five dollars (\$75.00) to pay for the legal copies,  
28 which Bonham requested and authorized payment for. This further reduced Bonham's

1 deposit to \$45.00. It is undisputed that Bonham requested these copies and thus authorized  
2 payment for them.

3 Third, the NDOC deducted fifteen dollars (\$15.00) and placed it into Bonham's  
4 inmate savings fund. Bonham was then left with \$30.00.

5 Fourth, the NDOC deducted an additional nine dollars (\$9.00) to pay for mail that  
6 Bonham wished to send. Ultimately, Bonham was left with \$21.00.

### 7 CONCLUSIONS OF LAW

8 Under Administrative Regulation 258, Defendants were permitted to deduct only up  
9 to 50% of the \$150 deposit for costs incurred on Bonham's behalf. Because the \$75 deducted  
10 for costs incurred was 50% of the \$150 deposit, NDOC was not authorized to deduct from  
11 the deposit an additional \$9 incurred for postage.

12 As to all of Plaintiff's outstanding claims in the Complaint, this Court finds in favor  
13 of the Plaintiff. This Court finds that the Plaintiff is entitled to judgment in the total  
14 amount of \$9 for the \$9 of additional postage deducted from the deposit to his inmate trust  
15 account. Accordingly, and for good cause appearing, judgment is entered in favor of  
16 Plaintiff, and against Defendants, in the total amount of \$9 on all outstanding claims.

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Accordingly, the Court orders as follows:

**IT IS HEREBY ORDERED** that judgement is entered in favor of the Plaintiff and against Defendants on any and all claims in the total amount of \$9.

**IT IS FURTHER ORDERED** that NDOC, on behalf of all Defendants, is to pay \$9 to Plaintiff's prison trust account.

**IT IS FURTHER ORDERED** that all outstanding claims being now resolved, this order constitutes the final judgment in this case. Accordingly, this case is closed.

**THIS IS A FINAL ORDER.**

Dated this 16th day of February, 2023



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**DAA 036 DF73 1D59**  
**Michael Cherry**  
**District Court Judge**

*Respectfully Submitted by:*  
**AARON D. FORD**  
Attorney General

/s/ Samuel L. Pezone  
**SAMUEL L. PEZONE, JR.** (Bar No. 15978)  
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