

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Sep 14 2021 02:55 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

BRYAN PHILLIP BONHAM,
Appellant(s),

vs.

THE STATE OF NEVADA; THE STATE
OF NEVADA DEPARTMENT OF
CORRECTIONS; CHARLES DANIELS;
TIM GARRETT; AND CARTER POTTER,
Respondent(s),

Case No: A-20-823142-C

Docket No: 83458

**RECORD ON APPEAL
VOLUME
3**

ATTORNEY FOR APPELLANT
BRYAN BONHAM #60575,
PROPER PERSON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
AARON D. FORD,
ATTORNEY GENERAL
555 E. WASHINGTON AVE., STE. 3900
LAS VEGAS, NV 89101-1068

I N D E X

<u>VOLUME:</u>	<u>PAGE NUMBER:</u>
1	1 - 240
2	241 - 480
3	481 - 530

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
2	05/12/2021	"HEARING REQUESTED" PLAINTIFFS RESPONSE TO DEFENDANTS MOTION TO DISMISS OR IN ALTERNATIVE MOTION FOR SUMMARY JUDGMENT	374 - 406
2	04/08/2021	[PROPOSED] DECISION AND ORDER	353 - 356
1	10/15/2020	APPLICATION TO PROCEED INFORMA PAUPERIS (CONFIDENTIAL)	7 - 11
2	04/19/2021	CASE APPEAL STATEMENT	372 - 373
2	06/08/2021	CASE APPEAL STATEMENT	420 - 421
3	09/01/2021	CASE APPEAL STATEMENT	521 - 522
2	04/07/2021	CERTIFICATE OF SERVICE OF NOTICE OF HEARING	351 - 352
3	09/14/2021	CERTIFICATION OF COPY AND TRANSMITTAL OF RECORD	
1	10/15/2020	CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. 1983 BENCH TRIAL DEMANDED RIGHT TO AMEND RESERVED	1 - 6
1	01/13/2021	DECLARATION OF SERVICE	207 - 211
1	02/09/2021	DEFENDANTS' MOTION FOR AN EXTENSION TO FILE AN ANSWER OR RESPONSIVE PLEADING; NO HEARING REQUESTED	222 - 225
1	04/05/2021	DEFENDANTS' MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT [HEARING REQUESTED] (CONTINUED)	238 - 240
2	04/05/2021	DEFENDANTS' MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT [HEARING REQUESTED] (CONTINUATION)	241 - 349
2	04/13/2021	DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR THE APPOINTMENT OF COUNSEL; NO HEARING REQUESTED	357 - 361
3	09/14/2021	DISTRICT COURT MINUTES	523 - 530

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	03/30/2021	EXPARTE MOTION FOR APPOINTMENT OF COUNSEL AND REQUEST FOR AN EVIDENTIARY HEARING	234 - 237
1	03/04/2021	HEARING REQUESTED IN CAMERA. PLAINTIFFS RESPONSE TO DEFENDANT REQUEST FOR EXTENSION OF TIME TO FILE AN ANSWER OR RESPONSIVE PLEADING; MOTION FOR DEFAULT FOR PLAINTIFF.	227 - 232
2	06/03/2021	HEARING REQUESTED MOTION TO WITHDRAWAL OR TO MOVE CASE TO U.S DIST COURT	411 - 416
1	01/07/2021	HEARING REQUESTED. PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION & PROTECTIVE ORDER AND BRIEF IN SUPPORT; STANDARD FOR PRELIMINARY INJUNCTION	199 - 204
1	12/08/2020	JUDICIAL NOTICE & REQUEST FOR ORDE TO PROCEED IFP (CONFIDENTIAL)	57 - 72
1	12/22/2020	MEMORANDUM IN SUPPORT OF PLAINTIFF'S 42 U.S.C. 1983 CIVIL RIGHTS COMPLAINT; SUPERVISORY LIABILITY	73 - 197
1	02/04/2021	MOTION FOR IN CAMERA SUBMISSION	212 - 214
1	02/04/2021	MOTION FOR IN CAMERA SUBMISSION	215 - 217
1	02/04/2021	MOTION FOR IN CAMERA SUBMISSION	218 - 221
3	08/04/2021	MOTION TO REQUEST ORDER FROM LAST HEARING DATE. NOTICE OF REFILLING IN FED COURT.	488 - 496
2	05/27/2021	NEVADA SUPREME COURT CLERK'S CERTIFICATE/REMITTITUR JUDGMENT - DISMISSED	407 - 410
2	07/14/2021	NEVADA SUPREME COURT CLERK'S CERTIFICATE/REMITTITUR JUDGMENT - DISMISSED	422 - 425
2	04/16/2021	NOTICE OF APPEAL	369 - 371
2	06/03/2021	NOTICE OF APPEAL	419 - 419
3	08/30/2021	NOTICE OF APPEAL	519 - 520

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	01/04/2021	NOTICE OF CHANGE OF HEARING	198 - 198
2	04/14/2021	NOTICE OF ENTRY OF DECISION AND ORDER	362 - 368
3	08/06/2021	NOTICE OF ENTRY OF PROPOSED ORDER	507 - 518
1	11/19/2020	NOTICE OF HEARING	55 - 55
1	01/07/2021	NOTICE OF HEARING	206 - 206
1	02/09/2021	NOTICE OF HEARING	226 - 226
1	03/04/2021	NOTICE OF HEARING	233 - 233
2	04/06/2021	NOTICE OF HEARING	350 - 350
2	06/03/2021	NOTICE OF HEARING	418 - 418
1	11/19/2020	NOTICE OF MOTION	56 - 56
1	01/07/2021	NOTICE OF MOTION	205 - 205
2	06/03/2021	NOTICE OF MOTION	417 - 417
1	10/20/2020	ORDER TO PROCEED IN FORMA PAUPERIS (CONFIDENTIAL)	49 - 50
2	07/22/2021	PLAINTIFF'S MOTION TO AMEND PURSUANT TO FED RULE CIV. P15 (CONTINUED)	426 - 480
3	07/22/2021	PLAINTIFF'S MOTION TO AMEND PURSUANT TO FED RULE CIV. P15 (CONTINUATION)	481 - 487
1	11/19/2020	PLAINTIFFS MOTION TO REQUEST AN EXTENSION OF TIME TO SERVE DEFENDANTS OR IN ALTERNATIVE REQUEST FOR ORDER TO PROCEED IN FORMA PAUPERIS (CONFIDENTIAL)	51 - 54
3	08/05/2021	PROPOSED ORDER	497 - 506
1	10/15/2020	SUMMONS - CIVIL (ELECTRONICALLY ISSUED)	14 - 20
1	10/15/2020	SUMMONS - CIVIL (ELECTRONICALLY ISSUED)	21 - 27

A-20-823142-C

Bryan Bonham, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	10/15/2020	SUMMONS - CIVIL (ELECTRONICALLY ISSUED)	28 - 34
1	10/15/2020	SUMMONS - CIVIL (ELECTRONICALLY ISSUED)	35 - 41
1	10/15/2020	SUMMONS - CIVIL (ELECTRONICALLY ISSUED)	42 - 48
1	10/15/2020	UNSIGNED DOCUMENT(S) - ORDER TO PROCEED IN FORMA PAUPERIS (CONFIDENTIAL)	12 - 13



Ken Furlong
Sheriff

911 E. Musser St.
Carson City, NV 89701

775-887-2500
Fax: 775-887-2026

March 11, 2021

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

Mr. Bonham #60575,

I am in receipt of your most recent letter and while I understand your frustration, I again, am in no position to defend the policies that the Nevada Department Of Corrections (NDOC) has enacted. Unfortunately, the response from NDOC for serving "T. Garrett" was the same this last go around, they are **requiring** a first name for last of Garrett.

As stated in previous responses to you, the Carson City Sheriff's Office does not retain any records, which is the reason the Informa Pauperis needs to be sent with each attempt to serve. I apologize for any inconvenience this causes you.

Enclosed, you will find the proof of service for Carter Porter, along with the Declaration Of Non-Service for last of Garrett. **Once you have acquired his first name**, we can attempt service again.

Respectfully,

A handwritten signature in black ink that reads "Isela Uribe".

Isela Uribe
Sheriff Support Specialist

www.ccsheiff.com

~52~

IN THE CLARK COUNTY DISTRICT OF THE STATE OF NEVADA

Bryan Bonham #60575)	Dated: 1/4/2021
PLAINTIFF)	
)	Civil File Number: 20005572
)	
State of Nevada ex rel)	CASE No.: A20823142C
DEFENDANT)	

DECLARATION OF NON-SERVICE

STATE OF NEVADA }
 } ss:
 CARSON CITY }

Joshua Burns, being first duly sworn, deposes and says: That affiant is a citizen of the United States, is over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, that he/she received the within stated civil process.

That after due search and diligent inquiry throughout Carson City, Nevada, was unable to affect service upon the said C. Potter within Carson City, Nevada.

Attempts of Service:
Date: 12/31/2020 @ 10:30 AM - 5500 East Snyder Avenue NDOC Carson City, NV 89701

Date: 12/31/2020 Time: 10:30 AM
Service Note: NEEDS FIRST NAME LISTED

DOCUMENTS: Summons & 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: Joshua Burns Badge # 9722
 Sheriff's Authorized Agent

Clark County District
Las Vegas, NV

IN THE CLARK COUNTY DISTRICT OF THE STATE OF NEVADA

Bryan Bonham
PLAINTIFF

Vs

Carter Porter
DEFENDANT

)
)
)
)
)
)

Dated: 3/11/2021

Civil File Number: 21000993

CASE No.: A20823142C

DECLARATION OF NON-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, is over 18 years of age, not a party to the within entered action, and that in Carson City, Nevada, that he/she received the within stated civil process.

The Carson City Sheriff's Office was unable to serve upon the said, T. Garrett.

Attempts of Service:

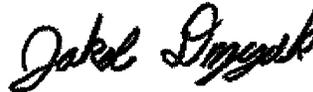
Date: 3/10/2021 @ 10:30 AM - 5500 Snyder Avenue Carson City, NV

Date: 3/10/2021 **Time:** 10:30 AM
Service Note: DID NOT ACCEPT/NEED FIRST NAME

DOCUMENTS: Summons & 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: Jakob Dzyak Badge # 9685
Sheriff's Authorized Agent

Clark County District
Las Vegas, NV

~ 56 -

Bryan P. Bonham 60575
P.O. Box 670, A DSP
Indian Springs, New 89030

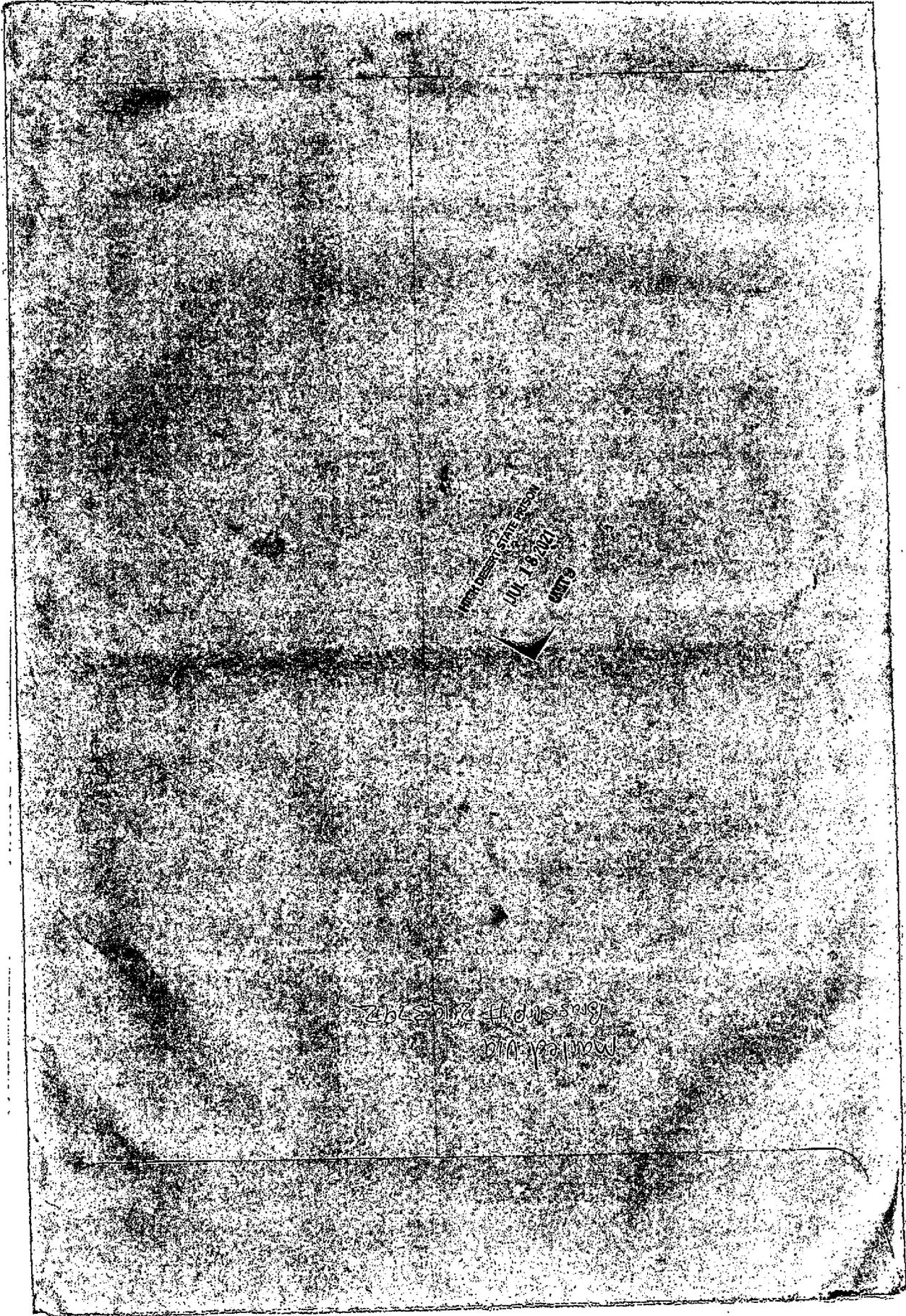
quodient
07/20/2001
FC PKG RTL
POSTAGE \$005.50
ZIP 89101
041M12254121

**NON-MACHINABLE MAIL
PLEASE HAND CANCEL**

Regional Justice Center
Clerk of the Court
200 Lewis Ave 3rd Floor
BUNW 89155

Mailed via Brass # 2493792

Confidential
Legal Mail
3762



Almond Shinn
CLERK OF THE COURT

1 Bryan P Bonham 60575
 2 PO Box 650 HDSP
 3 Indian Springs, NEV
 4
 5 8th Judicial District Court
 6 Clark County, Nevada
 7

8 Bryan P Bonham case no A-20-823142
 9 Plaintiff DEPT XXXII
 10 -vs- motion to request order
 11 state of Nevada et al from last hearing date
 12 notice of Re Filing in Fed court
 13

14 comes now this plaintiff Bryan P Bonham, to Respectfully ask
 15 this court to grant this motion.
 16
 17

18 Dated this 12th day of July, 2021
 19 *[Signature]*
 20 Bryan P Bonham 60575
 21 PO Box 650 HDSP
 22 Indian Springs, NEV 89070
 23

RECEIVED
 JUL 26 2021
 CLERK OF THE COURT

1 Bryan P Bonham 60575

2 PO Box 650 HOSP

3 Indian Springs, Nev 89070

4

5 8th Judicial District Court

6 Clark County, Nevada

7

8 Bryan P Bonham

9 Plaintiff

Notice of Motion.

10 -vs-

11 State of Nevada ex rel.

12

13 Please take notice that the undersigned will bring the above motion

14 for hearing, as soon as possible for a decision.

15

16 TO

17 Deputy Attorney General

18 Kathy M Brady

19 555 E Washington Ave Ste 3900

20 Las Vegas, Nev 89101

21

22 Dated this 12th day of July, 2021

23 

24 Bryan P Bonham 60575

25 PO Box 650 HOSP

26 Indian Springs, NV 89070

27

28

2 of 8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Argument.

Plaintiff has a valid claim. over 50% was taken for debts incurred
From the money deposited into his account. The NDOC's own AR says
50% for department charges. 20% to courts. 10% to savings. I have
no problem with that. my issue is going over 50%, leaving me zero.
As it turns out. gov. Sisolak, sec of state cegauske, Att Gen Aaron
Ford are top 3 prison comm's, They knew nothing about the change
to AR 258, upping 50% to 80-100%.
now plaintiff contends he can ~~prove~~ produce a statement to that fact,
from an outside source.
Then if not true. I ask this. if what I claim is not true. (1) why
do monthly statements show over 50% was taken for debt owed to
NDOC. (2) why was SB-22 passed lowering 50% to 25%.
see attached exhibit 2. see highlighted portion page 6.

I requested a hearing for documents this court held on July 8th. yet I was
not given chance to make oral argument, I'm sure court clerk will not
send me order given. I'm indigent; pro se. checks AR! keep me
from being able to know if case is dismissed etc. I have right to
know what order court gives, and when.

so now I ask this court to order clerk to send me order
given on July 8th, 2021

Conclusion.

I should be given chance to prove, or argue my case, to be given
notice of court orders. As we argued in previous document. it
does not matter if its 50 cents. 2.00, or 9.00 over the 50%
They violated my due process rights, the taking clause of the

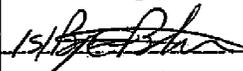
1 5th Amend. ² basically financially raping ~~me~~ me, my family.
2 This issue should move forward, without blocking me from
3 knowing or receiving court orders.
4 I'm refiling an amended version of complaint in U.S. DIST CRT
5 unless this court can guarantee I will receive court orders, get
6 hearings I request, or permit me to amend complaint.
7 Thank you very much.

8
9 verification
10 I, Bryan P. Bonham declare & verify that I have read the foregoing motion
11 and to best of my belief & knowledge the foregoing is true & correct.
12 Pursuant to the pains & penalties of perjury 28 USC A § 1746; 18 USC A §
13 1621

14 certificate of service.
15 I, Bryan P. Bonham certify that I am attaching the foregoing motion
16 with special instructions for electronic filing & service to clerk of
17 the court to serve all of my opponents pursuant to NEFR 5(k) 9 et
18 seq (A-E) to the following.

19
20 Deputy Attorney General
21 Katelyn M. Brady
22 555 E Washington Ave Ste 3900
23 L U AN 89101

24 Dated this 12th day of July, 2021

25 
26 Bryan P. Bonham 60575
27 PO Box 650 HO SP
28 Indian Springs, NV 89070

90FB

Exhibit 1

Exhibit 1

0060575 - BONHAM, BRYAN P - Unit: 9 - Sub Unit: C

9 C I 7 A

FROM: JLhocking24@gmail.com
TO: 0060575 BONHAM, BRYAN P
SUBJECT: June Update
DATE: 06/29/2021 11:20 AM

Good morning!

I hope this update finds you well, I have A LOT of information and only 13,000 characters so please bear with me, I am going to give you the information without explaining the back story as much as I usually do.

Legislative Updates:

SB22-Inmate Deductions: This was passed and signed by the governor and will go into effect on July 1, 2021. Return Strong worked with the ACLU on this and was able to take the bill that NDOC had written to get the deductions and the Directors power to decided what was reasonable into law and flipped it to your/our benefit. We amended the language and implemented maximum caps on the deductions. Effective July 1st there will be a maximum cap on money deposited on books of 25% and a cap for deductions from wages at 50%.

That means, that if you owe restitution, and court fees and room and board and child support, are working in PI and before they were taking every penny you had and leaving you with \$1.13 (or whatever amount), now there is a cap of 50%. (That is just an example, it applies to everyone). The absolute most they can deduct is 50% from wages and 25% from money sent to your books.

SB22 also expands the package program to people in medical isolation and administrative segregation. We attempted to keep the gift program, but that would not have been approved and we could have lost the caps. Please understand, Marcy's Law was not a law, it was a constitutional amendment that gave victim's the right to full and timely restitution. Legal reviewed it and since it is a way to divert money from being garnished, it does potentially violate Marsy's Law and we could not win that. PLEASE grieve it, appeal it and file lawsuits and let the courts decide, but we could not get that passed.

Regarding returning money that was taken in September, we have one more shot at the Prison Board of Commissioners Meeting in the fall, but I believe grieving, appealing and the courts are the option for that also. (I am not a lawyer but, I don't know how far we will get with getting that money returned, I want to be honest.

We are in negotiations regarding the gift coupons that were left unspent. Purchasing new gift coupons are not going to be added but for those of you who had/have gift coupons that you had not used when they were frozen on September 1st, Return Strong is in the process of trying to get those reactivated. Again, I think grieving, appeal and lawsuit are options for that. Your loved ones purchased those in good faith, and there was no notice when they stopped allowing them. I am very hopeful we are going to get this straightened out, but I don't have a timeline.

**IF you have a gift coupon that was not honored, please write us and tell us the amount. We have no idea how much money NDOC left out there and it would help in negotiating. Remember we fight collectively, so you fight a lost \$100 gift card and us collectively fighting \$100.000 are two different things. **

AB241-Programming Credits during a public health emergency. This bill passed and was signed by the Governor and will go into effect on July 1, 2021 BUT the days will probably not appear on your account (ldk what it is called) until August 3rd, 2021.

The bill provides 5 days A MONTH from March 2020 thru June 30th, 2021, for the programming days that were lost due to the pandemic and your inability to program. This bill applies to EVERYONE who was eligible to program during that time.

The bill was important for two reasons: first it addressed the issues of dates moving because of lack of programming during COVID, which was not your fault. Second, this bill addressed the problem retroactively AND is now in effect for any future public health emergency (should it happen) and will immediately go into effect so that you don't have to wait a year and a half to see your credits. Many of you were on the bubble of expiring and losing those credits meant you stayed in prison longer than you should have. So far, the courts have not been very positive towards these types of lawsuits, but if you grieved and appealed, you always have the option to give it a shot.

If you are on the bubble, and these days will put you near or at the door, please understand that there isn't a guarantee of when you will get your board. PnP has concerns about being able to manage the rush that implementation will cause and so that is written into the bill language, but they are hiring staff to help process everyone as quickly as possible.

AB125- This bill did not pass. While the legislature was mostly supportive of expanding good time credits to Class B (non-

6058

violent) "offenders", the issue becomes retroactivity of this bill and the cost it would incur to the state to have 3,800 people cut their sentences and many be at the door. PLEASE do not write me to yell at me about this. I understand the implications and I think it is bullshit. I agree on all counts, it should include Class B completely, it should be retroactive, but this wasn't our bill (remember, we haven't even been in existence a year yet) and NDOC fought it hard by adding a 6-million-dollar fiscal note that given the current budget issues, NO ONE was agreeing to it. It doesn't mean the fight is over, it just means we must back up and reapproach.

Side note, one a bill is dead (as this one was) OR it is passed, like AB236 that is the end of that bill. Over 100 of you wrote and asked us to change AB236 to be retroactive. That is not possible. It requires a new bill. AB125 was the new one for 2021. There will be a new one for 2023. Personally, Return Strong is working on a plan that would potentially build a sentencing review board for anyone with felonies that the sentencing laws have changed, after a certain number of years, you could have your sentence reviewed. Still in the early stages, but my point is, it isn't over.

We won some, we lost some but we are still standing to fight another day.

International Prisoners Day of Justice:

More details to come but Return Strong is creating an event for the August 10th recognition event. As part of that event, we will be hosting an Art and Letter Exhibit with an auction of YOUR artwork, poetry, letters (written for the event, if we want to use one of your previous letters we will reach out for your permission. Letters will have your identifying information removed).

Many of you have asked how you can help. This is one way. The problem is there is a short turn around time. Your options are unlimited. Prepare and send us artwork, tattoo art, poetry, a letter about your experience with the injustice of the "justice" system... as part of our August 10th event we will be holding exhibits in both northern and southern Nevada and then holding an auction. Our idea is that you can donate your artwork that will be auctioned as a fundraiser for Return Strong and the expenses incurred to run business (we are still an unfunded group of women who are all volunteers fighting the system, while holding our own loved ones down). When you send us your art, please include a statement giving us permission to use it AND the percentage of the proceeds that you would like to donate to Return Strong. (It would be easiest if you say 25% to RS, 50% to RS, 75% to RS or 100% to RS, or 0 to RS and then we will send proceeds to your books).

If you are interested in participating, PLEASE send us a letter asap OR have your LO reach out to us, telling us you are participating and what you are working on so that we can begin planning the exhibits. WE will be communicating additional details to anyone who lets us know they are planning to participate.

Family Councils at NDOC:

After much fighting for recognition, NDOC has agreed to recognize our family councils. For those of you who do not know what that is, it is a way for families to come to the table with Administration to discuss issues in facilities that improve family connections and bonds, for instance phone concerns, visitation issues and concerns, commissary and pricing etc.... and issues that improve quality of life for incarcerated people such as programming, health and safety, nutrition, facility issues.

Your family, friends, loved ones are welcome to participate. There will be a Local Family Council Meeting each month to discuss issues and concerns and work on how we get them addressed. Then there are a group of representatives who meet with administration quarterly, so the next meeting is in September. Please have them contact us through one of the methods at the end of the email. There is a face book page specifically for the Family Councils that they can participate in and will give NDOC specific, verified information.

Some of the things we have started to work on at the first Statewide Quarterly Meeting were: COVID questions such as the continued lockdowns at HDSP, facility issues such as mice infestations, lack of hot water, food/feeding schedules, visitation inconsistencies and concerns regarding communication. This was the first meeting and much of the time was used to set up ground rules but gradually, this is an avenue to begin addressing in facility concerns. Please make sure your LO's are on the face book page.

Finally, there are some necessary changes to how we communicate. WE now have almost 600 people on our mailing list, and as I said, we are unfunded so that cost comes primarily out of my pocket with a few donations that have been super helpful and come through in a clutch every time. That is part of why you have not been getting as much information FROM us, the cost. Corrlinks raised its price for an email back to thirty cents, resulting in our cost immediately doubling. So going forward, we can't send individual emails to everyone. We are going to need volunteers who are willing to pass out the update/newsletter to people around them. I can send 10 letters in one envelope with one stamp, what I need are volunteers willing to take on that responsibility of pulling up the people around them. This actually allows us to communicate with more people, for a lower cost.

**If you are willing to be an organizer for your unit/tier...which means communication will flow through you. Please write us and give us your name, back number, unit and tier, if you work or other areas you can get the information out (programs, religious services, PI, culinary, porter. ALSO, please let me know if you have a need for letters in Spanish, as we can have them

7098

translated and sent in Spanish also**

Upcoming:

August 6th Return Strong Families United for Justice for the Incarcerated ONE YEAR ANNIVERSARY

August 10th International Prisoners Day of Justice Statewide Events with actions, media, Art/Letter Exhibit and Auction and vigil for those lost to police violence, COVID in prison, and executions past and present.

Upcoming plain language pamphlets with instructions and guidance on writing winning grievances, appeals and lawsuits, compassionate release and the pardons board process. If you have ideas of others you would like, please let us know.

Upcoming movement work with the ACLU on nutrition/food quality, quantity, and chronic health/medical concerns and medical neglect. Surveys coming this summer!

We are still trying to ensure that each unit has a organizer (the communication person) and a jailhouse lawyer within reach of them to improve communication and service.

A few last notes, I know that we didn't win everything for everyone, and you may be in a situation where none of our wins impacted you, yet. We have a motto, "hoy por ti, mañana por mi. Today for you, tomorrow for me." We have a limited capacity and authority on what we can directly impact, when we can't do something, we try to connect with someone who can do something, and we are forever learning and growing. YOU help us when you make us aware of things that are happening and sometimes when you help us understand how it connects and what you are looking for help with. It helps when you connect the dots, and IN LETTERS.

We are struggling financially. I have asked families to donate, but they are struggling too. WE do not want to charge anyone for information, but it does cost us about \$10 per person annually just for basic communication. IF you can help support our work, please consider donating, or having a family member donate. We are hoping to be funded by 2022, but since we were so new, and this wasn't really a planned endeavor, we have been just focusing on staying alive until new grant deadlines are available. Please do not feel pressured, but if you are able, we appreciate the help.

Brass Slips to Return Strong

CashApp= \$ReturnStrong

Venmo=@ReturnStrong

In Solidarity,

Jodi & The Team at Return Strong FUJI

contactreturnstrong@gmail.com

PO Box 1155

Carson City, Nevada 89701

8028

Bryan P Bonham 60575
PO Box 650 (H10SP)
Indian Springs, NV 89670

Regional Justice Center
Clerk of the Court
200 Lewis Ave 3rd Floor
Las Vegas 89155

LAS VEGAS NV 890
20 JUL 2021 PM 4 L

quadrant
FIRST-CLASS MAIL
07/20/2021
US POSTAGE \$001.20
ZIP 89101
041M12254121

ESIMPLE & Yea. Russ #2493793



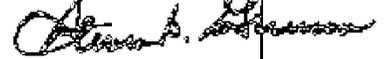
3762

RECEIVED
JUL 26 2021
CLERK OF THE COURT

ESIMPLE

#2493793 via per/ny





1 **ORDR**
2 **AARON D. FORD**
3 **Attorney General**
4 **KATLYN M. BRADY (Bar No. 14173)**
5 **Senior Deputy Attorney General**
6 **State of Nevada**
7 **Office of the Attorney General**
8 **555 E. Washington Ave., Ste. 3900**
9 **Las Vegas, Nevada 89101**
10 **(702) 486-0661 (phone)**
11 **(702) 486-3773 (fax)**
12 **Email: katlynbrady@ag.nv.gov**

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

16 **DISTRICT COURT**
17 **CLARK COUNTY, NEVADA**

18 **BRYAN BONHAM,**
19 **Plaintiff,**

20 **v.**

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

23 **Defendants.**

24 **Case No. A-20-823142-C**

25 **Dept. XXIX**

26 **Hearing Date: May 11, 2021**

27 **Hearing Time: 9:00 a.m.**

28 **PROPOSED ORDER**

1 **Defendants, Nevada Department of Corrections (NDOC), State of Nevada, Charles**
2 **Daniels, Tim Garrett, and Carter Potter, by and through counsel, Aaron D. Ford, Nevada**
3 **Attorney General, and Katlyn M. Brady, Senior Deputy Attorney General, of the State of**
4 **Nevada, Office of the Attorney General, submit this proposed order.**

5 **FINDINGS OF FACT**

6 **Plaintiff Bryan Bonham (Bonham) is an inmate currently incarcerated in the NDOC.**
7 **Bonham filed a Complaint alleging the Defendants violated his constitutional rights by**

8 **///**

1 deducting funds from an outside deposit to pay off debts that Bonham admittedly accrued.
2 Complaint at 3:7-14.

3 On April 5, 2021, Defendants filed a motion to dismiss or, in the alternative, a motion
4 for summary judgment. Plaintiff did not file an opposition. This Court held a hearing on
5 May 11, 2021, and Plaintiff did not appear.¹ Despite the failure to file an opposition, or
6 appear at the hearing, the Court conducted a full evaluation and analysis of Defendants'
7 motion.

8 Specifically, Bonham alleges that on January 8, 2020, Bonham's mother deposited
9 \$150.00 into Bonham's inmate banking account. Complaint at 3:7-8. Bonham concedes that
10 20% of the deposit was withheld to pay for the filing fee in Bonham's federal civil case. *Id.*
11 at 3:9-10. Another 10% was deducted and placed into Bonham's inmate savings account.
12 *Id.* at 3:10. Finally, Bonham alleges 50% was deducted to pay for costs the NDOC incurred
13 as a result of housing Bonham. *Id.* at 3:11-13. As a result, Bonham alleges he received only
14 \$14.00 instead of the expected \$30.00. *Id.*

15 Bonham alleges that Director Charles Daniels is responsible for the actions of his
16 subordinates because he failed to correct the issue after Bonham complained. *Id.* at 2:9-15.
17 *Id.* at 2:15-28.

18 **A. Findings Regarding The Deposit**

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

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

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

26 ///

27 _____
28 ¹ As Plaintiff is incarcerated, Plaintiff could have appeared by filing a motion for
telephonic testimony or hearing. Plaintiff did not do so.

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 nine dollars (\$9.00) to pay for mail that Bonham wished
6 to send. Ultimately, Bonham was left with \$21.00. Thus, the total deductions are
7 summarized below.

8	9	10	11
	TRANSACTION TITLE	AMOUNT	REMAINING BALANCE
10	Initial Deposit	\$150.00	150.00
11	Filing Fee Deduction	\$30.00	\$120.00
12	Legal Copy Work Deduction	\$75.00	\$45.00
13	Savings Account Deduction	\$15.00	\$30.00
14	Postage Deduction	\$9.00	\$21.00

15
16 It appears to be the additional \$9.00 deduction that Bonham believes violated his
17 constitutional rights and entitles him to \$85,000.00.

18 **B. Findings Regarding NDOC Procedures**

19 Because the deposit was made in January 2020, it is governed by Administrative
20 Regulation (AR) 258, effective date May 15, 2018. This regulation was signed by the
21 previous NDOC Director James Dzurenda and not the current Director Charles Daniels.
22 Pursuant to AR 258, the NDOC may deduct up to 50% of a deposit to pay for costs incurred
23 by the NDOC on behalf of the inmate pursuant to NRS 209.246. These costs include postage
24 and copy work.

25 Inmate deductions are made by individuals assigned to the NDOC's Purchasing and
26 Inmate Services Division. Director Daniels, Officer Potter, and Officer Garrett are not
27 involved in the banking division, did not make or approve the identified deductions, and
28 are otherwise uninvolved in inmate banking.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONCLUSIONS OF LAW

Summary judgment is an important procedural tool by which “factually insufficient claims or defenses [may] be isolated and prevented from going to trial with the attendant unwarranted consumption of public and private resources.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 327, (1986). Summary judgment should be granted when there is no genuine issue of material facts. *Boesiger v. Desert Appraisals, LLC*, 135 Nev. 192, 194, 444 P.3d 436, 439 (2019). To survive summary judgment, the nonmoving party “must do more than simply show there is some metaphysical doubt as to the operative facts.” *Id.* (internal quotation and citation omitted).

A. The State Of Nevada Is Not A Person

This Court grants summary judgment and to the State of Nevada and the NDOC. “[A] litigant complaining of a violation of a constitutional right does not have a direct cause of action under the United States Constitution but must utilize 42 U.S.C. § 1983.” *Arpin v. Santa Clara Valley Transp. Agency*, 261 F.3d 912, 925 (9th Cir. 2001). “[A] State is not a ‘person’ within the meaning of § 1983[.]” *Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 65 (1989); *see also Cuzze v. Univ. & Comm. Coll. Sys. of Nevada*, 123 Nev. 598, 605 (2007).

As both the Nevada Supreme Court and United States Supreme Court have held that states, and their political subdivisions are not persons for the purposes of § 1983 litigation, this Court grants summary judgment on all claims as to these Defendants.

B. Bonham Failed To Demonstrate Personal Participation

“Prison officials are deliberately indifferent to a prisoner’s serious medical needs when they deny, delay, or intentionally interfere with medical treatment[.]” *Hamilton v. Endell*, 981 F.2d 1062, 1066 (9th Cir. 1992). “In order for a person acting under color of state law to be liable under section 1983, there must be a showing of personal participation in the alleged rights deprivation: there is no respondeat superior liability[.]” *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002); *see also Bacon v. Williams*, No. 77135-COA, 2019 WL 4786883, at *1 (Nev. App. Sept. 27, 2019) (upholding the district court’s dismissal of an inmate complaint for failing to allege how each defendant personally participated in

1 the alleged violation as required by §1983). The Nevada Court of Appeals further held that
2 denying a grievance is insufficient to demonstrate personal participation. *Id.* (citing cases
3 demonstrating the denial of a grievance is insufficient to establish personal participation).

4 The evidence presented demonstrates there is no genuine dispute of material fact
5 regarding the Defendants' lack of personal participation. The uncontroverted evidence
6 demonstrates the named Defendants do not work in the banking division, did not authorize
7 any of the deductions, and did not participate in deducting the funds. As these Defendants
8 are wholly unrelated to the banking division, this Court finds they are entitled to summary
9 judgment on all claims.

10 **C. Bonham Did Not Show A Constitutional Violation**

11 Even assuming Bonham demonstrated personal participation, he failed to show a
12 constitutional violation. Bonham bases his constitutional claim on his belief that
13 Defendants violated NDOC's AR 258. However, a violation of an institutional procedure
14 does not automatically qualify as a constitutional violation. Bonham attempts to
15 demonstrate that this was a violation of the Fourth, Fifth, and Fourteenth Amendments.
16 Although similar, the amendments have differing standards. The Takings Clause of the
17 Fifth Amendment limits the government's ability to take property without paying for it.²
18 *Vance v. Barrett*, 345 F.3d 1083, 1086 (9th Cir. 2003). Meanwhile, the Due Process Clause
19 of the Fourteenth Amendment requires appropriate procedural protections when the
20 government takes property. *Id.*

21 The Ninth Circuit has already held the NDOC may deduct funds to pay for expenses
22 incurred in maintaining and operating inmate accounts. *Id.* at 1089 (“[w]e have no trouble
23 concluding that the officials may deduct [expenses relating to inmate accounts]”). Here,
24 Bonham does not allege the legal copy charges or the legal postage charges were incorrect
25 or unauthorized. Instead, Bonham simply complains the NDOC deducted too large a

26 ² As a threshold matter, there was no seizure or taking as the money was not taken
27 for the government but was instead applied to pay debt Bonham admittedly incurred and
28 authorized. This would be tantamount to a government entity deducting funds to pay for
the payee's child support. The government does not keep the funds but instead applies it
to an accrued debt.

1 percentage to pay these debts. As Bonham has not alleged or demonstrated that he did not
2 authorize these charges, the Defendants are entitled to summary judgment on the Fifth
3 Amendment claim.

4 Likewise, the Defendants are entitled to summary judgment on the Fourteenth
5 Amendment clause. The Due Process Clause requires prison officials to create adequate
6 procedurals governing inmate bank accounts. *Id.* at 1090-91 (discussing that prison
7 administrators must create procedural safeguards, in compliance with statutory authority
8 authorizing the deduction). Here, there is no dispute that NDOC has statutory authority
9 to deduct money from inmate deposits. Specifically, NRS 209.246 states the NDOC
10 Director, with approval from the Board of Prison Commissioners, may establish regulations
11 authorizing the deduction of a “reasonable amount” of money from inmate deposits.³

12 As NDOC has statutory authorization to deduct money to pay for legal postage and
13 copies, the next inquiry is whether there are competent procedural safeguards. Here, the
14 uncontested evidence demonstrates NDOC’s AR’s are competent procedural safeguards
15 because they provide both pre and post deprivation guidelines and reviews.

16 A Court recently found that AR 258, when combined with AR 740’s grievance
17 procedures, “provide adequate procedural protections” and thus does not violate the Due
18 Process Clause. *Antonetti v. McDaniels*, No. 3:16-cv-00396-MMD-WGC, 2021 WL 624241,
19 at * 21 (D. Nev. Jan. 25, 2021); *see also Beraha v. Nevada*, 3:17-cv-00366-RCJ-CLB, 2020
20 WL 3949223, at *5 (D. Nev. Apr. 27, 2020).

21 ///

22 ³ The Director shall, with the approval of the Board, establish by regulation criteria
23 for a reasonable deduction from money credited to the account of an offender to:

24 2. Defray, as determined by the Director, a portion of the costs paid by the Department for
25 medical care for the offender, including, but not limited to:

26 (a) Except as otherwise provided in paragraph (b) of subsection 1, expenses for medical
27 or dental care, prosthetic devices and pharmaceutical items; and

28 (b) Expenses for prescribed medicine and supplies.

3. Repay the costs incurred by the Department on behalf of the offender for:

(a) Postage for personal items and items related to litigation;

(b) Photocopying of personal documents and legal documents, for which the offender
must be charged a reasonable fee not to exceed the actual costs incurred by the Department;

(c) Legal supplies;

1 As a threshold matter, NDOC's alleged violation of its own policy does not create a
2 Due Process violation. The Supreme Court has rejected the argument that prison
3 regulations create a liberty interest and therefore violations of policy violate the Due
4 Process Clause. *See Sandin v. Conner*, 515 U.S. 472, 482-84 (1995) (rejecting the argument
5 that a prison regulation creates a liberty interest protected by the Due Process Clause); *see*
6 *also Machlan v. Neven*, No. 3:13-cv-00337-MMD, 2015 WL 1412748, at * 12 (D. Nev. Mar.
7 27, 2015) (*aff'd*, 656 F. App'x 365 (9th Cir. 2016)) ("Stated differently, prison officials do not
8 offend the Constitution by ignoring prison [regulations]). Thus, the question is not whether
9 NDOC violated its own regulations, but whether NDOC has appropriate safeguards to
10 govern deductions.⁴ Multiple courts have already answered in the affirmative.

11 Administrative Regulation 258 provides the first safeguard concerning inmate
12 accounting issues. Inmates with concerns regarding deductions or other banking issues can
13 submit a fiscal inquiry regarding the issue. The inmate's caseworker first attempts to
14 address the issue, and if they are unable to, the issue is escalated to Inmate Services
15 Banking Services (ISBS). Thus, AR 258 creates at least two safeguards for inmate
16 deductions.

17 Additionally, AR 740, the grievance process, creates yet another safeguard for
18 inmate deductions. Inmates who believe the banking division made an error may submit a
19 grievance challenging the action. Grievances go through at least three different levels of
20 review. **First**, the informal grievance is reviewed by the assigned caseworker. **Second**, the
21 inmate may appeal and grievance denial to the Warden's office for review. **Third**, the
22 inmate may appeal the Warden's decision to a Deputy Director for review. The Deputy
23 Director of Support Services reviews second level grievances concerning banking issues.

24 ///

25 ///

26

27 ⁴ *See also Brewster v. Dretke*, 587 F.3d 764, 768 (5th Cir. 2009) (noting a prison
28 official's failure to follow regulations does not violate the Due Process clause so long as the
constitutional minima is met).

1 Because there is statutory authority authorizing the Director to determine the
2 appropriate deduction percentage, and there are appropriate procedural safeguards,
3 Defendants are entitled to summary judgment on all claims.

4 **D. Defendants Are Entitled To Qualified Immunity**

5 Even assuming Defendants violated Plaintiff's constitutional rights, this Court finds
6 the Defendants are entitled to Qualified Immunity.

7 It is a long-standing principle that governmental officials are shielded from civil
8 liability under the doctrine of Qualified Immunity. *Harlow v. Fitzgerald*, 457 U.S. 800, 818
9 (1982).

10 The defense of qualified immunity protects "government officials
11 . . . from liability for civil damages insofar as their conduct does
12 not violate clearly established statutory or constitutional rights
13 of which a reasonable person would have known." The rule of
14 qualified immunity "provides ample support to all but the
15 plainly incompetent or those who knowingly violate the law."
16 "Therefore, *regardless of whether the constitutional violation
occurred*, the officer should prevail if the right asserted by the
17 plaintiff was not 'clearly established' or the officer could have
18 reasonably believed that his particular conduct was lawful."
19 Furthermore, "[t]he entitlement is an immunity from suit rather
20 than a mere defense to liability; ... it is effectively lost if a case is
21 erroneously permitted to go to trial."

22 *Shroeder v. McDonald*, 55 F.3d 454, 461 (9th Cir. 1995) (emphasis in original; internal
23 citations omitted).

24 When conducting the Qualified Immunity Analysis, courts "ask (1) whether the
25 official violated a constitutional right and (2) whether the constitutional right was clearly
26 established." *C.B. v. City of Sorona*, 769 F.3d 1005, 1022 (9th Cir. 2014) (internal citation
27 omitted).

28 The second inquiry, whether the Constitutional right in question was clearly
established, is an objective inquiry that turns on whether a reasonable official in the
position of the defendant knew or should have known at the time of the events in question
that his or her conduct was Constitutionally infirm. *Anderson v. Creighton*, 483 U.S. 635,
639-40 (1987); *Lacey v. Maricopa Cty.*, 693 F.3d 896, 915 (9th Cir. 2012). Only where a
governmental official's belief as to the constitutionality of his or her conduct is "plainly

1 incompetent” is Qualified Immunity unavailable. *Stanton v. Sims*, 134 S.Ct. 3, 5 (2013)
2 (per curiam). Governmental officials are entitled to high deference when making this
3 determination (*Anderson*, 483 U.S. at 640), requiring the Court to assess whether Qualified
4 Immunity is appropriate “in light of the specific context of the case.” *Tarabochia v. Adkins*,
5 766 F.3d 1115, 1121 (9th Cir. 2014) (quoting *Robinson v. York*, 566 F.3d 817, 821 (9th Cir.
6 2009)). The Ninth Circuit recently clarified that Qualified Immunity applies when “their
7 conduct does not violate clearly established Statutory or Constitutional rights of which a
8 reasonable person would have known[.]” *Emmons v. City of Escondido*, 921 F.3d 1172,
9 1174 (9th Cir. 2019).

10 In determining “whether a [constitutional] right was clearly established,” this Court
11 is to survey the law within this Circuit and under Supreme Court precedent “at the time of
12 the alleged act.” *Perez v. United States*, 103 F.Supp. 3d 1180, 1208 (S. D. Cal. 2015)
13 (quoting *Cnty. House, Inc. v. City of Boise*, 623 F.3d 945, 967 (2010) (citing *Bryan v.*
14 *MacPherson*, 630 F.3d 805, 933 (9th Cir. 2010)). As such, “liability will not attach unless
15 there exists a case where an officer acting under similar circumstances . . . was held to have
16 violated the [Eighth Amendment.]” *Emmons*, 921 F.3d at 1174 (citing *White v. Pauly*, 137
17 U.S. 548, 551-52 (2017) (per curiam).⁵ Although there need not be an identical case,
18 “existing precedent must have placed the . . . question beyond debate.” *Ashcroft v. al-Kidd*,
19 563 U.S. 731, 741 (2011).

20 The question presented for this Court’s review is whether there is a clearly
21 established constitutional right prohibiting prison officials from deducting more than 50%
22 of an inmate’s deposit to pay for an inmate’s debt. Defendants contend there is not any
23 authority that clearly establishes the maximum percentage that can be deducted. See
24 *Loard v. Sorenson*, 561 F. App’x 703, 705 (10th Cir. 2014) (noting Utah deducts 60% of an
25 inmate’s wages to pay restitution).

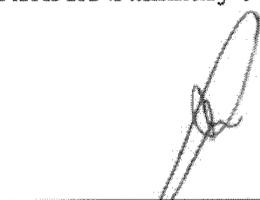
26
27 ⁵ As recently as September 2020, the Ninth Circuit affirmed the importance of
28 qualified immunity in the prison context. See *Cates v. Stroud*, 2020 WL 5742058 (9th Cir.
2020) (holding prison officials were entitled to qualified immunity for conducting a strip
search of a prison visitor).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

This Court agrees. There is no constitutionally established right preventing prison officials from deducting more than 50% of an inmate's deposit to pay for an inmate's debt. Accordingly, Defendants are entitled to qualified immunity.

IT IS SO ORDERED: Defendants' Motion for Summary Judgment is **GRANTED**.

DATED this 4 day of ^{Aug} ~~July~~, 2021.

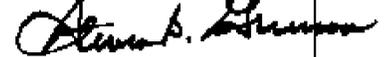


DISTRICT JUDGE

SUBMITTED BY:

AARON D. FORD
Attorney General

By /s/ Katlyn M. Brady
KATLYN M. BRADY (Bar No. 14173)
Senior Deputy Attorney General
Attorneys for Defendants



1 NEOJ
AARON D. FORD
2 Attorney General
KATLYN M. BRADY (Bar No. 14173)
3 Senior Deputy Attorney General
State of Nevada
4 Office of the Attorney General
555 E. Washington Ave., Ste. 3900
5 Las Vegas, Nevada 89101
(702) 486-0661 (phone)
6 (702) 486-3773 (fax)
Email: katlynbrady@ag.nv.gov

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

10
11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 BRYAN BONHAM,

14 Plaintiff,

15 v.

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

18 Defendants.

Case No. A-20-823142-C

Dept. XXIX

19 **NOTICE OF ENTRY OF PROPOSED ORDER**

20 TO ALL INTERESTED PARTIES:

21 PLEASE TAKE NOTICE that the **PROPOSED ORDER** was entered in the
22 above-entitled action on the 5th day of August, 2021, a copy of which is attached hereto.

23 DATED this 6th day of August, 2021.

24 AARON D. FORD
Attorney General

25 By: /s/ Katlyn M. Brady
26 KATLYN M. BRADY (Bar No. 14173)
27 Senior Deputy Attorney General

28 *Attorneys for Defendants*

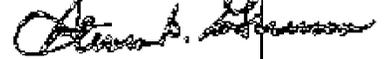
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on August 5, 2021, I electronically filed the foregoing **NOTICE OF ENTRY OF PROPOSED ORDER** via this Court’s electronic filing system. Parties who are registered with this Court’s electronic filing system will be served electronically. For those parties not registered, service was made by emailing a copy at Las Vegas, Nevada, addressed to the following:

Bryan Bonham, #60575
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070
Email: HDSP_LawLibrary@doc.nv.gov
Plaintiff, Pro Se

/s/ Carol A. Knight
CAROL A. KNIGHT, an employee of the
Office of the Nevada Attorney General



1 ORDR
AARON D. FORD
2 Attorney General
KATLYN M. BRADY (Bar No. 14173)
3 Senior Deputy Attorney General
State of Nevada
4 Office of the Attorney General
555 E. Washington Ave., Ste. 3900
5 Las Vegas, Nevada 89101
(702) 486-0661 (phone)
6 (702) 486-3773 (fax)
Email: katlynbrady@ag.nv.gov

7
8 *Attorneys for Defendants Nevada Department
of Corrections (NDOC), State of Nevada,
Charles Daniels, Tim Garrett, and Carter Potter*
9

10
11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 BRYAN BONHAM,
14 Plaintiff,

15 v.

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

17
18 Defendants.

Case No. A-20-823142-C

Dept. XXIX

Hearing Date: May 11, 2021

Hearing Time: 9:00 a.m.

19
20 **PROPOSED ORDER**

21 Defendants, Nevada Department of Corrections (NDOC), State of Nevada, Charles
22 Daniels, Tim Garrett, and Carter Potter, by and through counsel, Aaron D. Ford, Nevada
23 Attorney General, and Katlyn M. Brady, Senior Deputy Attorney General, of the State of
24 Nevada, Office of the Attorney General, submit this proposed order.

25 **FINDINGS OF FACT**

26 Plaintiff Bryan Bonham (Bonham) is an inmate currently incarcerated in the NDOC.
27 Bonham filed a Complaint alleging the Defendants violated his constitutional rights by

28 ///

1 deducting funds from an outside deposit to pay off debts that Bonham admittedly accrued.
2 Complaint at 3:7-14.

3 On April 5, 2021, Defendants filed a motion to dismiss or, in the alternative, a motion
4 for summary judgment. Plaintiff did not file an opposition. This Court held a hearing on
5 May 11, 2021, and Plaintiff did not appear.¹ Despite the failure to file an opposition, or
6 appear at the hearing, the Court conducted a full evaluation and analysis of Defendants'
7 motion.

8 Specifically, Bonham alleges that on January 8, 2020, Bonham's mother deposited
9 \$150.00 into Bonham's inmate banking account. Complaint at 3:7-8. Bonham concedes that
10 20% of the deposit was withheld to pay for the filing fee in Bonham's federal civil case. *Id.*
11 at 3:9-10. Another 10% was deducted and placed into Bonham's inmate savings account.
12 *Id.* at 3:10. Finally, Bonham alleges 50% was deducted to pay for costs the NDOC incurred
13 as a result of housing Bonham. *Id.* at 3:11-13. As a result, Bonham alleges he received only
14 \$14.00 instead of the expected \$30.00. *Id.*

15 Bonham alleges that Director Charles Daniels is responsible for the actions of his
16 subordinates because he failed to correct the issue after Bonham complained. *Id.* at 2:9-15.
17 *Id.* at 2:15-28.

18 **A. Findings Regarding The Deposit**

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

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

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

26 ///

27 _____
28 ¹ As Plaintiff is incarcerated, Plaintiff could have appeared by filing a motion for
telephonic testimony or hearing. Plaintiff did not do so.

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 nine dollars (\$9.00) to pay for mail that Bonham wished
6 to send. Ultimately, Bonham was left with \$21.00. Thus, the total deductions are
7 summarized below.

8	9	10	11
	TRANSACTION TITLE	AMOUNT	REMAINING BALANCE
10	Initial Deposit	\$150.00	150.00
11	Filing Fee Deduction	\$30.00	\$120.00
12	Legal Copy Work Deduction	\$75.00	\$45.00
13	Savings Account Deduction	\$15.00	\$30.00
14	Postage Deduction	\$9.00	\$21.00

15
16 It appears to be the additional \$9.00 deduction that Bonham believes violated his
17 constitutional rights and entitles him to \$85,000.00.

18 **B. Findings Regarding NDOC Procedures**

19 Because the deposit was made in January 2020, it is governed by Administrative
20 Regulation (AR) 258, effective date May 15, 2018. This regulation was signed by the
21 previous NDOC Director James Dzurenda and not the current Director Charles Daniels.
22 Pursuant to AR 258, the NDOC may deduct up to 50% of a deposit to pay for costs incurred
23 by the NDOC on behalf of the inmate pursuant to NRS 209.246. These costs include postage
24 and copy work.

25 Inmate deductions are made by individuals assigned to the NDOC's Purchasing and
26 Inmate Services Division. Director Daniels, Officer Potter, and Officer Garrett are not
27 involved in the banking division, did not make or approve the identified deductions, and
28 are otherwise uninvolved in inmate banking.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONCLUSIONS OF LAW

Summary judgment is an important procedural tool by which “factually insufficient claims or defenses [may] be isolated and prevented from going to trial with the attendant unwarranted consumption of public and private resources.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 327, (1986). Summary judgment should be granted when there is no genuine issue of material facts. *Boesiger v. Desert Appraisals, LLC*, 135 Nev. 192, 194, 444 P.3d 436, 439 (2019). To survive summary judgment, the nonmoving party “must do more than simply show there is some metaphysical doubt as to the operative facts.” *Id.* (internal quotation and citation omitted).

A. The State Of Nevada Is Not A Person

This Court grants summary judgment and to the State of Nevada and the NDOC. “[A] litigant complaining of a violation of a constitutional right does not have a direct cause of action under the United States Constitution but must utilize 42 U.S.C. § 1983.” *Arpin v. Santa Clara Valley Transp. Agency*, 261 F.3d 912, 925 (9th Cir. 2001). “[A] State is not a ‘person’ within the meaning of § 1983[.]” *Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 65 (1989); see also *Cuzze v. Univ. & Comm. Coll. Sys. of Nevada*, 123 Nev. 598, 605 (2007).

As both the Nevada Supreme Court and United States Supreme Court have held that states, and their political subdivisions are not persons for the purposes of § 1983 litigation, this Court grants summary judgment on all claims as to these Defendants.

B. Bonham Failed To Demonstrate Personal Participation

“Prison officials are deliberately indifferent to a prisoner’s serious medical needs when they deny, delay, or intentionally interfere with medical treatment[.]” *Hamilton v. Endell*, 981 F.2d 1062, 1066 (9th Cir. 1992). “In order for a person acting under color of state law to be liable under section 1983, there must be a showing of personal participation in the alleged rights deprivation: there is no respondeat superior liability[.]” *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002); see also *Bacon v. Williams*, No. 77135-COA, 2019 WL 4786883, at *1 (Nev. App. Sept. 27, 2019) (upholding the district court’s dismissal of an inmate complaint for failing to allege how each defendant personally participated in

1 the alleged violation as required by §1983). The Nevada Court of Appeals further held that
2 denying a grievance is insufficient to demonstrate personal participation. *Id.* (citing cases
3 demonstrating the denial of a grievance is insufficient to establish personal participation).

4 The evidence presented demonstrates there is no genuine dispute of material fact
5 regarding the Defendants' lack of personal participation. The uncontroverted evidence
6 demonstrates the named Defendants do not work in the banking division, did not authorize
7 any of the deductions, and did not participate in deducting the funds. As these Defendants
8 are wholly unrelated to the banking division, this Court finds they are entitled to summary
9 judgment on all claims.

10 **C. Bonham Did Not Show A Constitutional Violation**

11 Even assuming Bonham demonstrated personal participation, he failed to show a
12 constitutional violation. Bonham bases his constitutional claim on his belief that
13 Defendants violated NDOC's AR 258. However, a violation of an institutional procedure
14 does not automatically qualify as a constitutional violation. Bonham attempts to
15 demonstrate that this was a violation of the Fourth, Fifth, and Fourteenth Amendments.
16 Although similar, the amendments have differing standards. The Takings Clause of the
17 Fifth Amendment limits the government's ability to take property without paying for it.²
18 *Vance v. Barrett*, 345 F.3d 1083, 1086 (9th Cir. 2003). Meanwhile, the Due Process Clause
19 of the Fourteenth Amendment requires appropriate procedural protections when the
20 government takes property. *Id.*

21 The Ninth Circuit has already held the NDOC may deduct funds to pay for expenses
22 incurred in maintaining and operating inmate accounts. *Id.* at 1089 (“[w]e have no trouble
23 concluding that the officials may deduct [expenses relating to inmate accounts]”). Here,
24 Bonham does not allege the legal copy charges or the legal postage charges were incorrect
25 or unauthorized. Instead, Bonham simply complains the NDOC deducted too large a

26 ² As a threshold matter, there was no seizure or taking as the money was not taken
27 for the government but was instead applied to pay debt Bonham admittedly incurred and
28 authorized. This would be tantamount to a government entity deducting funds to pay for
the payee's child support. The government does not keep the funds but instead applies it
to an accrued debt.

1 percentage to pay these debts. As Bonham has not alleged or demonstrated that he did not
2 authorize these charges, the Defendants are entitled to summary judgment on the Fifth
3 Amendment claim.

4 Likewise, the Defendants are entitled to summary judgment on the Fourteenth
5 Amendment clause. The Due Process Clause requires prison officials to create adequate
6 procedurals governing inmate bank accounts. *Id.* at 1090-91 (discussing that prison
7 administrators must create procedural safeguards, in compliance with statutory authority
8 authorizing the deduction). Here, there is no dispute that NDOC has statutory authority
9 to deduct money from inmate deposits. Specifically, NRS 209.246 states the NDOC
10 Director, with approval from the Board of Prison Commissioners, may establish regulations
11 authorizing the deduction of a “reasonable amount” of money from inmate deposits.³

12 As NDOC has statutory authorization to deduct money to pay for legal postage and
13 copies, the next inquiry is whether there are competent procedural safeguards. Here, the
14 uncontested evidence demonstrates NDOC’s AR’s are competent procedural safeguards
15 because they provide both pre and post deprivation guidelines and reviews.

16 A Court recently found that AR 258, when combined with AR 740’s grievance
17 procedures, “provide adequate procedural protections” and thus does not violate the Due
18 Process Clause. *Antonetti v. McDaniels*, No. 3:16-cv-00396-MMD-WGC, 2021 WL 624241,
19 at * 21 (D. Nev. Jan. 25, 2021); *see also Beraha v. Nevada*, 3:17-cv-00366-RCJ-CLB, 2020
20 WL 3949223, at *5 (D. Nev. Apr. 27, 2020).

21 ///

22 ³ The Director shall, with the approval of the Board, establish by regulation criteria
23 for a reasonable deduction from money credited to the account of an offender to:

24 2. Defray, as determined by the Director, a portion of the costs paid by the Department for
25 medical care for the offender, including, but not limited to:

26 (a) Except as otherwise provided in paragraph (b) of subsection 1, expenses for medical
27 or dental care, prosthetic devices and pharmaceutical items; and

28 (b) Expenses for prescribed medicine and supplies.

3. Repay the costs incurred by the Department on behalf of the offender for:

(a) Postage for personal items and items related to litigation;

(b) Photocopying of personal documents and legal documents, for which the offender
must be charged a reasonable fee not to exceed the actual costs incurred by the Department;

(c) Legal supplies;

1 As a threshold matter, NDOC's alleged violation of its own policy does not create a
2 Due Process violation. The Supreme Court has rejected the argument that prison
3 regulations create a liberty interest and therefore violations of policy violate the Due
4 Process Clause. *See Sandin v. Conner*, 515 U.S. 472, 482-84 (1995) (rejecting the argument
5 that a prison regulation creates a liberty interest protected by the Due Process Clause); *see*
6 *also Machlan v. Neven*, No. 3:13-cv-00337-MMD, 2015 WL 1412748, at * 12 (D. Nev. Mar.
7 27, 2015) (*aff'd*, 656 F. App'x 365 (9th Cir. 2016)) ("Stated differently, prison officials do not
8 offend the Constitution by ignoring prison [regulations]). Thus, the question is not whether
9 NDOC violated its own regulations, but whether NDOC has appropriate safeguards to
10 govern deductions.⁴ Multiple courts have already answered in the affirmative.

11 Administrative Regulation 258 provides the first safeguard concerning inmate
12 accounting issues. Inmates with concerns regarding deductions or other banking issues can
13 submit a fiscal inquiry regarding the issue. The inmate's caseworker first attempts to
14 address the issue, and if they are unable to, the issue is escalated to Inmate Services
15 Banking Services (ISBS). Thus, AR 258 creates at least two safeguards for inmate
16 deductions.

17 Additionally, AR 740, the grievance process, creates yet another safeguard for
18 inmate deductions. Inmates who believe the banking division made an error may submit a
19 grievance challenging the action. Grievances go through at least three different levels of
20 review. **First**, the informal grievance is reviewed by the assigned caseworker. **Second**, the
21 inmate may appeal and grievance denial to the Warden's office for review. **Third**, the
22 inmate may appeal the Warden's decision to a Deputy Director for review. The Deputy
23 Director of Support Services reviews second level grievances concerning banking issues.

24 ///

25 ///

26

27 ⁴ *See also Brewster v. Dretke*, 587 F.3d 764, 768 (5th Cir. 2009) (noting a prison
28 official's failure to follow regulations does not violate the Due Process clause so long as the
constitutional minima is met).

1 Because there is statutory authority authorizing the Director to determine the
2 appropriate deduction percentage, and there are appropriate procedural safeguards,
3 Defendants are entitled to summary judgment on all claims.

4 **D. Defendants Are Entitled To Qualified Immunity**

5 Even assuming Defendants violated Plaintiff's constitutional rights, this Court finds
6 the Defendants are entitled to Qualified Immunity.

7 It is a long-standing principle that governmental officials are shielded from civil
8 liability under the doctrine of Qualified Immunity. *Harlow v. Fitzgerald*, 457 U.S. 800, 818
9 (1982).

10 The defense of qualified immunity protects "government officials
11 . . . from liability for civil damages insofar as their conduct does
12 not violate clearly established statutory or constitutional rights
13 of which a reasonable person would have known." The rule of
14 qualified immunity "provides ample support to all but the
15 plainly incompetent or those who knowingly violate the law."
16 "Therefore, *regardless of whether the constitutional violation
occurred*, the officer should prevail if the right asserted by the
17 plaintiff was not 'clearly established' or the officer could have
18 reasonably believed that his particular conduct was lawful."
19 Furthermore, "[t]he entitlement is an immunity from suit rather
20 than a mere defense to liability; ... it is effectively lost if a case is
21 erroneously permitted to go to trial."

22 *Shroeder v. McDonald*, 55 F.3d 454, 461 (9th Cir. 1995) (emphasis in original; internal
23 citations omitted).

24 When conducting the Qualified Immunity Analysis, courts "ask (1) whether the
25 official violated a constitutional right and (2) whether the constitutional right was clearly
26 established." *C.B. v. City of Sorona*, 769 F.3d 1005, 1022 (9th Cir. 2014) (internal citation
27 omitted).

28 The second inquiry, whether the Constitutional right in question was clearly
established, is an objective inquiry that turns on whether a reasonable official in the
position of the defendant knew or should have known at the time of the events in question
that his or her conduct was Constitutionally infirm. *Anderson v. Creighton*, 483 U.S. 635,
639-40 (1987); *Lacey v. Maricopa Cty.*, 693 F.3d 896, 915 (9th Cir. 2012). Only where a
governmental official's belief as to the constitutionality of his or her conduct is "plainly

1 incompetent” is Qualified Immunity unavailable. *Stanton v. Sims*, 134 S.Ct. 3, 5 (2013)
2 (per curiam). Governmental officials are entitled to high deference when making this
3 determination (*Anderson*, 483 U.S. at 640), requiring the Court to assess whether Qualified
4 Immunity is appropriate “in light of the specific context of the case.” *Tarabochia v. Adkins*,
5 766 F.3d 1115, 1121 (9th Cir. 2014) (quoting *Robinson v. York*, 566 F.3d 817, 821 (9th Cir.
6 2009)). The Ninth Circuit recently clarified that Qualified Immunity applies when “their
7 conduct does not violate clearly established Statutory or Constitutional rights of which a
8 reasonable person would have known[.]” *Emmons v. City of Escondido*, 921 F.3d 1172,
9 1174 (9th Cir. 2019).

10 In determining “whether a [constitutional] right was clearly established,” this Court
11 is to survey the law within this Circuit and under Supreme Court precedent “at the time of
12 the alleged act.” *Perez v. United States*, 103 F.Supp. 3d 1180, 1208 (S. D. Cal. 2015)
13 (quoting *Cnty. House, Inc. v. City of Boise*, 623 F.3d 945, 967 (2010) (citing *Bryan v.*
14 *MacPherson*, 630 F.3d 805, 933 (9th Cir. 2010)). As such, “liability will not attach unless
15 there exists a case where an officer acting under similar circumstances . . . was held to have
16 violated the [Eighth Amendment.]” *Emmons*, 921 F.3d at 1174 (citing *White v. Pauly*, 137
17 U.S. 548, 551-52 (2017) (per curiam).⁵ Although there need not be an identical case,
18 “existing precedent must have placed the . . . question beyond debate.” *Ashcroft v. al-Kidd*,
19 563 U.S. 731, 741 (2011).

20 The question presented for this Court’s review is whether there is a clearly
21 established constitutional right prohibiting prison officials from deducting more than 50%
22 of an inmate’s deposit to pay for an inmate’s debt. Defendants contend there is not any
23 authority that clearly establishes the maximum percentage that can be deducted. See
24 *Loard v. Sorenson*, 561 F. App’x 703, 705 (10th Cir. 2014) (noting Utah deducts 60% of an
25 inmate’s wages to pay restitution).

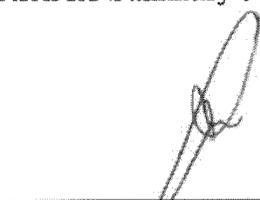
26
27 ⁵ As recently as September 2020, the Ninth Circuit affirmed the importance of
28 qualified immunity in the prison context. See *Cates v. Stroud*, 2020 WL 5742058 (9th Cir.
2020) (holding prison officials were entitled to qualified immunity for conducting a strip
search of a prison visitor).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

This Court agrees. There is no constitutionally established right preventing prison officials from deducting more than 50% of an inmate's deposit to pay for an inmate's debt. Accordingly, Defendants are entitled to qualified immunity.

IT IS SO ORDERED: Defendants' Motion for Summary Judgment is **GRANTED**.

DATED this 4 day of ^{Aug} July, 2021.

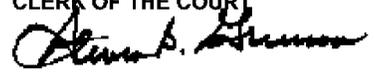


DISTRICT JUDGE

SUBMITTED BY:

AARON D. FORD
Attorney General

By /s/ Katlyn M. Brady
KATLYN M. BRADY (Bar No. 14173)
Senior Deputy Attorney General
Attorneys for Defendants



1 Bryan P. Borham
2 P.O. Box 650 (HOSP)
3 Indian Springs, NEV 89070

4
5
6
7

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

8 Bryan P. Borham

CASE NO. A-20-823142-C

9

10 -VS-

11 STATE OF NEVADA ex rel

NOTICE OF APPEAL

12

13 TO:

14 Deputy Attorney General

15 Kathryn M. Brady

16 555 E. Washington Ave Ste 3900

17 Las Vegas, NV 89101

18 please take notice that the undersigned in the above action gives HIS

19 notice of appeal of order ~~granted~~ given on August 4, 2021 Granting

20 summary judgment to defendants.

21

22 

23 Bryan P. Borham 60575

24 P.O. Box 650 HOSP

25 Indian Springs, NEV 89070

26

RECEIVED

AUG 30 2021

27

28

CLERK OF THE COURT

Byrinn Proxham 60575
PO Box 650 HOSP
Indian Springs, NV 89070

LAS VEGAS NV 890
26 AUG 2021 PM 3 L

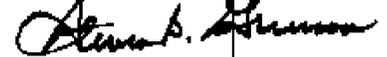
CLERK OF THE COURT
Regional Justice Center
200 Lewis Ave 3rd Floor
LV NV 89155

Confidential
Legal Mail **9762**

Mailed via Business slip # 2414384
95107-2200000

HS Dhhr #dis scrsg bin pd/jm

HIGH DESERT STATE PRISON
AUG 16 2021
UNIT 9



1 ASTA

2

3

4

5

6

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

7

8

9

BRYAN BONHAM,

10

Plaintiff(s),

11

12

vs.

13

STATE OF NEVADA; NEVADA DEPT OF
CORRECTIONS; CHARLES DANIELS; T.
GARRETT; C. POTTER,

14

15

Defendant(s),

16

17

18

CASE APPEAL STATEMENT

19

1. Appellant(s): Bryan Bonham

20

2. Judge: David Barker

21

3. Appellant(s): Bryan Bonham

22

Counsel:

23

Bryan Bonham #60575
P.O. Box 650
Indian Springs, NV 89070

24

25

26

4. Respondent (s): State of Nevada; Nevada Dept of Corrections; Charles Daniels; T. Garrett; C. Potter

27

Counsel:

28

1 Aaron D. Ford, Attorney General
2 555 E. Washington Ave., Ste. 3900
3 Las Vegas, NV 89101-1068

4 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
5 Permission Granted: N/A

6 Respondent(s)'s Attorney Licensed in Nevada: Yes
7 Permission Granted: N/A

8 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

9 7. Appellant Represented by Appointed Counsel On Appeal: N/A

10 8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, October 20, 2020
11 ***Expires 1 year from date filed*
12 Appellant Filed Application to Proceed in Forma Pauperis: Yes,
13 Date Application(s) filed: December 8,2020

14 9. Date Commenced in District Court: October 15, 2020

15 10. Brief Description of the Nature of the Action: Unknown

16 Type of Judgment or Order Being Appealed: Summary Judgment

17 11. Previous Appeal: Yes

18 Supreme Court Docket Number(s): 82800, 83033

19 12. Child Custody or Visitation: N/A

20 13. Possibility of Settlement: Unknown

21 Dated This 1 day of September 2021.

22 Steven D. Grierson, Clerk of the Court

23 /s/ Amanda Hampton

24 Amanda Hampton, Deputy Clerk
25 200 Lewis Ave
26 PO Box 551601
27 Las Vegas, Nevada 89155-1601
28 (702) 671-0512

cc: Bryan Bonham

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

February 09, 2021

A-20-823142-C Bryan Bonham, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

**February 09, 2021 9:00 AM Motion for Preliminary
Injunction**

HEARD BY: Jones, David M

COURTROOM: RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- No parties present.

COURT FINDS, the motion being incorrect and not sent to the proper authorities, and ORDERED, motion DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

May 11, 2021

A-20-823142-C Bryan Bonham, Plaintiff(s)
vs.
Nevada State of, Defendant(s)

May 11, 2021 9:00 AM Motion to Dismiss

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Amy Porray present on behalf of the Attorney General's Office.

Court noted the appeal was dismissed and there was no opposition to this motion. COURT ORDERED, Motion for Summary Judgment GRANTED. State to prepare the order.

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated September 13, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises three volumes with pages numbered 1 through 530.

BRYAN BONHAM,

Plaintiff(s),

vs.

STATE OF NEVADA; NEVADA DEPT OF
CORRECTIONS; CHARLES DANIELS; T.
GARRETT; C. POTTER,

Defendant(s),

Case No: A-20-823142-C

Dept. No: XXIX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 14 day of September 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

