

# IN THE SUPREME COURT OF THE STATE OF NEVADA

BRYAN PHILLIP BONHAM,  
Appellant(s),

vs.

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

Electronically Filed  
Mar 16 2023 01:32 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: A-20-823142-C

Docket No: 86217

# RECORD ON APPEAL VOLUME 4

**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

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

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1 there is no case as the complaint was dismissed. The Nevada Supreme Court affirmed the  
2 district court that respondents were not proper parties for purposes of §1983 and Plaintiff's  
3 §1983 claims failed as a matter of law. Therefore, the Supreme Court affirmed summary  
4 judgment on Plaintiff's §1983 claims. Furthermore, it has yet to be decided whether Plaintiff  
5 has established he is entitled to pursue any additional claims.

6 In addition, Plaintiff also requests an order to show cause why summary judgment  
7 should not be given to Plaintiff. However, Plaintiff has not filed a motion for summary  
8 judgment, and the current motion fails to meet the standard of a motion for summary  
9 judgement. Plaintiff provides no legal authority or argument as to why he would be entitled  
10 to an order to show cause. Therefore, this request is flawed and, frankly frivolous, as is his  
11 request for an evidentiary hearing.

12 Based on the above, Defendants request this Court deny Plaintiff's Motion for  
13 Discovery/ Motion for Evidentiary Hearing and Order to Show Cause. Instead, this Court  
14 should dismiss this matter as the frivolous exercise that it is.

15 DATED this 15th day of July, 2022.

16 AARON D. FORD  
17 Attorney General

18 By: /s/ Dawn R. Jensen  
19 DAWN R. JENSEN (Bar No. 10933)  
Deputy Attorney General

20 *Attorneys for Defendants*  
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Bryan Bonham, #60575  
High Desert State Prison  
P.O. Box 650  
Indian Springs, Nevada 89070  
Email: HDSP\_LawLibrary@doc.nv.gov  
*Plaintiff, Pro Se*

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1 / In Propria Personam  
2 Post Office Box 650 [HDSP]  
3 Indian Springs, Nevada 89018

FILED

AUG - 4 2022

CLERK OF COURT

4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
7

8 By: J. P. Sullivan  
9 Plaintiff  
10 vs.  
11 State of Nevada  
12  
13

Case No. \_\_\_\_\_  
Dept No. \_\_\_\_\_  
Docket \_\_\_\_\_

14 NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that By: J. P. Sullivan

16 in propria personam  
17 will come on for hearing before the above-entitled Court on the \_\_\_\_\_ day of Aug, 20\_\_\_\_  
18 at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M. In Department \_\_\_\_\_ of said Court.

19  
20 CC:FILE

21  
22 DATED: this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

23  
24 BY: [Signature]  
25 J. P. Sullivan # 325  
/In Propria Personam

26 RECEIVED

27 AUG 02 2022

28 CLERK OF THE COURT



38

FILED

AUG - 4 2022

Sharon A. Gorman  
CLERK OF COURT

1 Requena  
2 NDOC No. \_\_\_\_\_  
3 \_\_\_\_\_  
4

In proper person

5  
6 IN THE \_\_\_\_\_ JUDICIAL DISTRICT COURT OF THE  
7 STATE OF NEVADA IN AND FOR THE  
8 COUNTY OF \_\_\_\_\_  
9

10 Requena )  
11 )

12 Petitioner, )

13 v. )

14 ) Case No. 55

15 )  
16 ) Dept. No. \_\_\_\_\_

17 Respondent. )  
18 \_\_\_\_\_ )  
19

20 MOTION AND ORDER FOR TRANSPORTATION  
21 OF INMATE FOR COURT APPEARANCE  
22 OR, IN THE ALTERNATIVE,  
23 FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE  
24

25 Petitioner, Requena, proceeding pro se, requests  
26 that this Honorable Court order transportation for his personal appearance or, in the  
27 alternative, that he be made available to appear by telephone or by video conference  
28 at the hearing in the instant case that is scheduled for August 11, 2022  
29 at \_\_\_\_\_.

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at \_\_\_\_\_

3 My mandatory release date is 1/30 \_\_\_\_\_.

4  
5 2. The Department of Corrections is required to transport offenders to and  
6  
7 from Court if an inmate is required or requests to appear before a Court in this state.  
8

9 NRS 209.274 Transportation of Offender to Appear Before Court states:

10 "1. Except as otherwise provided in this section, when an offender is  
11 required or requested to appear before a Court in this state, the  
12 Department shall transport the offender to and from Court on the day  
13 scheduled for his appearance.

14 2. If notice is not provided within the time set forth in NRS 50.215, the  
15 Department shall transport the offender to Court on the date scheduled  
16 for his appearance if it is possible to transport the offender in the usual  
17 manner for the transportation of offenders by the Department. If it is  
18 not possible for the Department to transport the offender in the usual  
19 manner:

20 (a) The Department shall make the offender available on the date scheduled  
21 for his appearance to provide testimony by telephone or by video conference,  
22 if so requested by the Court.

23 (b) The Department shall provide for special transportation of the offender to  
24 and from the Court, if the Court so orders. If the Court orders special  
25 transportation, it shall order the county in which the Court is located to  
26 reimburse the Department for any cost incurred for the special transportation.

27 (c) The Court may order the county sheriff to transport the offender to and  
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because:

☐ I AM NEEDED AS A WITNESS.

My petition raises substantial issues of fact concerning events in which I participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S. 205 (1952) (District Court erred when it made findings of fact concerning Hayman's knowledge and consent to his counsel's representation of a witness against Hayman without notice to Hayman or Hayman's presence at the evidentiary hearing).

☒ THE HEARING WILL BE AN EVIDENTIARY HEARING.

My petition raises material issues of fact that can be determined only in my presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention that allegations are improbable and unbelievable cannot serve to deny the petitioner an opportunity to support them by evidence). The Nevada Supreme Court has held that the presence of the petitioner for habeas corpus relief is required at any evidentiary hearing conducted on the merits of the claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

4. The prohibition against ex parte communication requires that I be present at any hearing at which the state is present and at which issues concerning the claims raised in my petition are addressed. U.S. Const. amends. V, VI.

5. If a person incarcerated in a state prison is required or is requested to appear as a witness in any action, the Department of Corrections must be notified in writing not less than 7 business days before the date scheduled for his appearance in Court if the inmate is incarcerated in a prison located not more than 40 miles from Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or more from Las Vegas, the Department of Corrections must be notified in writing not less than 14 business days before the date scheduled for the person's appearance in Court.

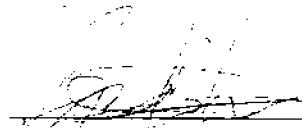
6. \_\_\_\_\_ is located approximately

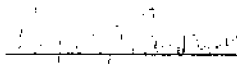
\_\_\_\_\_ miles from Las Vegas, Nevada.

1 7. If there is insufficient time to provide the required notice to the Department  
2 of Corrections for me to be transported to the hearing, I respectfully request that this  
3 Honorable Court order the Warden to make me available on the date of the  
4 scheduled appearance, by telephone, or video conference, pursuant to NRS  
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the  
6 evidentiary hearing.

7 8. The rules of the institution prohibit me from placing telephone calls from  
8 the institution, except for collect calls, unless special arrangements are made with  
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my  
10 telephone appearance can be made by contacting the following staff member at my  
11 institution: \_\_\_\_\_  
12 whose telephone number is \_\_\_\_\_

13  
14 Dated this 10th day of July, 2022.

15  
16  \_\_\_\_\_

17  
18  
19  60575 in pro se \_\_\_\_\_

**CERTIFICATE OF SERVICE BY MAILING**

I, \_\_\_\_\_, hereby certify, pursuant to NRCP 5(b), that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed a true and correct copy of the foregoing, “\_\_\_\_\_”

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

CC:FILE

DATED: this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
#  
/In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding \_\_\_\_\_

\_\_\_\_\_  
(Title of Document)

filed in District Court Case number \_\_\_\_\_

☐ Does not contain the social security number of any person.

**-OR-**

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific law)

**-or-**

B. For the administration of a public program or for an application  
for a federal or state grant.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

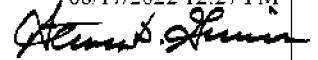
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Print Name

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Title

3762

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CLERK OF THE COURT

ORDR  
AARON D. FORD  
Attorney General  
DAWN R. JENSEN (Bar No. 10933)  
Senior Deputy Attorney General  
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(702) 486-3773 (fax)  
Email: drjensen@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**

BRYAN BONHAM,

Plaintiff,

v.

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

Defendants.

Case No. A-20-823142-C

Dept. XXIX

Hearing date: August 2, 2022

Hearing Time: 9:00 a.m.

**ORDER**

Defendants, Nevada Department of Corrections (NDOC), State of Nevada, Charles Daniels, Tim Garrett, and Carter Potter, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Dawn R. Jensen, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, submit this order.

On August 2, 2022, the Court held a hearing on Plaintiff's Motion for Discovery/Motion for Evidentiary Hearing and Order to Show Cause. Having reviewed the pleadings on this matter, the Court finds that Plaintiff's motion should be denied as improper. Parties are to proceed with previous order setting briefing schedule.

///



1 Plaintiff's Motion for Discovery/Motion for Evidentiary Hearing and Order to Show  
2 Cause is denied.

3 **IT IS SO ORDERED.**

4  
5 Dated this 17th day of August, 2022

6 

7  
8  
9 EF8 094 7712 51CD  
David M Jones  
District Court Judge

10 SUBMITTED BY:

11 AARON D. FORD  
12 Attorney General

13 By /s/ Dawn R. Jensen  
14 DAWN R. JENSEN (Bar No. 10933)  
15 Deputy Attorney General  
16 *Attorneys for Defendants*  
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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
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 Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/17/2022

15 Diane Resch

dresch@ag.nv.gov

16 Steven Wolfson

motions@clarkcountyda.com

17 Dawn Jensen

drjensen@ag.nv.gov

18 Carol Knight

cknight@ag.nv.gov



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DAWN R. JENSEN (Bar No. 10933)  
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(702) 486-3773 (fax)  
Email: drjensen@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**

BRYAN BONHAM,

Plaintiff,

v.

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

Defendants.

Case No. A-20-823142-C

Dept. XXIX

**NOTICE OF ENTRY OF ORDER**

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the **ORDER** was entered in the above-entitled  
action on the 17th day of August, 2022, a copy of which is attached hereto.

DATED this 17th day of August, 2022.

AARON D. FORD  
Attorney General

By: /s/ Dawn R. Jensen  
DAWN R. JENSEN (Bar No. 10933)  
Deputy Attorney General

*Attorneys for Defendants*

1                                   **AFFIRMATION**  
2                                   **(Pursuant to NRS 239B.030)**

3           The undersigned does hereby affirm that the foregoing document does not contain  
4 the social security number of any person.

5           DATED this 17th day of August, 2022.

6                                   AARON D. FORD  
7                                   Attorney General

8                                   By: /s/ Dawn R. Jensen  
9                                   DAWN R. JENSEN (Bar. No. 10933)  
                                  Deputy Attorney General

10                                  *Attorneys for Defendants*

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**CERTIFICATE OF SERVICE**

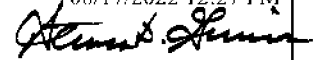
I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on August 17, 2022, I electronically filed the foregoing **NOTICE OF ENTRY OF ORDER** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will 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

ATTACHMENT

ATTACHMENT

  
CLERK OF THE COURT

ORDR  
AARON D. FORD  
Attorney General  
DAWN R. JENSEN (Bar No. 10933)  
Senior Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101  
(702) 486-3195 (phone)  
(702) 486-3773 (fax)  
Email: drjensen@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**

BRYAN BONHAM,

Plaintiff,

v.

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

Defendants.

Case No. A-20-823142-C

Dept. XXIX

Hearing date: August 2, 2022

Hearing Time: 9:00 a.m.

**ORDER**

Defendants, Nevada Department of Corrections (NDOC), State of Nevada, Charles Daniels, Tim Garrett, and Carter Potter, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Dawn R. Jensen, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, submit this order.

On August 2, 2022, the Court held a hearing on Plaintiff's Motion for Discovery/Motion for Evidentiary Hearing and Order to Show Cause. Having reviewed the pleadings on this matter, the Court finds that Plaintiff's motion should be denied as improper. Parties are to proceed with previous order setting briefing schedule.

///

1 Plaintiff's Motion for Discovery/Motion for Evidentiary Hearing and Order to Show  
2 Cause is denied.

3 **IT IS SO ORDERED.**

4  
5 Dated this 17th day of August, 2022

6   
7  
8

9 EF8 094 7712 51CD  
David M Jones  
District Court Judge

10 SUBMITTED BY:

11 AARON D. FORD  
12 Attorney General

13 By /s/ Dawn R. Jensen  
14 DAWN R. JENSEN (Bar No. 10933)  
15 Deputy Attorney General  
16 *Attorneys for Defendants*  
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1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
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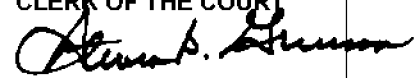
5	
6 Bryan Bonham, Plaintiff(s)	CASE NO: A-20-823142-C
7 vs.	DEPT. NO. Department 29
8 Nevada State of, Defendant(s)	
9	

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/17/2022

15 Diane Resch	dresch@ag.nv.gov
16 Steven Wolfson	motions@clarkcountyda.com
17 Dawn Jensen	drjensen@ag.nv.gov
18 Carol Knight	cknight@ag.nv.gov
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20	
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RIS  
AARON D. FORD  
Attorney General  
DAWN R. JENSEN (Bar No. 10933)  
Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
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*Attorneys for Defendants Nevada Department  
of Corrections (NDOC), State of Nevada,  
Charles Daniels, Tim Garrett, and Carter Potter*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

BRYAN BONHAM,

Plaintiff,

v.

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

Defendants.

Case No. A-20-823142-C

Dept. XXIX

**HEARING**

**REPLY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS/OR IN THE  
ALTERNATIVE SUMMARY JUDGEMNT**

Defendants, Nevada Department of Corrections (NDOC), State of Nevada, Charles  
Daniels, Tim Garrett, and Carter Potter, by and through counsel, Aaron D. Ford, Nevada  
Attorney General, and Dawn R. Jensen, Deputy Attorney General, of the State of Nevada,  
Office of the Attorney General, hereby submit this *Reply In Support Of Defendants'*  
*Motion To Dismiss/Or In The Alternative Summary Judgment*

**I. INTRODUCTION**

This Court should dismiss Bonham's complaint in its entirety as it fails to present  
a state law claim. Bonham's supplemental briefing fails to set forth any logical argument  
that his complaint raised a valid state claim. In fact, rather than file a supplemental

1 briefing as ordered by this Court, it appears Bonham responded with what appears to be  
2 an attempt to amend his complaint, which is improper for two reasons: 1) it fails to  
3 comply with the Court's order and 2) as a motion to amend, it fails to comply with  
4 NRCP 15 and EDCR 2.3. More significantly, Bonham fails to address the issue on  
5 remand, namely whether Plaintiff's complaint presented state law claims. Looking at  
6 Bonham's initial complaint, his allegations fail to present any valid state law claims.  
7 Accordingly, the matter should be dismissed with prejudice because the claims cannot be  
8 cured through amendment.

## 9 **II. FACTUAL AND PROCEDURAL BACKGROUND**

10 Bryan Bonham is an inmate lawfully incarcerated at High Desert State Prison  
11 (HDSP). On October 15, 2020, Bonham filed a Complaint alleging the Defendants  
12 violated his constitutional rights by deducting funds from an outside deposit to pay off  
13 debts that Bonham admittedly accrued. Complaint at 3:7-14.

14 Bonham alleged on January 8, 2020, Bonham's mother deposited \$150.00 into his  
15 inmate banking account. Complaint at 3:7-8. Bonham concedes that 20% of the deposit  
16 was withheld to pay for the filing fee in Bonham's federal civil case. *Id.* at 3:9-10. Another  
17 10% was deducted to be placed into Bonham's inmate savings account. *Id.* at 3:10.  
18 Finally, Bonham alleges 50% was deducted for costs NDOC incurred on behalf of plaintiff  
19 for legal copies. *Id.* at 3:10-13. As a result, Bonham alleges he should have been left with  
20 \$30.00 instead of \$14.00. *Id.*

21 It is undisputed on January 8, 2020, an individual named Linda Conry deposited  
22 \$150.00 into Bonham's inmate banking account. Defendant Motion to Dismiss/Motion for  
23 Summary Judgment, Ex. A. Thereafter, NDOC made the following deductions: thirty  
24 dollars (\$30.00) to pay a portion of Bonham's filing fee for his federal litigation, seventy-  
25 five dollars (\$75.00) to pay for legal copies, nine dollars (\$9.00) to pay for postage, and  
26 fifteen dollars (\$15.00) was placed into Bonham's inmate savings fund. *Id.* Bonham does  
27 not dispute he incurred these charges.

28 ///

1 Per Administrative Regulation (AR) 258, effective May 15, 2018, NDOC may  
2 deduct up to 50% of a deposit to pay for costs incurred by the NDOC on behalf of the  
3 inmate pursuant to NRS 209.246. These costs include postage and copy work. Defendants'  
4 Motion, Ex. B

5 On April 5, 2021, Defendants filed a Motion to Dismiss, or in the Alternative, a  
6 Motion for Summary Judgment. On May 11, 2021, the court granted Defendants' Motion  
7 as a Motion for Summary Judgment. On August 6, 2021, Notice of Entry of the Order  
8 was entered.

9 On August 30, 2021, Plaintiff filed a Notice of Appeal. On March 17, 2022, the  
10 Nevada Supreme Court entered an order affirming in part and remanding in part. The  
11 Supreme Court remanded purely to consider whether Plaintiff's complaint presented  
12 state law claims.

13 At a status hearing on May 3, 2022, the District Court ordered that Plaintiff had  
14 until July 5, 2022, to file a supplemental briefing on Defendants' Motion to Dismiss.

15 On July 1, 2022, Plaintiff filed a supplemental briefing in support of second  
16 amended complaint and tort action. This *Reply In Support Of Defendants Motion To*  
17 *Dismiss/Or In The Alternative Summary Judgment* follows.

### 18 **III. LEGAL ARGUMENT**

19 Bonham's complaint failed to raise state law claims. The State of Nevada follows a  
20 notice pleading standard as to Nev. R. Civ. P. 8(a) and the sufficiency of the complaint.  
21 *See Crucil v. Carson City*, 95 Nev. 583, 585, 600 P.2d 216, 217 (1979) ("[T]he pleading of  
22 [a] conclusion, either of law or fact, is sufficient so long as the pleading gives fair notice of  
23 the nature and basis of the claim."). Nevertheless, even under the notice pleading  
24 standard, "[a] complaint must set forth sufficient facts to establish all necessary elements  
25 of a claim for relief . . . so that the adverse party has adequate notice of the nature of the  
26 claim and relief sought." *Hay v. Hay*, 100 Nev. 196, 198, 678 P.2d 672, 674 (1984)  
27 (internal citations omitted).

28 ///

1 The Nevada Court of Appeals found the district court properly concluded  
2 respondents were not proper parties for purpose of Bonham's §1983 claims. Therefore,  
3 those claims failed as a matter of law, and the district court did not err in granting  
4 summary judgement on those claims. However, the Court found that Bonham could  
5 arguably seek relief by bringing state-law based claims against respondents because  
6 there are post-deprivation remedies available for inmates to challenge alleged  
7 unauthorized deprivation of inmate property in the form of state civil actions. Nevada  
8 Court of Appeals Order at 5. The Appeals Court found that while Bonham's complaint  
9 was couched in terms of his constitutional claims, it implicated state law. Therefore, the  
10 Court reversed and remanded for the district court to address this issue.

11 **A. Bonham's Complaint Fails To Present a Valid State Law Claim**

12 Bonham failed to sufficiently plead any valid state law claims. Bonham asserts  
13 NDOC violated AR 258 and NRS 209.246 by alleging the \$9 legal postage deduction  
14 violated AR 258 because, when combined with the copy work deductions, it exceeded 50%  
15 of the deposit (\$75.00 (legal copies) + \$9.00 (postage) = \$84.00, which is more than 50% of  
16 \$150.00). Bonham does not dispute that \$9 were the **actual** postage charges.

17 One, AR 258 does not create any substantive rights. Two, the postage deduction  
18 did not violate AR 258 and Bonham has no state claim.

19 NRS 209.246 requires the NDOC Director to establish by regulation, criteria for a  
20 reasonable deduction from money credited to the account of an offender to repay various  
21 costs. Per section (3) this includes: the costs incurred by the Department on behalf of the  
22 offender, such as (a) postage and items related to litigation, and (b) photocopying  
23 documents for which the offender must be charged a reasonable fee not to exceed the  
24 actual costs incurred by the Department. Again, Bonham did not allege the \$9 charge  
25 was not actual, nor did he allege it was not authorized.

26 AR 285.05 provides that the "Director/designee may make the following deductions,  
27 in the following order of priority, as set forth in NRS 209.247, from any money deposited  
28 in an inmate's individual account in the PPF from any source other than wages: 1. 50%

for costs **incurred** by the Department on behalf of the inmate per NRS 209.246.” (emphasis added) The 50% limit only applies past costs incurred~~ed~~ by the department per NRS 209.246, and does not apply to subsequent charges.

It was undisputed on January 8, 2020, Linda Conry deposited \$150.00 at 7:00 a.m. *Defendants’ Motion, Ex. A.* Immediately, NDOC deducted \$30 for the filing fee, \$75 for legal copies, and \$15 to the inmate savings account, *i.e.* repayment for past charges to Inmate Welfare Fund. *Id.* However, it is also undisputed that subsequently the postage charges were incurred between 4:19 p.m. on January 8, 2020, and 4:39 p.m. on January 13, 2020, *i.e.* subsequent charges deducted to pay the institution. *Id.* Bonham did not dispute that he authorized the postage charges. Thus, the postage charges were not deducted for repayment under AR 285 and NRS 209.246, and did not violate the regulation. Bonham failed to demonstrate how a violation of the law occurred that entitles him to relief.

“Moreover, an act, to be a conversion, must be essentially tortious; a conversion imports an unlawful act, or an act which cannot be justified or excused in law.” *Wantz v. Redfield*, 74 Nev. 196, 326 P.2d 413 (Nev. 1958) Bonham’s allegation that NDOC did not follow AR 258 fails to meet the elements of conversion. Bonham’s complaint failed to sufficiently state a claim that NDOC committed an unlawful act as the withdrawals were authorized and applied to Bonham’s own undisputed debt. As a matter of law, NDOC’s deductions were lawful and in accordance with NRS 209.246.

Bonham did not state a claim that NDOC lacked authority nor did he plead that an unlawful act occurred. Bonham is unable to demonstrate a violation of state law because the charges were actual, authorized by Bonham, and did not violate AR 258.

## **B. Bonham’s Supplemental Brief Is Improper**

### **1. All Federal Claims Are Outside The Remand**

In this case, the Nevada Court of Appeals already ruled that all federal causes of action are dismissed with prejudice. Specifically, the Court found that because the respondents were not proper parties for purposes of §1983, the §1983 claims fail as a

1 matter of law, and the district court did not err in granting summary judgment on those  
2 claims. *Nevada Court of Appeals Order at 4*. Bonham's improper attempt to reassert  
3 federal claims in his Supplemental Brief is outside the remand mandate. *See State Eng'r*  
4 *v. Eureka Cnty.*, 133 Nev. 557, 559, 402 P.3d 1249, 1251(2017) (holding that when "an  
5 appellate court remands a case, the district court must proceed in accordance with the  
6 mandate and the law of the case as established on appeal" and "commits error if its  
7 subsequent order contradicts the appellate court's directions" because where "an  
8 appellate court deciding an appeal states a principal or rule of law, necessary to the  
9 decision, the principal or rule becomes the law of the case and must be adhered to  
10 throughout its subsequent progress both in the lower court and upon subsequent  
11 appeal").

12           **2. Leave to Amend has not Been Granted Leave, Bonham Fails**  
13           **To Meet The Requirements, Amendment Would Be Futile And**  
14           **Bonham Fails To Show His Complaint Presented A Sufficient**  
15           **Sate Claim**

16           Bonham's one hundred-and sixty-five-page supplemental brief is an improper  
17 attempt to amend. The Court should refuse to consider the supplemental brief for three  
18 reasons. One, this court has not granted leave to amend. The pleading is entitled  
19 Supplemental briefing in Support of Second Amended Complaint and Tort Action and is  
20 structured as an amended complaint. However, this court never granted leave and  
21 Bonham fails to comply with NRCP 15 and EDCR 2.3.

22           Two, amendment would be futile. Bonham's Complaint fails to sufficiently plead a  
23 state law claim. Bonham failed to demonstrate the elements of a tort claim. The \$9  
24 charge is authorized by law and was the actual charge authorized by Bonham. Therefore,  
25 amendment would be futile since Bonham is unable to establish a violation of law.

26           Three, his supplemental brief is nonresponsive to the issue on remand. Instead of  
27 articulating how the operative initial complaint included any valid state claims, Bonham  
28 alleges irrelevant violations of criminal statutes, repeats already properly dismissed  
29 § 1983 claims, raises new factual allegations, and includes an exhaustive argument about  
30 ///

1 the validity of various state laws. In the end, Bonham violates this Court's order and  
2 fails to allege sufficient facts upon which a claim can be based.

3 **III. CONCLUSION**

4 This Court should issue an Order dismissing Bonham's Complaint with prejudice  
5 because Bonham's Complaint fails to sufficiently plead a valid state claim.

6 DATED this 2nd day of September, 2022.

7  
8 AARON D. FORD  
Attorney General

9 By: /s/ Dawn R. Jensen  
10 DAWN R. JENSEN (Bar. No. 10933)  
Deputy Attorney General

11 *Attorneys for Defendants*  
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**AFFIRMATION**  
**(Pursuant to NRS 239B.030)**

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

DATED this 2nd day of September, 2022.

AARON D. FORD  
Attorney General

By: /s/ Dawn R. Jensen  
DAWN R. JENSEN (Bar. No. 10933)  
Deputy Attorney General

*Attorneys for Defendants*

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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on September 2, 2022, I electronically filed the foregoing **REPLY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS/OR IN THE ALTERNATIVE SUMMARY JUDGEMNT** 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

*Heather S. Lemin*  
CLERK OF THE COURT

1 Bryan p Benham 60575

2 po Box 650 (HOSP)

3 Indian Springs, nev 89070

4

5

EIGHTH JUDICIAL DISTRICT COURT

6

CLARK COUNTY, NEVADA

7

8 Bryan p Benham

CASE NO. A-20-823142-C

9

plaintiff

DEPT NO XXXII

10 vs

11 Steve Sisolak et al.

PLAINTIFFS MOTION IN RESPONSE TO

12

Defendants.

ORDER FOR SUPPLEMENTAL PLEADING

13

AND RESPONSE TO MOTION TO DISMISS.

14

15 comes now plaintiff Bryan p. Benham for his cause of action, in prose

16 moves this court to enter an order for scheduling of discovery, and

17 other procedures.

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RECEIVED

26

SEP 19 2022

CLERK OF THE COURT

28

1 Bryan P Bonham 60575

2 PO Box 650 (HOSP)

3 Indian Springs, NEV 89070

4

5

EIGHTH JUDICIAL DISTRICT COURT

6

CLARK COUNTY, NEVADA

7

8 Bryan P Bonham

9 Plaintiff

CASE NO. A-20-823142-C

10 VS

DEPT NO XXX11

11 Steve Sisolak ex rel et al

12 Defendants

NOTICE OF MOTION

13

14

15 TO

16 DEPUTY ATTORNEY GENERAL

17 Dawn R Jensen

18 555 E Washington Ave Ste 3900

19 LV NV 89101

20

21 Please take notice, that the under signed will bring the above motion for hearing as

22 soon as possible for a decision based on the court's Docket Availability

23

24 

25 Bryan P Bonham 60575

26 PO Box 650 (HOSP)

27 Indian Springs, NEV 89070

28

1 (1)

MEMORANDUM OF LAW

2

POINTS AND AUTHORITIES

3 The due process clause of the fourteenth (14th), Amendment to the United  
4 States Constitution contains a substantive component sometimes referred  
5 to as "substantive due process," which bars certain arbitrary government  
6 actions "regardless of the fairness of the procedures used to implement them?"

7

8 (2) It is also a guarantee of fair procedure, sometimes referred to as  
9 "procedural due process," Daniels v. Williams, 474 U.S. 327, 337 (1986);  
10 Cleburne v. Cleburne, Living Center, Inc. 473 U.S. 432, 439 (1985); Carey v.  
11 Piphus, 435 U.S. 247, 259 (1978); Rochin v. California, 342 U.S. 165, 208  
12 (1952)

13

14 (3) Wherefore, due process is not a rigid concept. Due process is flexible and  
15 calls for such procedural protections as particular situation may demand.  
16 Watson v. Housing Authority, 97 Nev. 240, 242, 627 P.2d 405, 407, (1981)  
17 Molnar v. State Bd. of Medical Examiners, 105 Nev. 213, 216, 773 P.2d 726,  
18 (1989)

19 (4) As concerns the proceedings before this court the plaintiff respectfully  
20 requests this court to protect the ~~the~~ plaintiff's 14th Amendment right to  
21 the United States Constitution, and the NEV. CONST. ART. 1 § 8 and to guard  
22 against any stealthy encroachments thereon. Coolidge v. New Hampshire, 403  
23 U.S. 443, 454 (1971)

24 (5) Plaintiff asserts he has made a "prima facie showing" which should be  
25 understood to simply be, a sufficient showing of possible merit to "warrant a  
26 fuller exploration by the district court" wherefore this court should allow, by  
27 granting the Amended Complaint (2nd) Amended Complaint to move forward &  
28 to hold a hearing evidentiary in nature to allow plaintiff the

1 opportunity to "establish 'any fact' which would be protection to Him"

3 (6)

### RIGHT TO AMEND.

4 "A district court should grant leave to amend even if no request to amend  
5 the pleadings was made unless it determines that the pleadings could not  
6 possibly be cured by the allegation of other facts." Lopez v. Smith 203 F.3d  
7 1122, 1130 (9th Cir 2000); Doe v. U.S. 58 F.3d 494, 497 (9th Cir 1995)  
8 As such the (2<sup>nd</sup>) second Amended complaint becomes now controlling  
9 complaint. state of Nevada is not named as defendant, Also new  
10 defendants came to light

12 (7)

### FOURTEENTH AMENDMENT

13

### TO U.S. CONSTITUTION.

14 which states the following:

15 no state shall make or enforce any Law which shall abridge the privileges  
16 or immunities of citizens of the united states; nor shall any state deprive any  
17 person of Liberty, or property without due process of Law, nor deny to  
18 any person within its Jurisdiction the equal protection of the Laws.

19 (8) The due process clause of the Fourteenth (14<sup>th</sup>) Amendment to the  
20 united states constitution, contains a substantive component, sometimes  
21 referred to as "substantive due process", which bars certain arbitrary  
22 government actions, "regardless of the fairness of the procedures used to  
23 implement them" It is also a guarantee of fair procedure, sometimes  
24 referred to a "procedural due process". see Dunies v. Williams, 474 U.S. 327  
25 337 (1986), Cleburne v. Cleburne Living Center Inc., 473 U.S. 432, 439 (1985) Carey  
26 v. Piphus, 435 U.S. 247, 254 1978 Rochin v. California 342 U.S. 165,  
27 208 (1952)

28 (9) It would seem counsel for the defendants, as well as the defendants

1 want nothing more than this court to turn a blind eye to the stealth  
2 encroachments upon plaintiffs rights. Furthermore, & although it may  
3 have delt with only one of the issues befor this court, in this case. This  
4 plaintiff contends that it applies to all the issues here in.

5 The Michigan Supreme court stated:

6 "It will be an unfortunate day for  
7 constitutional rights when courts  
8 begin the insidious process of  
9 undermining constitutions by holding  
10 unambiguous provisions and limitations  
11 to be directory merely, to be disregarded  
12 at pleasure."

13 people v dettenthaler, 77 N.W. 450, 453, 118 Mich. 595 (1898)

14  
15 (10) The U.S. constitution guarantees that plaintiff has a constitutional  
16 right to be free of arbitrary actions of the Governments actions. i.e. the  
17 actions of NDOC, its staff. As Plaintiff has a right to expect an  
18 administrative agency (i.e. NDOC) will follow its own rules and regulations  
19 under the Accardi Doctrine furthermore the NDOC has failed to follow  
20 its own rules and Regulations, which renders any actions taken outside  
21 of its rules and Regulations as unlawful, illegal, unconstitutional, invalid  
22 and void of Authority. United States ex rel Accardi v Shaughnessy 347 U.S. 260, 266 -  
23 68 (1954); Church of Scientology of Cal. v. U.S., 920 F.2d 1481, 1487 (9th Cir. 1990)

24 (11)

NRS 209.246

25 DEDUCTIONS FROM INDIVIDUAL ACCOUNT OF OFFENDER states the following:

26 The Director shall with the approval of the board establish by regulation  
27 criteria for a reasonable deduction from money credited to the account  
28 of an offender to: (1) repay the cost of: (3) repay the cost incurred

1 by the department on behalf of the offender for: (a) postage for personal  
2 items and items related to litigation (b) photo copying of personal documents  
3 and legal documents, for which the offender must be charged a reasonable  
4 fee not to exceed the actual cost incurred by the department. (c) Legal supplies

5  
6 (12) PLAINTIFFS SUPPLEMENTAL BRIEF  
7 IN SUPPORT OF SECOND AMENDED  
8 COMPLAINT & TORT ACTION

9 Chapter III code of ethics see section 8 which refers to Honesty, integrity,  
10 impartiality and dishonesty.

11  
12 Page 5 Line 11 through 18 pay particular attention to Line 15 to 18.

13 50% citing NRS 209.246 (2) 10% to his savings account. on Line 18  
14 20% to court for filing fee. more specifically U.S. DIST. COURT. plaintiff  
15 will not have funds to pay this debt (until this issue is resolved) placed on  
16 or in his account.

17 after the memo dated August 28, 2020 About the Amending of AR 258 which  
18 is attached to Response to Defendants motion to Dismiss or in alternative  
19 motion for Summary Judgment.

20 Court can also see exhibit "3" of same opposition by plaintiff.

21 There are questions to be asked, evidence to gather through discovery  
22 and testimony.

23 It would appear that AR 258 was amended to 80% to 100% from the 50%  
24 without the approval of the board prison commissioners. AS court can see  
25 the top three (3) commissioners voted to revert back to the 50%. and the  
26 AR was ultimately properly amended to a 25% deduction for debt owed to  
27 NDOC.

28 plaintiff wants to be perfectly clear. He did not, nor does he owe any



1 restitution from his conviction.

3 (13)

#### ADMINISTRATIVE REGULATION

4

(AR258)

5 prior to this NDOC Regulation being amended max deduction was 50% of

6 funds deposited into plaintiff's account, no more.

7 when this AR was properly Amended it was determined 25% was a reasonable

8 amount. Evidence provided by defendants (monthly statements) and evidence

9 provided by plaintiff shows Board of prison commissioners knew nothing of the

10 50% to 100% deduction. & That it was in fact Lowered to a reasonable 25%

11 for any debt owed to NDOC.

12 further more exhibit "3" of plaintiff's supplemental will provide proof that

13 this conduct is still happening via monthly statements of which counsel can

14 provide court From NDOC, where it will show that on or about February 13<sup>th</sup> 2022

15 His mother deposited \$125<sup>00</sup> of which plaintiff was only allowed to spend

16 \$19<sup>05</sup>, more than 25% was taken.

17

18 (14)

#### NRS 209.246

19 THIS NEVADA REVISED STATUTE is the Law by which AR 258 receives its  
20 authority.

21 In most recent Filing by defence counsel its claimed that plaintiff has/had

22 no right to amend, which is false, that plaintiff failed to state a valid state

23 Law claim, which is false. no 1. plaintiff has put before this court that

24 State Law i.e. NRS 209.246 allows Director to establish an AR that allows

25 a REASONABLE amount to be deducted from plaintiff's account/funds deposited

26 into his account. This ultimately gives plaintiff a Liberty interest

27 in these funds which is a property interest. plaintiff further has

28 properly shown that defendants named in second Amend complaint can be

1 held liable and that NRS 209.246 was enacted by the 48th session of the  
2 Nevada Legislature although not properly nor legally i.e. the legislative process  
3 not being followed, none being finished. more evidence will be presented herein.  
4 as follows:

5 (15)

#### LOG OF SENATE FOR SENATE

6

#### BILL NO 2 (1957)

7 FIRST it is undisputed that a commission of justices from the Nevada Supreme  
8 court created by the Nevada Legislature wrote, created the NRS, in December 1956  
9 presented their work in type written form to the 48th session of the Nevada  
10 Legislature. consisting of NRS 1.010 TO NRS 710.590 see exhibit "7"  
11 version 1, & version 2 of supplemental filed 7/1/22 as well as Exhibit  
12 "4" of same filing. page 4 line 10 to 18. where counsel omits two NRS  
13 statutes were enacted by SB. NO 2 (1957)

14 The laws which this commission, committee, entity writes cannot be deemed  
15 the lawful statutes of the state. This is especially so since the various  
16 constitutions of the land, more specifically the NEUCONST specify how each law  
17 is to come into being.

18 It was never the intent that such a comprehensive mass of legislation  
19 containing every law of the state, and passed in one act. would be the mode  
20 for making laws. There are inherent problems associated with this  
21 method, as explained by one legal writer.

22 The usual practice is to introduce the  
23 Revision [of statutes] as a single bill,  
24 sending it through the same process as  
25 any other bill, obviously, however, the  
26 members of the Legislature cannot give  
27 such a comprehensive measure adequate  
28 consideration. It is almost as difficult

for a committee to do so.

2 Walker, Law making in the United States, p. 272

3

4 (16) when the mass of laws from the commission is complete, the legislature is

5 to approve it as a single statute, however because it is so massive, not one

6 (1) single legislator will read the new body of law,

7 there are no discussions in the legislature on any of the hundreds of new or

8 revised laws of the commission. further, it is required by fundamental law

9 and CONSTITUTIONAL MANDATE that a bill be read on three separate days

10 in the legislature. see attached Log as exhibit "1" from the senate journal

11 for SENATE BILL NO 2 (1957)

12

13 (17) As the court, any reader can see, it SB. NO 2 (1957) was read on day one

14 "JAN 22<sup>nd</sup>, (1957), further on day one it was "declared an emergency measure

15 under the constitution, and placed on third reading and final passage" what

16 you will also see is that it was read a third time on the same day, however

17 you'll also notice section labeled "PASSED" and "TITLE APPROVED" are not

18 filled out. what is also clear to the reader is that spot on page 3 that

19 says "ENROLLED" and delivered to SECRETARY OF STATE is not stamped with a

20 date, meaning it was never done. This raises lots of important questions.

21 to be asked.

22 Defendants counsel is attempting to create a false narrative, in an effort

23 to confuse and/or swing this court. the 50% includes, incompens both

24 his (plaintiffs) legal copy work debt and his legal postage. in there response

25 to supplemental filed on 9/2/2022 page 4 line 15 plaintiff does not

26 dispute he has a debt to pay. yes that 9<sup>00</sup> is owed to NDOC. what He

27 disputes is when any amount is deposited per their own AR which is

28 given its authority from a state law NRS 209.246

1 what He disputes is going over the 50%  
2 State Law again NRS 209.246 allows NDOC to deduct for his debt up to  
3 a reasonable amount which was 50% not 75% not 80%, not 90 or 100%  
4 yet again NRS 209.246 is state law which gives AR 258 its authority.  
5 the NDOC, or its employees have violated both AR 258 and NRS 209.246  
6 which is a State Law. it does not say 50% for copy work plus etc., The new %  
7 amount is 25%.

8 (18)

### NRS 197.200

9

### OPPRESSION UNDER

10

### COLOR OF OFFICE

11 Here is another state Law! An officer under pretence of color of Authority  
12 does any act where by the persons property, or right of another person are  
13 injured commits oppression. by defendant(s) using the false narrative  
14 of AR 258 to intentionally deprive plaintiff of his property funds he is  
15 entitled to have access to, not allowing him said access is an act of oppression.

16

17 (19)

### NRS 205.0823

18

### "CONTROLE"

19 means to act so as to prevent a person from using HIS or Her own property  
20 on the actors terms. plaintiff After having funds deposited to or into HIS  
21 account, 20% going to U.S. DIST CRT for filing fee's. 10% to his savings. then  
22 25% to the NDOC to pay for any legal copy work, legal postage, supplies, medical  
23 co pays. so for the math & common sense impaired. (counsel) if plaintiffs  
24 mother deposits lets say \$100.<sup>00</sup> a month. 20% going to U.S. DIST CRT  
25 for financial cert/filing fee., 10% going to his savings. then according to  
26 the new amended AR 258 25% to the NDOC to repay NDOC for legal  
27 postage, legal copy work and supplies, medical co pays. what should be  
28 left for plaintiff to have "CONTROLE" of and of how to spend it?

1 it is \$54.00 The last time funds were deposited into His (Plaintiff's) account.  
2 it was \$125.00 which by the below standard should have left this plaintiff  
3 \$67.50 to spend as He sees fit. So the question remains why was He  
4 only permitted/Allowed to have access to \$19.05

6 (20) NRS 205.0824

7 DEPRIVE DEFINED:

8 Deprive means to withhold a property interest of another permanently or  
9 for so long a time that a substantial portion of its value, usefulness or  
10 enjoyment is lost or to withhold it with the intent to restore it only  
11 upon the payment of a reward or ~~the~~ other compensation, or to transfer or  
12 dispose of it so that it is unlikely to be recovered

13 (21)

14 The defendants in second amended complaint in one way allowed, and or permitted  
15 these statutes to be violated, or to continue to be violated or has actively  
16 participated in the deduction of funds from his account beyond what the  
17 statute ie state law permits. by doing so these defendants have violated  
18 or allowed to be violated NRS 209.246, NRS 209.247, 205.0824, NRS 205.0823  
19 NRS 197.200 as well as AR 258 to be violated.

21 (22)

NEVADA CONSTITUTION

22 ARTICLE 138 (1864)

23 As previously stated to succeed on a procedural due process claim, a plaintiff  
24 must satisfy three elements. FIRST, He must demonstrate that He had a  
25 constitutionally cognizable Life, liberty, or PROPERTY interest. per AR 258  
26 along with NRS 209.246 gives this plaintiff as NRS 209.246 is a legislatively  
27 enacted statute by the 48<sup>TH</sup> SESSION OF THE NEVADA LEGISLATURE with  
28 legislative intent. see 10 tax I chapter of Sigma chi Fraternity v Patterson

1 566 F.3d 138, 145 (4th Cir 2009) second, he must show that the deprivation of  
2 that interest was caused by "some form of state action." id. That deprivation  
3 can be physical appropriation Loretto v. Teleprompter Manhattan Cat v. Corp  
4 458 U.S. 419, 435 102 S.Ct. 3164 (1982), or by a regulation that deprives  
5 an owner of all economically valuable uses of the land. Lucas v. Sc. Coastal  
6 Council 505 U.S. 1003 1019, 112 S.Ct. 2886 (1992) Third, he must prove the  
7 procedures employed were constitutionally inadequate." Patterson, 566 F.3d  
8 @ 145

9 (23) due process is not required as such plaintiff has shown "that there is no  
10 rational basis for the... [administrative] decision." The procedures used  
11 to deprive plaintiff of funds he has a federally protected Liberty interest  
12 in are unconstitutional for multiple reasons as argued in second amended  
13 complaint.

14 (24) due process also requires/demands that the district court conduct such  
15 a hearing, to allow plaintiff to "ESTABLISH 'ANY' 'FACT'" which protects  
16 the plaintiff. See Cleburne v. Cleburne, Living Center, Inc., 473 U.S. 432,  
17 439 (1989), Rochin v. California 342 U.S. 165, 169 (1952), & CONST OF NEV  
18 ART 1 § 8 (1864)

19 (25) Additionally, the plaintiff specifically articulates that, where the  
20 CONST OF NEV provides a greater protection for the plaintiff's rights as  
21 does the UNITED STATES CONSTITUTION, and its Amendments plaintiff  
22 does seek and respectfully requests that he be so protected see & compare  
23 Wilson v. State, 123 Nev 587, 595 (Nev 2007)

24 (26) moreover the pleadings and exhibits submitted and filed with this  
25 court require that a "FACT FINDING" hearing be conducted evidentiary in nature,  
26 as the SUPREME COURT OF NEVADA is not a fact finding tribunal see  
27 Zugel v. Miller, 99 Nev. 100, 659 p.2d 296, 297 (Nev 1983), Zobrist v  
28 Sheriff, 96 Nev 625, 614 p.2d 538 (1980)

1 that, without adequate, full and fair presentation of the "FACTS", it is wholly  
2 impossible for the NEV. SUP. CRT to be in a position, to render full, fair and  
3 adequate appellate review as to "FACTS" not fully developed in the district  
4 court, due to the appellate court not being a "FACT FINDING TRIBUNAL".  
5 Zugel, 99 Nev@ , 659 P.2d@ 297.

6  
7 (27) Additionally, and again the NEVADA SUPREME COURT cannot review,  
8 or presume facts etc from a silent record compare. Boykin v Alabama, 395  
9 U.S. 238, 242 (1969)

10 further plaintiff articulates he has cited to decisions of the UNITED STATES  
11 SUPREME COURT, that this court should be mindful of in the submitted  
12 pleadings, and should be mindful of making a decision that is contrary to,  
13 or involves an unreasonable application of, clearly established federal law,  
14 as determined by the supreme court or based on an unreasonable determination  
15 of the "FACTS" see Williams v Taylor, 529 U.S. 362, 405 (2000)

16  
17 (28) Again, plaintiff has submitted in regards to all issues, grounds  
18 at issue here in "PRIMA FACIE EVIDENCE" exhibits that "does present-claims,  
19 issues, allegations," that not only has the NDAC violated its own Rules &  
20 Regulations, the NDAC officials, supervisors have allowed to happen the theft  
21 of funds, that plaintiff has a protected (federally protected) property interest  
22 in the funds disputed, moreover that the NRS STATUTE that gives the NDAC  
23 the authority, ability to take funds deposited into an account designated for  
24 management of plaintiff's money/funds that is under the "control" of the NDAC  
25 is unlawful, illegal, unconstitutional and void. to which plaintiff must  
26 be permitted, allowed to establish as a fact. that the defendants have  
27 not in any manner presented contradictory evidence there to. NEV  
28 CONST ART 138 All they have produced is monthly statements that show they

1 over what AR 258 permitted.

2 wherefore, plaintiff is entitled to relief. RUBIO V STATE 194 p.3d 1224, 1233

3 (New 2008)

4 (29) The due process clause of the constitution of the state of Nevada

5 art 138, mandates that this court conduct a hearing evidentiary in

6 nature that allows the plaintiff to establish "ANY FACT" that protects

7 Him. The due process clause requires that a person have the opportunity

8 to "ESTABLISH 'ANY FACT'" which would be "PROTECTION TO HIM," or HIS

9 property. Due process clause of the NEVCONST ART 138, not only requires that

10 a person properly brought into court (subject matter jurisdiction), yet

11 that he shall have the opportunity to "ESTABLISH 'ANY FACT'" of which

12 according to usages of common law or provisions of constitution,

13 would be protection to Him or HIS property. (emphasis added) see

14 Wright v Cradlebaugh, 3 new 341 (1867), cited Persing v. Reno Stock

15 Brokerage Co., 30 new 342, 349, 96 pac 1054 (1908), STATE v Fauquette,

16 67 new 505, 514, 221 p.2d 404 (1950) see also Vipperman v STATE, 96 new

17 592, 614 p.2d 532 (1980), COSIO v STATE, 106 new 327 793 p.2d 836 (1990)

18

19 (30)

#### WHAT CANNOT BE DONE

20 (1) NO Legal Justification for Removing more funds than what their own Rules

21 & Regulation allow.

22 (2) That the NDOC is permitted by Law to Deduct more than 50% & now

23 25% for a Debt from any one deposit of money / funds from plaintiffs

24 Family.

25 (3) That the amended 80% to 100% Deduction was known about & approved

26 by the Board of prison commissioners.

27 (4) That any of the argument or evidence as to the Legality, unlawful nature

28 unconstitutionality of NRS 209.246 provided by plaintiff is valid or invalid.



1 (S) AS TO NO 4 defendants cannot produce from the OFFICE OF SECRETARY OF  
2 state any evidence to dispute plaintiffs allegations.  
3

4 (31) defendants opposition to supplemental page 1 of 9.

5 Line 27-28 Bonham's supplemental briefing fails to set forth any logical  
6 argument that his complaint raised a valid state claim.

7 page 2 of 9. Line 1-2. it appears Bonham responded with what appears to  
8 be an attempt to amend complaint. This is a fraudulent statement. 1) His amend  
9 complaint is already filed. see second Amend complaint. plaintiffs supplemental  
10 is in support of Amend complaint.

11 ~~Line 21 to 27.~~

12 (32)

DEFENDANTS COUNSEL MAKES

13

PLAINTIFFS ARGUMENT.

14 Page 3 of 9. Line 1-4. per Administrative Regulation (AR) 258 effective

15 May 15, 2018 NDOC may deduct up to 50% of a deposit to pay for costs

16 incurred by the NDOC on behalf of the inmate pursuant to NRS 209.246

17 ~~now lets go to page 2 of 9. Line 21 to 27.~~ These costs include postage and

18 copy work.

19 now to page 2 of 9 Line 21 to 27. It is undisputed that \$150<sup>00</sup> was deposited

20 into Bonham's inmate banking account furthermore counsel states \$30<sup>00</sup> was

21 deducted, plaintiff agrees to pay U.S. Dist Court filing fee, that 15<sup>00</sup> was put into

22 His Savings account and that is also undisputed. then we have the \$75<sup>00</sup> to

23 NDOC for legal copy work. which is the 50% of \$150<sup>00</sup> then counsel states

24 9<sup>00</sup> was taken for legal postage. which was over the 50% mark. counsel

25 states herself. NDOC may deduct up to 50% for debt incurred by NDOC on

26 behalf of the inmate. pursuant to NRS 209.246 These costs include postage

27 and copywork. The 50% includes copywork, postage. so plaintiff asks

28 How is \$84<sup>00</sup> 50% of \$150<sup>00</sup>?? it is over 50% which constitutes

1 Theft.

2

3 (33)

#### CONCLUSION

4 plaintiff contends he ~~is~~ has articulated, presented a valid, substantial,  
5 ~~and~~ recognizable federal constitutional property interest in his property  
6 (money - funds deposited into his account.) as well as a state law claim.  
7 Furthermore plaintiff has provided via document evidence that NRS 209.246  
8 is unlawful, illegal, unconstitutional, invalid, void of any legal authority, nor  
9 has counsel attempted to dispute it, which she can not do.  
10 plaintiff does not dispute he has a debt to be paid. He does however dispute  
11 how much is to be paid from any one deposit of money/funds into his  
12 account.

13

14 (34)

#### RELIEF SOUGHT

15 Normally plaintiff would ask for summary judgment, as this case is  
16 not so cut-n-dry. He will first ask respectfully that this court not  
17 violate his constitutional rights, grant him an evidentiary hearing  
18 to establish any and all facts dealing with this case as required by  
19 CONST OF NEV. ART 138, to further allow discovery, admissions, interrogatori  
20 es, and trial by jury.

21

22

23

24

25

26

27

28

VERIFICATION

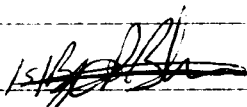
I Bryan P Bonham declare and verify that I have read the foregoing motion and to the best of my belief & knowledge that the foregoing motion is true & correct, under the pains & penalties of perjury pursuant to 28 U.S.C.A. § 1746 & 18 U.S.C.A. § 1621

CERTIFICATE OF SERVICE

I Bryan P Bonham certify that I have read the foregoing motion and I am attaching special instructions for electronic filing & service to the clerk of the court to serve all my opponents pursuant to N.E.F.C.R. 5(K), 9 et seq. (A-2) to the following

Deputy Attorney General  
Darin R. Jensen  
555 E Washington Ave Ste 3400  
L.V.W.V. 89101

Dated this 8th day of September, 2022

  
Bryan P Bonham 60575

PO Box 650 HOSP  
Indiansprings, NEV 89070

STATE OF NEVADA  
EXECUTIVE DEPARTMENT

RECEIVED

Date Jan 23, 1957

Hour 10:47 AM

No. of Sheets One

Time Limit for Action by Governor

Expires on Jan 28, 1957

Robert T. Ladd  
Secretary to Governor

STATE OF NEVADA  
OFFICE OF SECRETARY OF STATE

RECEIVED AND FILED

Date Jan 23, 1957

Hour 1:10 P.M.

John D. Ladd  
Secretary of State

By Wm. S. Ladd  
Deputy Clerk

CLERK W

SENATE BILL NO. 2

W. S. Ladd  
President of the Senate

J. C. Rourke  
Secretary of the Senate

Wm. S. Ladd  
Speaker of the Assembly

Wm. S. Ladd  
Chief Clerk of the Assembly

STATE OF NEVADA  
EXECUTIVE DEPARTMENT

APPROVED

Date January 25, 1957

Hour 10:25 a.m.

Charles W. Ladd  
Governor

8 27mm 15 (Revised 2-11-57)

Read third time. Amended. To printer.

From printer. To re-engrossment.

Re-engrossed.

Referred to Committee on \_\_\_\_\_

From committee: \_\_\_\_\_

JAN 22 1957

All rules suspended. Bill

considered engrossed, declared an emergency measure under the Constitution, and placed on third reading and final passage.

Read third time. Amended. Reprinting dispensed with. Passed, as amended. Title approved. To re-engrossment.

JAN 22 1957

Re-engrossed. To Assembly.

Read third time. Passed.

Title approved. To Assembly.

*Leola H. Wilcox*

Assistant Secretary

☐ Check here if amendments are stapled to back of bill.

IN ASSEMBLY

JAN 23 1957

Read first time. Referred to \_\_\_\_\_ Committee on/of \_\_\_\_\_

To committee.

From committee: Do \_\_\_\_\_ pass.

Read second time.

From committee: Amend, and do pass as amended.

Read second time. Amended. Reprinting dispensed with. To re-engrossment.

Read second time. Amended. To printer.

Read third time. Amended. To printer.

From printer. To re-engrossment.

Re-engrossed.

JAN 23 1957

All rules suspended. Bill

considered engrossed, declared an emergency measure under the Constitution, and placed on third reading and final passage.

Read third time. Amended. Reprinting dispensed with. Passed, as amended. Title approved. To re-engrossment.

JAN 23 1957

Re-engrossed. To Senate.

Read third time. Passed.

Title approved. To Senate.

Assistant Clerk

☐ Check here if amendments are stapled to back of bill.



Bryan Bonham 60575  
PO Box 650 HOSP  
Indian Springs, WV 89070

Regional Justice Center  
Clerk of the Court  
200 Lewis Ave 3rd Floor  
LU, WV 89155

mailed via Grasslip #2520780  
8910186300 0075

mailed via  
Grasslip #2520780

quadrant FIRST-CLASS MAIL  
09/15/2022  
3762  
041M12254121

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
11/3/2022 3:55 PM  
Steven D. Grierson  
CLERK OF THE COURT



Bryan Bonham, Plaintiff(s)

vs.

Nevada State of, Defendant(s)

Case No.: A-20-823142-C

Department 29

**NOTICE OF HEARING**

Please be advised that the Plaintiff's Supplemental Pleading in Support of His Request to Add Counts of Interfering with Access to Courts, Adding New Defendants with Evidence in Support in the above-entitled matter is set for hearing as follows:

**Date:** December 07, 2022

**Time:** 9:00 AM

**Location:** RJC Courtroom 15A  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court



*Heather S. Hemin*  
CLERK OF THE COURT

1 Bryan p Bonham 60575

2 po Box 650 HDSP

3 Indian Springs, NV. 89070

4

5

EIGHTH JUDICIAL DISTRICT COURT

6

CLARK COUNTY, NEVADA

7

8 Bryan p Bonham

9

Plaintiff

CASE NO A-20-823142-C

10 v

DEPT :

11 Steve Sisolak ex reletal

12

Defendants.

NOTICE OF MOTION

13

14

15 TO

16 DEPUTY ATTORNEY GENERAL

17 Aaron D Ford

18 555 E Washington Ave Ste 3900

19 Las Vegas, Nevada 89101

20

21 Please take notice, that the undersigned will bring the above motion for a hearing as soon

22 as possible for a decision based on courts docket availability

23

24 Dated this 6th day of October, 2022

25

*Bryan p Bonham*

26

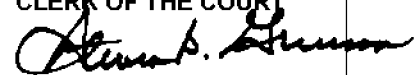
Bryan p Bonham 60575

27

PO Box 650 HDSP

28

Indian Springs, Nev 89070



1 **NOTA**  
2 **AARON D. FORD**  
3 Attorney General  
4 **SAMUEL L. PEZONE, JR. (Bar No. 15978)**  
5 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) 486-4070 (phone)  
11 (702) 486-3773 (fax)  
12 Email: spezone@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.

Case No. A-20-823142-C

Dept. No. XXIX

24 **NOTICE OF APPEARANCE**

25 The Office of the Attorney General, Aaron D. Ford, Nevada Attorney General, and  
26 Samuel L. Pezone, Jr., Deputy Attorney General, hereby enter a notice of appearance on  
27 behalf of the Defendants, Nevada Department of Corrections (NDOC), State of Nevada,  
28 Charles Daniels, Tim Garrett, and Carter Potter.

DATED this 4th day of November, 2022.

AARON D. FORD  
Attorney General

By: /s/ Samuel L. Pezone, Jr.  
SAMUEL L. PEZONE, JR. (No. 15978)  
Deputy Attorney General

Attorneys for Defendants

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

Page 2 of 2  
774

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
11/4/2022 11:27 AM  
Steven D. Grierson  
CLERK OF THE COURT



Bryan Bonham, Plaintiff(s)

Case No.: A-20-823142-C

vs.

Department 29

Nevada State of, Defendant(s)

**AMENDED NOTICE OF HEARING**

Please be advised that the Status Check, in the above-entitled matter is reset for hearing as follows:

**Date:** December 7, 2022

**Time:** 9:00 AM

**Location:** Courtroom 15A  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

DAVID M. JONES, DEPARTMENT 29

By: /s/ Melissa Delgado-Murphy  
Judicial Executive Assistant

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Melissa Delgado-Murphy  
Judicial Executive Assistant

*Heather S. Linn*  
CLERK OF THE COURT

Bryan p Bonham

NDOC No. 60575

PO Box 650 HD State Prison  
Indian Springs, NV 89070

In proper person

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

Bryan p Bonham

Petitioner,

v.

Case No. A-20-823142-C

Steve Sisolak et al

NEV. DEPT. OF CORR

Dept. No. 32

Respondent.)

*"Hearing Requested"*

MOTION AND ORDER FOR TRANSPORTATION  
OF INMATE FOR COURT APPEARANCE  
OR, IN THE ALTERNATIVE,  
FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE

Petitioner, Bryan p Bonham, proceeding pro se, requests  
that this Honorable Court order transportation for his personal appearance or, in the  
alternative, that he be made available to appear by telephone or by video conference  
at the hearing in the instant case that is scheduled for November 8th 2022  
at \_\_\_\_\_.

RECEIVED

OCT 31 2022

CLERK OF THE COURT

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at High Desert state prison.

3 My mandatory release date is 10/27/30.

4  
5 2. The Department of Corrections is required to transport offenders to and  
6  
7 from Court if an inmate is required or requests to appear before a Court in this state.  
8

9 NRS 209.274 Transportation of Offender to Appear Before Court states:

10 "1. Except as otherwise provided in this section, when an offender is  
11 required or requested to appear before a Court in this state, the  
12 Department shall transport the offender to and from Court on the day  
13 scheduled for his appearance.

14 2. If notice is not provided within the time set forth in NRS 50.215, the  
15 Department shall transport the offender to Court on the date scheduled  
16 for his appearance if it is possible to transport the offender in the usual  
17 manner for the transportation of offenders by the Department. If it is  
18 not possible for the Department to transport the offender in the usual  
19 manner:

20 (a) The Department shall make the offender available on the date scheduled  
21 for his appearance to provide testimony by telephone or by video conference,  
22 if so requested by the Court.

23 (b) The Department shall provide for special transportation of the offender to  
24 and from the Court, if the Court so orders. If the Court orders special  
25 transportation, it shall order the county in which the Court is located to  
26 reimburse the Department for any cost incurred for the special transportation.

27 (c) The Court may order the county sheriff to transport the offender to and  
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because:

1           ☐ I AM NEEDED AS A WITNESS.

2           My petition raises substantial issues of fact concerning events in which I  
3           participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S.  
4           205 (1952) (District Court erred when it made findings of fact concerning  
5           Hayman's knowledge and consent to his counsel's representation of a witness  
6           against Hayman without notice to Hayman or Hayman's presence at the  
7           evidentiary hearing).

8           ☐ THE HEARING WILL BE AN EVIDENTIARY HEARING.

9           My petition raises material issues of fact that can be determined only in my  
10          presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention  
11          that allegations are improbable and unbelievable cannot serve to deny the  
12          petitioner an opportunity to support them by evidence). The Nevada  
13          Supreme Court has held that the presence of the petitioner for habeas corpus  
14          relief is required at any evidentiary hearing conducted on the merits of the  
15          claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

16          4. The prohibition against ex parte communication requires that I be present  
17          at any hearing at which the state is present and at which issues concerning the claims  
18          raised in my petition are addressed. U.S. Const. amends. V, VI.

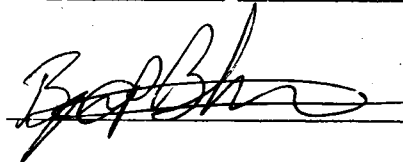
19          5. If a person incarcerated in a state prison is required or is requested to  
20          appear as a witness in any action, the Department of Corrections must be notified in  
21          writing not less than 7 business days before the date scheduled for his appearance in  
22          Court if the inmate is incarcerated in a prison located not more than 40 miles from  
23          Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or  
24          more from Las Vegas, the Department of Corrections must be notified in writing not  
25          less than 14 business days before the date scheduled for the person's appearance in  
26          Court.

27          6.        High Desert state prison  
                  ~~45 forty five miles~~ is located approximately  
28          Forty five (45) miles from Las Vegas, Nevada.

1           7. If there is insufficient time to provide the required notice to the Department  
2 of Corrections for me to be transported to the hearing, I respectfully request that this  
3 Honorable Court order the Warden to make me available on the date of the  
4 scheduled appearance, by telephone, or video conference, pursuant to NRS  
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the  
6 evidentiary hearing.

7           8. The rules of the institution prohibit me from placing telephone calls from  
8 the institution, except for collect calls, unless special arrangements are made with  
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my  
10 telephone appearance can be made by contacting the following staff member at my  
11 institution: \_\_\_\_\_,  
12 whose telephone number is 775-887-6600

13  
14 Dated this 27th day of October, 2022.

15  
16   
17

18  
19 Bryan P Benham 60575  
20  
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27  
28  
29



**CERTIFICATE OF SERVICE BY MAILING**

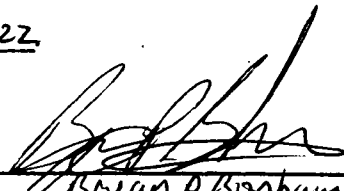
I, Bryan P Bonham, hereby certify, pursuant to NRCP 5(b), that on this 24th  
day of October, 2022, I mailed a true and correct copy of the foregoing, "motion for  
transport"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

Deputy Attorney General  
Dawn R Jensen  
555 E Washington Ave Ste 3400  
Las Vegas NV 89101

CC:FILE

DATED: this 24th day of October, 2022.

  
Bryan P Bonham #60575  
/In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding motion

for transport of inmate for court appearance  
(Title of Document)

filed in District Court Case number A-20-823142-C

☒ Does not contain the social security number of any person.

-OR-

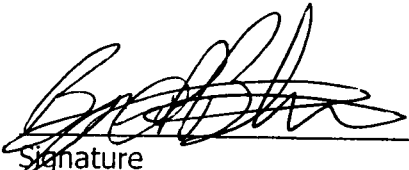
☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application  
for a federal or state grant.

  
Signature

10/24/22  
Date

Bryan P Bonham  
Print Name

\_\_\_\_\_  
Title

## Things to Consider When Making a Motion for Transport of Inmate for Court Appearance

### I. General rule.

The Nevada Department of Corrections is required to transport the inmate to and from the courthouse if the inmate is required or requested to appear before the court per NRS 209.274. If it is not possible for the Department to transport the inmate on the scheduled date, the Department shall make the inmate available to provide testimony by telephone or video to the court.

### II. When is an inmate required or requested to appear before the court?

Generally, an inmate is "required or requested" to be present when:

- His presence is required as a WITNESS if the hearing involves substantial issues of fact in which the inmate participated in and only he can testify about. In the United State Supreme Court's ruling in U.S. v. Hayman, 342 U.S. 205 (1942), the Court held that district court erred when it made findings of fact concerning Hayman's ineffective assistance of counsel claim without his presence.
- The hearing will be an EVIDENTIARY HEARING. Any time a court will evaluate material issues of fact, the inmate is entitled to be present. Walker v. Johnson, 312 U.S. 275 (1941).
- The ethical rules for lawyers prohibit ex parte communication. SCR 174.
- Allowing the state to be present and not the inmate may violate the due process right of the inmate. U.S. Const. amends. V, VI.
- This is not a complete list, but it should give you a general idea.

### III. What is the Judge worried about when evaluating the motion?

The Judge does not want to violate the rule made in Gebers v. Nevada, 50 P.3d 1092 (2002). In Gebers, the state argued that an inmate's presence was not necessary in an evidentiary hearing because the court could rely on the record. The Nevada Supreme Court overruled this decision, and held that Gebers's presence was necessary to "deny, controvert, or present evidence that her imprisonment was unlawful" at her habeas evidentiary hearing. Id. at 504.

### IV. Why might the Judge not grant the motion?

The State would probably rather not go to the trouble of transporting the inmate to the court unless the inmate is entitled to be present. The Judge will deny the motion unless the motion convinces the Judge that his presence is required.

### V. Can the state prevent an inmate from attending a hearing?

Yes, if the state can convince the Judge that the hearing is *purely procedural* so that the inmate's presence would be a waste of state resources. In other words, the state is arguing that the hearing only involves issues of law that can be decided by only looking at the record.

### VIII. What can you do as an inmate law to make sure you have the best chance to attend all hearings you are entitled to attend?

- Explain with **particularity** why the inmate's presence is required. For example, merely stating that "I am needed as a witness" does not provide the Judge with a compelling reason to grant the motion. Instead, the motion could state that "I am needed as a witness in the hearing because issues of fact will be decided. I can testify about my former counsel's conduct relating to...."

RECEIVED

OCT 31 2022

CLERK OF THE COURT

Bryan Bonham 60575

P.O. Box 650 HDSF

Indian Springs, Nev 89070

Mailed via ~~First Class~~ Slip 890 250 81031ent

10/27/2022

US POSTAGE \$000.81

FIRST-CLASS MAIL



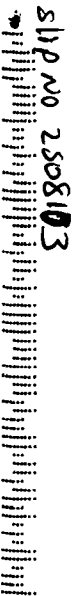
ZIP 89101  
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Confidential  
Legal Mail

Regional Justice Center  
Clerk of the Court  
8th Judicial Dist Court  
200 Lewis Ave 3rd Floor  
Las Vegas, Nev 89155

Mailed via ~~First Class~~ Slip NO 2508103



Slip 890 250 81031ent

Slip 890 250 81031ent

1 Bryan P Bonham 60575  
2 plaintiff / In Propria Personam  
3 Post Office Box 650 [HDSP]  
4 Indian Springs, Nevada 89018

Electronically Filed  
11/15/2022

Heather S. Smith  
CLERK OF THE COURT

5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

8 Bryan P Bonham  
9 plaintiff  
10 vs.  
11 Steve Sisolak et al  
12 Defendants

Case No. A-20-823142-C

Dept No. 32

Docket \_\_\_\_\_

14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE**, that the above plaintiff will bring the above  
16 motion for hearing as soon as court's docket will allow, that this plaintiff motion  
17 will come on for hearing before the above-entitled Court on the 8th day of November, 2022,  
18 at the hour of \_\_\_\_ o'clock \_\_\_\_ M. In Department 32, of said Court.

20 CC:FILE

22 **DATED:** this 22 day of October, 2022

BY: [Signature]  
Bryan P Bonham #60575  
/In Propria Personam

RECEIVED

OCT 31 2022

CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
11/15/2022 5:31 PM  
Steven D. Grierson  
CLERK OF THE COURT



Bryan Bonham, Plaintiff(s)

vs.

Nevada State of, Defendant(s)

Case No.: A-20-823142-C

Department 29

**NOTICE OF HEARING**

Please be advised that the Plaintiff's - Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference in the above-entitled matter is set for hearing as follows:

**Date:** December 20, 2022

**Time:** 9:00 AM

**Location:** RJC Courtroom 15A  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
11/16/2022 5:31 PM  
Steven D. Grierson  
CLERK OF THE COURT



Bryan Bonham, Plaintiff(s)

vs.

Nevada State of, Defendant(s)

Case No.: A-20-823142-C

Department 29

**NOTICE OF HEARING**

Please be advised that the Plaintiff's Motion in Response to Order for Supplemental Pleading and Response to Motion to Dismiss "Amended Cover Page" in the above-entitled matter is set for hearing as follows:

**Date:** December 21, 2022

**Time:** 9:00 AM

**Location:** RJC Courtroom 15A  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

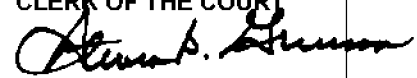
STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court



**MSTR**  
**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**

**BRYAN BONHAM,**  
  
Plaintiff,

Case No. A-20-823142-C

Dept. No. XXIX

v.

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

**HEARING NOT REQUESTED**

**MOTION TO STRIKE, OR FOR A STAY AND EXTENSION OF TIME**

Defendants, Nevada Department of Corrections (NDOC), State of Nevada, Charles Daniels, Tim Garrett, and Carter Potter (collectively "Defendants"), by and through counsel, the Office of the Attorney General, Aaron D. Ford, Nevada Attorney General, and Samuel L. Pezone, Jr., Deputy Attorney General, hereby move this Court to Strike the following pleadings:

- Plaintiff's "Second Amended Complaint" (hereinafter "**Amended Complaint**" or "**Am. Compl.**") filed on April 26, 2022.
- Plaintiff's "Motion in Response to Order for Supplemental Pleading and Response to Motion to Dismiss" (hereinafter "**Surreply**") filed on



September 29, 2022, and again on November 16, 2022, with an “Amended Cover Page.”

- Plaintiff’s “Supplemental Pleading in Support of His Request to Add Count of Intefering [sic.] with Access to Courts, Adding New Defendants with Evidence in Support” (**hereinafter “Supplemental Pleading” or “Suppl. Pleading”**) filed on November 3, 2022.

Defendants move this Court to Strike these pleadings from the record for the reasons stated herein.

In the alternative, Defendants move this Court to stay and extend the deadline for any response until Plaintiff files proof that these pleadings were served by traditional means upon the Defendants. Defendants move this Court to vacate all hearings related to these pleadings during this stay.

Defendants’ motions are made based upon the following memorandum of points and authorities, the pleadings herein, and the exhibits annexed hereto.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

#### **I. BACKGROUND**

Plaintiff, Bryan Bonham (Bonham), is an inmate in the custody of the NDOC.

On October 10, 2020, Bonham filed a complaint alleging that Defendants violated his constitutional rights by deducting certain debts from an outside deposit to his inmate trust account. Complaint at 3:7-14. Bonham claimed that he only received \$14 after deductions from a \$150 deposit, and that he should have received \$30 after deductions. *Id.* at 3:11-13. Bonham requested damages in the amount of \$85,000.

Defendants filed their “Motion to Dismiss or in the Alternative for Summary Judgment” on April 5, 2021. On May 11, 2021, the Court entered a minute order granting Defendants’ Motion for Summary Judgment.

Plaintiff appealed. On March 17, 2022, the Nevada Court of Appeals entered an “Order Affirming in Part and Reversing in Part.” The Court of Appeals affirmed this Court’s grant of Summary Judgment on Bonham’s §1983 claims; however, it reversed, remanding

1 for this Court to consider whether the Complaint's allegations were "sufficient to present  
2 state law claims under Nevada's notice pleading standard." Order Affing in Part and  
3 Reversing at 6-7.

4 **A. Bonham's Amended Complaint**

5 On April 26, 2022, Bonham filed his Amended Complaint. Excluding exhibits, the  
6 Amended Complaint contains exactly 39 pages; none of these pages bear page numbers.  
7 *See Am. Compl.* Bonham had not sought leave to file this amended complaint.

8 The Amended Complaint contains a "certificate of service," which does not appear to  
9 certify that this complaint was served. *See Am. Compl.* Instead, Bonham certified that he  
10 had attached "special instructions for electronic filing & service to the clerk of the court to  
11 serve all of my opponents pursuant to N.E.F.C.R. 5(k), 9 et seq (A-E) etc to the following."  
12 *Id.* The Amended Complaint contains no such "special instructions" attachment. *Id.* The  
13 attached envelope indicates Bonham filed his Amended Complaint by mailing it to the  
14 Clerk's Office. *Id.*

15 The Office of the Attorney General (OAG) has not received service of the Amended  
16 Complaint to date. Exhibit A at 1. Copies were retrieved by OAG staff from the Eight  
17 Judicial District Court Portal at <https://www.clarkcountycourts.us/Portal/>. *Id.* at 1.

18 **B. Bonham's Supplemental Brief**

19 On May 13, 2022, this Court ordered briefing on "Defendants' motion to dismiss."  
20 Order, May 13, 2022, at 1. Bonham was ordered to file and serve a brief within 60 days,  
21 and Defendants were ordered to respond within 60 days of service. *Id.* at 1-2. The order did  
22 not contemplate any additional briefing. *Id.*

23 Bonham filed his "Supplemental Brief in Support of Second Amended Complaint"  
24 ("Supplemental Brief" or "Suppl. Brief") on July 1, 2022. Excluding exhibits, the Suppl.  
25 Brief contains exactly 50 pages. *See Suppl. Brief.* The arguments contained therein ignore  
26 the Defendants' Motion to Dismiss, the subject of requested briefing, and instead address  
27 the Amended Complaint.

28 . . .

1           **C.     Bonham's Surreply**

2           Defendants filed their "Reply in Support of Defendants' Motion to Dismiss/Or in the  
3 Alternative Summary Judgment" ("Reply") on September 2, 2022. This Reply addressed  
4 allegations in the Amended Complaint, arguments in the Supplemental Brief, and offered  
5 further arguments in support of Defendants' Motion to Dismiss/Or in the Alternative  
6 Summary Judgement.

7           On September 29, 2022, Bonham filed his Surreply. On November 16, 2022, Bonham  
8 refiled a duplicate of this Surreply with an amended cover page, requesting a hearing. The  
9 Clerk issued a Notice of Hearing for a December 21, 2022, hearing on the Surreply.

10          Moreover, the Surreply responds to arguments made in Defendants' Reply, *See*  
11 Surreply at 7-15, while making what appears to be a general motion for "an evidentiary  
12 hearing..., to further allow discovery..., and trial by jury." *See* Surreply at 1-7, 16. Bonham  
13 has not sought leave to file a surreply brief.

14          Bonham once again reproduced the "certificate of service" used in his previous  
15 filings, but no "special instructions" are attached. *Id.* at 17. The attached envelope indicates  
16 Bonham filed his Surreply by mailing a paper copy to the Clerk's Office.

17          The OAG has not received service of the Surreply to date. Exhibit A at 2. Copies were  
18 retrieved by OAG staff from the Eight Judicial District Court Portal at  
19 <https://www.clarkcountycourts.us/Portal/>. *Id.* at 2.

20           **D.     Bonham's Supplemental Pleading**

21          On November 3, 2022, Bonham filed his Suppl. Pleading, without page numbers. The  
22 Suppl. Pleading supplies points and authorities in support of a purported request for leave  
23 to amend the complaint. Bonham has yet to file a motion for leave to amend the complaint,  
24 and no amended complaint is attached to his Suppl. Pleading.

25          Bonham again reproduced the "certificate of service" used in his previous filings, but  
26 no "special instructions" are attached. *Id.* at 17. The attached envelope indicates Bonham  
27 filed his Supplemental Pleading by mailing a paper copy to the Clerk's Office.

28          ...

1 The OAG has not been served the Supplemental Pleading to date. Exhibit A at 2.  
2 Copies were retrieved by OAG staff from the Eight Judicial District Court Portal at  
3 <https://www.clarkcountycourts.us/Portal/>. *Id.* at 2.

4 Counsel for Defendants was unaware anything had been filed since the Defendants'  
5 Reply. Defendants first became aware of Bonham's Surreply and Suppl. Pleading after the  
6 Clerk issued its Notice of Hearing on November 3. Counsel promptly filed his appearance  
7 on November 3, 2022, and the Court issued an Amended Notice of Hearing, resetting the  
8 December 7 hearing as a status check.

## 9 **II. LEGAL STANDARD**

10 Pursuant to NRCP 12(f), "the court may strike from a pleading... any redundant,  
11 immaterial, impertinent, or scandalous matter." It may do so "on motion made by a party  
12 either before responding to the pleading or, if a response is not allowed, within 21 days  
13 after being served." NRCP 12(f)(2).

14 Pursuant to NRCP 15(a), "a party may amend its pleading once as a matter of course  
15 within... 21 days after serving it." Otherwise, "a party may amend only with the opposing  
16 party's written consent or the court's leave." NRCP 15(a)(2). "[A]ny required response...  
17 must be made within the time remaining to respond to the original pleading or within 14  
18 days after service of the amended pleading, whichever is later." *Id.*

19 Pursuant to NRCP 15(d), "the court may...permit a party to serve a supplemental  
20 pleading" on "motion and reasonable notice." However, pursuant to EDCR 2.20(i),  
21 "[s]upplemental briefs will only be permitted if filed within the original time limitation of  
22 paragraphs (d), (e), or (g), or by order of the court." See also *Klasch v. Tanenggee*, No.  
23 A544659, 2009 WL 8521638 (8th J.D. Nev. Nov. 16, 2009) (court's refusal to consider  
24 surreply brief was not improper where the brief failed to comply with EDCR 2.20(i), then  
25 codified as 2.20(f), and NRCP 15(d)). The court may order the opposing party "to plead to  
26 the supplement."

27 EDCR 2.20(c) requires a party to "serve and file" all motions with "a memorandum  
28 of points and authorities in support." EDCR 2.20(e) provides that the deadline to file and

1 serve a written opposition to a motion is 14 days after service. EDCR 2.20(g) provides that  
2 the deadline to file and serve a reply to an opposition is 7 days prior to any hearing on the  
3 underlying motion, or 7 days from the date of service of the opposition if no hearing is set.

4 A party must serve “written motions” and “pleadings filed after the complaint” on all  
5 parties. NRCP 5(a)(1). “A paper is served” electronically only by “submitting it to the court’s  
6 electronic filing system... for electronic service under NEFCR 9.” *See* NRCP 5(b)(2).

7 “On motion” and “for good cause,” the court may “extend the time” to file papers and  
8 pleadings. NRCP 6(b). If the time has already expired, the party must show it “failed to act  
9 because of excusable neglect.” *Id.*

### 10 **III. ARGUMENT**

#### 11 **A. This Court Should Strike the Amended Complaint**

##### 12 *1. This Motion to Strike is timely as to the Amended Complaint*

13 The Amended Complaint in and of itself required no response, and this Court has  
14 not ordered a response to the Amended Complaint. *See* Am. Compl.; *See* NRCP 15(a)(3)  
15 Therefore, the time to file a motion to strike would run 21 days from the date of service.  
16 *See* NRCP 12(f).

17 However, the Amended Complaint was never served upon Defendants. Exhibit A at  
18 1. Electronic service of a pleading requires “submitting it to the electronic filing service.”  
19 NRCP 5(b)(2). Bonham submitted his Amended Complaint to the Clerk by mail; electronic  
20 service never occurred.

21 Because Defendants were never served the Amended Complaint, the time to file a  
22 Motion to Strike has not run. This Motion to Strike the Amended Complaint is timely.

##### 23 *2. Defendants were not served the Amended Complaint*

24 As a “pleading filed after the complaint,” Bonham must serve the Amended  
25 Complaint. NRCP 5(a). He may do so electronically, but only by “submitting it to the  
26 electronic filing system.” NRCP 5(b)(2)(E).

27 Here, Bonham did not submit his Amended Complaint to this Court’s electronic  
28 filing system. Instead, Bonham mailed the Amended Complaint to the Clerk of Court.

1 Absent electronic filing, Bonham was required to serve the Amended Complaint by  
2 any other permitted means. *See* NRCP 5(b)(2). He did not serve the complaint. Accordingly,  
3 this Court should strike the Amended Complaint.

4 3. *The Amended Complaint is redundant, immaterial, and impertinent*

5 Bonham's Amended Complaint consists of a lengthy recitation of his previously  
6 dismissed § 1983 claims, irrelevant discussion of state statutes, and a superfluous exegesis  
7 on the constitutionality of the NRS in its entirety. *See* Am. Compl.

8 These allegations are, on the whole, "redundant, immaterial," and "impertinent" in  
9 light of the remand order and this Court's order granting Defendants' summary judgment.  
10 This Court should strike the Amended Complaint.

11 4. *Bonham never sought leave to file his Amended Complaint*

12 Bonham filed his original complaint on October 10, 2020. Bonham had until to file  
13 an amended complaint as a matter of course. Otherwise, NRCP 15(a) requires "the opposing  
14 party's written consent or the court's leave."

15 Bonham has not sought Defendants' consent to amend his complaint. Furthermore,  
16 Bonham never sought leave of the court to file his Amended Complaint—it is a rogue  
17 pleading. Accordingly, this Court should strike the Amended Complaint.

18 **B. This Court Should Strike the Surreply**

19 1. *This Motion to Strike is timely as to the Surreply*

20 This Court did not order a surreply brief to Defendants' Reply. *See* Order, May 13,  
21 2022. No response to this brief was ordered. *See* NRCP 15(d) Therefore, the time to file a  
22 motion to strike would run 21 days from the date of service. *See* NRCP 12(f).

23 However, the Surreply was never served upon Defendants. Exhibit A at 2. Electronic  
24 service of a pleading requires "submitting it to the electronic filing service." NRCP 5(b)(2).  
25 Bonham submitted his Surreply to the Clerk by mail; electronic service never occurred.

26 Because Defendants were never served the Surreply, the time to file a Motion to  
27 Strike has not run. This Motion to Strike the Surreply is timely.

28 . . .

1                   2.     *Defendants were not served the Surreply*

2           As a “pleading filed after the complaint,” a “written motion,” or a “supplemental  
3 pleading” under NRCP 15(d), Bonham must serve the Surreply. *See* NRCP 5(a), 15(d). He  
4 may do so electronically, but only by “submitting it to the electronic filing system.” NRCP  
5 5(b)(2)(E).

6           Here, Bonham did not submit his Surreply to this Court’s electronic filing system.  
7 Instead, Bonham mailed the Surreply to the Clerk of Court.

8           Absent electronic filing, Bonham was required to serve the Surreply by any other  
9 permitted means. *See* NRCP 5(b)(2). He did not serve the Surreply. Exhibit A at 2.  
10 Accordingly, this Court should strike the Surreply and vacate the hearing thereupon.

11                   3.     *The Surreply is redundant, immaterial, and impertinent*

12           Bonham’s Surreply contains the similar discussion of state statutes and  
13 constitutional arguments as are featured in the Amended Complaint and the Supplemental  
14 Brief. *See* Surreply. However, these arguments are reproduced in reply to the Defendants’  
15 Reply brief. *See* Surreply

16           These arguments are “redundant, immaterial,” and “impertinent” both in and of  
17 themselves and to the extent that they are reproduced from his Amended Complaint and  
18 Supplemental Brief. This Court should strike the Surreply and vacate the hearing  
19 thereupon.

20                   4.     *Bonham never sought leave to file the Surreply*

21           A supplemental pleading may only be filed upon “motion and reasonable notice.”  
22 NRCP 15(d). Bonham was required to seek leave to supplement his Supplemental brief  
23 before filing any supplement.

24           Bonham never sought leave to supplement his Supplemental Brief. His Surreply is  
25 a rogue pleading. Accordingly, this Court should strike Bonham’s Surreply and vacate the  
26 hearing thereupon.

27 . . .

28 . . .

1                   5.       *Bonham's Surreply is untimely*

2           A supplemental brief must be filed "within the original time to file" a response or  
3 reply to the underlying pleading or response, or as otherwise ordered. See EDCR 2.20(i).

4           No surreply brief was ever ordered. As a supplemental brief, the Surreply must have  
5 been filed within the original time to file the Defendants' Reply, by September 3, 2022.

6           The Surreply was initially filed on September 29, 2022, well past this deadline. The  
7 Surreply is untimely. Accordingly, this Court should strike Bonham's Surreply with  
8 "Amended Cover Page" and vacate the hearing thereupon.

9           **C.       This Court Should Strike the Supplemental Pleading**

10           1.       *This Motion to Strike is timely as to the Supplemental Pleading*

11           Bonham has not filed a motion seeking leave to amend his amend his complaint, nor  
12 any amended complaint. No supplement was ordered on any such motion or pleading, and  
13 no response was ordered. See NRCP 15(d). Therefore, the time to file a motion to strike  
14 would run 21 days from the date of service. See NRCP 12(f).

15           However, the Supplemental Pleading was never served upon Defendants. Exhibit A  
16 at 1-2. Electronic service of a pleading requires "submitting it to the electronic filing  
17 service." NRCP 5(b)(2). Bonham submitted his Supplemental Pleading to the Clerk by mail;  
18 electronic service never occurred.

19           Because Defendants were never served the Supplemental Pleading, the time to file  
20 a Motion to Strike has not run. This Motion to Strike the Supplemental Pleading is timely.

21           2.       *Defendants were not served the Supplemental Pleading*

22           As a "pleading filed after the complaint" or a "supplemental pleading" under NRCP  
23 15(d), Bonham must serve the Supplemental Pleading. See NRCP 5(a), 15(d). He may do so  
24 electronically, but only by "submitting it to the electronic filing system." NRCP 5(b)(2)(E).

25           Here, Bonham did not submit his Supplemental Pleading to this Court's electronic  
26 filing system. Instead, Bonham mailed the Supplemental Pleading to the Clerk of Court.

27           Absent electronic filing, Bonham was required to serve the Supplemental Pleading  
28 by any other permitted means. See NRCP 5(b)(2). He did not serve the Supplemental



1 Pleading. Exhibit A at 2. Accordingly, this Court should strike the Supplemental Pleading  
2 and vacate the hearing thereupon.

3 *3. The Supplemental Pleading is redundant and immaterial*

4 Bonham's Supplemental Pleading appears to have been filed in support of a motion  
5 seeking leave amend his complaint. *See* Suppl. Pleading. However, Bonham has not filed  
6 any such motion to date.

7 Absent such a motion, the Supplemental Pleading is "redundant" and "immaterial,"  
8 being superfluous and immaterial of any pending matter in this case. This Court should  
9 strike the Supplemental Pleading and vacate the hearing thereupon.

10 *4. Bonham did not seek leave to file the Supplemental Pleading*

11 Even if a motion seeking leave to amend had been filed, Bonham was required to  
12 seek leave to supplement this motion. *See* NRCP 15(d). Moreover, Bonham was required to  
13 seek leave to amend or supplement his complaint by motion. *See* NRCP 15(a), (d).

14 Bonham did not seek leave to file his Supplemental Pleading. It, too, is a rogue  
15 pleading. This Court should strike Bonham's Supplemental Pleading and vacate the  
16 hearing thereupon.

17 **D. In the Alternative, This Court Should Stay and Extend the Deadline**  
18 **for Any Required Response to These Pleadings**

19 To the extent that any and all of these filings required Defendants' response  
20 pursuant to the EDCR or the NRCP, this Court may grant an extension of time "for good  
21 cause" and showing of "excusable neglect." FRCP 6(b).

22 None of these filings were ever served. Exhibit A at 1-2. Defendants were never  
23 aware of several of them until November 3, 2022. *Id.* at 2.

24 Because they were never served, the time to respond did not begin to run on any  
25 deadline for a response. *See* EDCR 2.20; NRCP 15. And in the case of amendments and  
26 supplements, Defendants are not even permitted to respond to any of these without order  
27 of the court. *See* EDCR 2.20(i); NRCP 15(a), (d).

28 . . .

1 Defendants' neglect was no fault of their own. If this Court is not inclined to strike  
2 Bonham's filings, and if any require a response, then there is good cause for a stay to  
3 require service of these and an extension of time to file any required response.

4 This Court should vacate pending hearings on these pleadings. Further, this Court  
5 should stay and extend the deadline for any required response until after Bonham files  
6 proof he has served the pleadings by traditional means.

7 **IV. CONCLUSION**

8 This Court should Strike Bonham's Amended Complaint, Surreply, and  
9 Supplemental Pleading. These were never served on Defendants. Bonham never sought  
10 and was never granted leave to file these, insofar as leave was required; and, in any event,  
11 these filings are redundant, impertinent, and immaterial.

12 If this Court is not inclined to strike these filings, there is good cause to stay and  
13 extend the time to file any required response to these filings until after Bonham files proof  
14 he has served these filings by traditional means. The Court should vacate all pending  
15 hearings on these filings.

16 DATED this 6th day of December, 2022.

17 AARON D. FORD  
Attorney General

18 By: /s/ Samuel L. Pezone, Jr.  
19 SAMUEL L. PEZONE, JR. (No. 15978)  
20 Deputy Attorney General  
Attorneys for Defendants

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

/s/ Cathy L. Mackerl  
Cathy L. Mackerl, an employee of the  
Office of the Nevada Attorney General

# ATTACHMENT A

1        **DECLARATION OF SUPERVISING LEGAL SECRETARY DIANE Q. RESCH**

2        I, DIANE Q. RESCH, hereby declare based upon personal knowledge and/or  
3 information and belief that the following assertions are true.

4        1.        I am currently employed by the Office of the Nevada Attorney General (OAG)  
5 as Supervising Legal Secretary for the Public Safety Division. I have worked with the  
6 Public Safety Division for the last seven years.

7        2.        I was the assigned legal secretary on *Bryan Bonham v. State of Nevada ex rel*  
8 *Nevada Department of Corrections, et al.*, Case No. A-20-823142-C, from April 29, 2022,  
9 until July 1, 2022. I was promoted to Supervising Legal Secretary for the Public Safety  
10 Division on February 7, 2022.

11        3.        Deputy Attorney General for the State of Nevada (DAG), Samuel L. Pezone  
12 Jr., requested that I review available records regarding *Bryan Bonham v. State of Nevada*  
13 *ex rel Nevada Department of Corrections, et al.*, Case No. A-20-823142-C, including OAG  
14 records, records available through the Eighth Judicial District Court's Electronic Filing  
15 System (EFS), and records available through the Eighth Judicial District Court Portal  
16 (8thJD Portal) at <https://www.clarkcountycourts.us/Portal/>. I was asked to complete this  
17 declaration in support of Defendants' Motion to Strike.

18        4.        The OAG is registered and participates in the EFS. Filings submitted to the  
19 EFS are electronically served upon OAG. The OAG accepts electronic service or service by  
20 mail on behalf of its clients, including the Defendants in this case.

21        5.        Bonham has routinely filed papers and pleadings by mail with this Court  
22 without subsequently serving these upon the OAG and Defendants. Absent the Court's  
23 notice, Legal Secretaries assigned to this case were forced to regularly check the 8JD Portal  
24 for new filings.

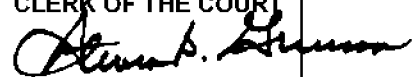
25        6.        Bonham filed his Second Amended Complaint on April 26, 2022. The OAG did  
26 not receive service of the Complaint. The OAG later became aware of the Complaint; on  
27 May 10, 2022, I used the 8thJD Portal to retrieve an electronic copy of the Complaint.  
28



DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
12/6/2022 12:19 PM  
Steven D. Grierson  
CLERK OF THE COURT



Bryan Bonham, Plaintiff(s)

vs.

Nevada State of, Defendant(s)

Case No.: A-20-823142-C

Department 29

**NOTICE OF HEARING**

Please be advised that the Defendants' Motion to Strike, or for a Stay and Extension of Time in the above-entitled matter is set for hearing as follows:

**Date:** January 10, 2023

**Time:** 9:00 AM

**Location:** RJC Courtroom 15A  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Kadir Beckom  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Kadir Beckom  
Deputy Clerk of the Court

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
12/15/2022 3:08 PM  
Steven D. Grierson  
CLERK OF THE COURT



Bryan Bonham, Plaintiff(s)

Case No.: A-20-823142-C

vs.

Department 29

Nevada State of, Defendant(s)

**AMENDED NOTICE OF HEARING**

Please be advised that the [73] Plaintiff's Motion in Response to Order for Supplemental Pleading and Response to Motion to Dismiss "Amended Cover Page", in the above-entitled matter is reset for hearing as follows:

**Date:** January 26, 2023

**Time:** 9:00 AM

**Location:** Courtroom 15A  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

DAVID M. JONES, DEPARTMENT 29

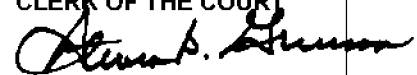
By: /s/ Melissa Delgado-Murphy  
Judicial Executive Assistant

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Melissa Delgado-Murphy  
Judicial Executive Assistant





1 **CSERV**  
2 **AARON D. FORD**  
3 Attorney General  
4 **SAMUEL L. PEZONE, JR. (Bar No. 15978)**  
5 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) 486-4070 (phone)  
11 (702) 486-3773 (fax)  
12 Email: spezone@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.

Case No. A-20-823142-C

Dept. No. XXIX

24 **CERTIFICATE OF SERVICE**

25 I HEREBY CERTIFY that on the 22nd day of December, 2022, I served the  
26 December 15, 2022, **AMENDED NOTICE OF HEARING** by depositing a true and  
27 correct copy of the same in a sealed envelope for mailing in the United States Mail,  
28 first-class postage prepaid, at Las Vegas, Nevada, addressed to the following:

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

/s/ Cathy L. Mackerl  
Cathy L. Mackerl, an employee of the  
Office of the Nevada Attorney General

# **EXHIBIT A**

**December 15, 2022, Amended  
Notice of Appearance Filed**

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
12/15/2022 3:08 PM  
Steven D. Grierson  
CLERK OF THE COURT



Bryan Bonham, Plaintiff(s)

vs.

Nevada State of, Defendant(s)

Case No.: A-20-823142-C

Department 29

**AMENDED NOTICE OF HEARING**

Please be advised that the [73] Plaintiff's Motion in Response to Order for Supplemental Pleading and Response to Motion to Dismiss "Amended Cover Page", in the above-entitled matter is reset for hearing as follows:

**Date:** January 26, 2023

**Time:** 9:00 AM

**Location:** Courtroom 15A  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

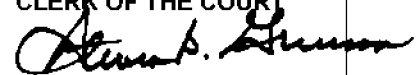
DAVID M. JONES, DEPARTMENT 29

By: /s/ Melissa Delgado-Murphy  
Judicial Executive Assistant

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Melissa Delgado-Murphy  
Judicial Executive Assistant



CSERV  
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Attorney General  
SAMUEL L. PEZONE, JR. (Bar No. 15978)  
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*Attorneys for Defendants Nevada Department  
of Corrections (NDOC), State of Nevada,  
Charles Daniels, Tim Garrett, and Carter Potter*

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

BRYAN BONHAM,

Plaintiff,

v.

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

Defendants.

Case No. A-20-823142-C

Dept. No. XXIX

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22nd day of December, 2022, I served the  
December 16, 2022, **COURT MINUTES** by depositing a true and correct copy of the  
same in a sealed envelope for mailing in the United States Mail, first-class postage  
prepaid, at Las Vegas, Nevada, addressed to the following:

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

/s/ Cathy L. Mackerl  
Cathy L. Mackerl, an employee of the  
Office of the Nevada Attorney General

# **EXHIBIT A**

**December 16, 2022  
Court Minutes**

Other Civil Matters

COURT MINUTES

December 16, 2022

---

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

---

**December 16, 2022      11:30 AM      Minute Order**

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

**COURT CLERK:** Squyres, Stephanie

**RECORDER:**

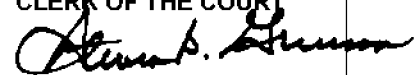
**REPORTER:**

**PARTIES PRESENT:**

### **JOURNAL ENTRIES**

The Court having reviewed Plaintiff s Motion and Order for Transportation, hereby DENIES the motion as Moot as the date of the hearing for transport requested has already passed. The hearing scheduled for this matter on December 20, 2022 is hereby vacated. It is so ordered.

CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Stephanie Squyres, to all registered parties for Odyssey File & Serve. /ss



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

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

BRYAN BONHAM,

Plaintiff,

v.

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

Defendants.

Case No. A-20-823142-C

Dept. No. XXIX

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22nd day of December, 2022, I served the  
December 7, 2022, **COURT MINUTES OF ALL PENDING MOTIONS** by depositing a  
true and correct copy of the same in a sealed envelope for mailing in the United States  
Mail, first-class postage prepaid, at Las Vegas, Nevada, addressed to the following:

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

/s/ Cathy L. Mackerl  
Cathy L. Mackerl, an employee of the  
Office of the Nevada Attorney General

# **EXHIBIT A**

**December 7, 2022, Court  
Minutes Of All Pending Motions**



Other Civil Matters

COURT MINUTES

December 07, 2022

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

---

**December 07, 2022      09:00 AM      All Pending Motions**

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

**COURT CLERK:** Squyres, Stephanie

**RECORDER:**      Michaux, Angelica

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

Sam Pezone ESQ, present.

PLAINTIFF'S SUPPLEMENTAL PLEADING IN SUPPORT OF HIS REQUEST TO ADD COUNTS OF INTERFERING WITH ACCESS TO COURTS, ADDING NEW DEFENDANTS WITH EVIDENCE IN SUPPORT...STATUS CHECK: REMAND.

COURT ORDERED, matter CONTINUED and the following supplemental briefing schedule SET:

Response DUE by January 10, 2023.

Reply DUE by January 20, 2023.

CONTINUED TO: 01/26/2023 9:00 AM

COURT FURTHER ORDERED, Deft's. Motion to Strike set on January 10, 2023 will be RESET to January 26, 2023.



RSPN  
AARON D. FORD  
Attorney General  
SAMUEL L. PEZONE, JR. (Bar No. 15978)  
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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**

BRYAN BONHAM,

Plaintiff,

v.

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

Defendants.

Case No. A-20-823142-C

Dept. No. XXIX

**HEARING NOT REQUESTED**

**DEFENDANTS' RESPONSE TO PLAINTIFF'S SUPPLEMENTAL PLEADINGS**

Defendants, Nevada Department of Corrections (NDOC), State of Nevada, Charles Daniels, Tim Garrett, and Carter Potter (collectively "Defendants"), by and through counsel, the Office of the Attorney General, Aaron D. Ford, Nevada Attorney General, and Samuel L. Pezone, Jr., Deputy Attorney General, pursuant to this Court's Minute Order dated December 7, 2022, hereby respond to the following pleadings:

- Plaintiff's "Motion in Response to Order for Supplemental Pleading and Response to Motion to Dismiss" (hereinafter "Surreply") filed on September 29, 2022, and again on November 16, 2022, with an "Amended Cover Page."

- Plaintiff's "Supplemental Pleading in Support of His Request to Add Count of Intefering [sic.] with Access to Courts, Adding New Defendants with Evidence in Support" (**hereinafter "Supplemental Pleading" or "Suppl. Pleading"**) filed on November 3, 2022.

Defendants' response is made based upon the following memorandum of points and authorities, the pleadings herein, and the exhibits annexed hereto.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

#### **I. BACKGROUND**

Plaintiff, Bryan Bonham (Bonham), is an inmate in the custody of the NDOC. On October 10, 2020, Bonham filed a complaint alleging that Defendants violated his constitutional rights by deducting certain debts from an outside deposit to his inmate trust account. Complaint at 3:7-14. Bonham claimed that he only received \$14 after deductions from a \$150 deposit, and that he should have received \$30 after deductions. *Id.* at 3:11-13. Bonham requested damages in the amount of \$85,000.

Defendants filed their "Motion to Dismiss or in the Alternative for Summary Judgment" on April 5, 2021. On May 11, 2021, the Court entered a minute order granting Defendants' Motion for Summary Judgment.

Plaintiff appealed. On March 17, 2022, the Nevada Court of Appeals entered an "Order Affirming in Part and Reversing in Part." The Court of Appeals affirmed this Court's grant of summary judgment on Bonham's §1983 claims; however, it reversed, remanding for this Court to consider whether the Complaint's allegations were "sufficient to present state law claims under Nevada's notice pleading standard." Order Affing in Part and Reversing at 6-7.

#### **A. Bonham's Amended Complaint**

On April 26, 2022, Bonham filed his Amended Complaint. Excluding exhibits, the Amended Complaint contains exactly 39 pages; none of these pages bear page numbers. *See Am. Compl.* Bonham has not sought leave to file this amended complaint.



1 to amend the complaint. Bonham has yet to file a motion for leave to amend the complaint,  
2 and no amended complaint is attached to his Suppl. Pleading.

3 On December 7, 2022, this Court ordered Defendants to respond to Bonham's  
4 Supplemental Pleading, Surreply, and all other pending filings, by no later than January  
5 10, 2022. See Minute Order, December 7, 2022. Defendants submit this Response in  
6 compliance with this Court's order.

## 7 **II. LEGAL STANDARD**

8 Pursuant to NRCP 15(a), "a party may amend its pleading once as a matter of course  
9 within... 21 days after serving it." Otherwise, "a party may amend only with the opposing  
10 party's written consent or the court's leave." NRCP 15(a)(2).

11 A "proposed amended pleading must be attached to any motion to amend the  
12 pleading." EDCR 2.30(a). Absent compliance with this rule, "[n]o pleading will be deemed  
13 amended." *Id.*

14 Pursuant to NRCP 15(d), "the court may...permit a party to serve a supplemental  
15 pleading" on "motion and reasonable notice." However, pursuant to EDCR 2.20(i),  
16 "[s]upplemental briefs will only be permitted if filed within the original time limitation of  
17 paragraphs (d), (e), or (g), or by order of the court." See also *Klasch v. Tanenggee*, No.  
18 A544659, 2009 WL 8521638 (8th J.D. Nev. Nov. 16, 2009) (court's refusal to consider  
19 surreply brief was not improper where the brief failed to comply with EDCR 2.20(i), then  
20 codified as 2.20(f), and NRCP 15(d)). The court may order the opposing party "to plead to  
21 the supplement." NRCP 15(d).

## 22 **III. ARGUMENT**

### 23 **A. Bonham's Surreply is Procedurally Defective and Duplicative**

#### 24 *1. Bonham never sought leave to file the Surreply*

25 A supplemental pleading may only be filed upon "motion and reasonable notice."  
26 NRCP 15(d). Bonham was required to seek leave to supplement his Supplemental brief  
27 before filing any supplement.  
28

1 Bonham never sought leave to supplement his Supplemental Brief. His Surreply is  
2 a rogue pleading. Accordingly, Bonham's Surreply is improper, and Defendants cannot  
3 respond thereto.

4 *2. Bonham's Surreply is untimely*

5 A supplemental brief must be filed "within the original time to file" a response or  
6 reply to the underlying pleading or response, or as otherwise ordered. See EDCR 2.20(i).

7 No surreply brief was ever ordered. As a supplemental brief, the Surreply must have  
8 been filed within the original time to file the Defendants' Reply, by September 3, 2022.

9 The Surreply was initially filed on September 29, 2022, well past this deadline. The  
10 Surreply is untimely. Accordingly, Bonham's Surreply is improper, and Defendants cannot  
11 respond thereto.

12 *3. Defendants have responded to the arguments in Bonham's Surreply*

13 Notwithstanding its procedural impropriety, Bonham's Surreply contains the same  
14 discussion of state statutes and constitutional arguments as are featured in the Amended  
15 Complaint and the Supplemental Brief. *See Surreply*. Bonham does not supply any new or  
16 distinct argument in support of his request for "an evidentiary hearing..., to further allow  
17 discovery..., and trial by jury." *See Surreply*.

18 To the extent that these arguments are duplicative, Defendants have already  
19 responded to these arguments in their Reply. No further response can be made. This Court  
20 should deny Bonham's request for "an evidentiary hearing..., to further allow discovery...,  
21 and trial by jury."

22 **B. Bonham's Supplemental Pleading is Procedurally Defective, and His**  
23 **Request for Leave to Amend Should Be Denied**

24 *1. Bonham has not sought leave to amend*

25 Bonham's Supplemental Pleading appears to have been filed in support of a motion  
26 seeking leave to amend his complaint. *See Suppl. Pleading*. However, Bonham has not filed  
27 any such motion to date. Absent such a motion, the Supplemental Pleading is improper,  
28 and Defendants cannot respond thereto.

1                   2.     *Bonham did not seek leave to file the Supplemental Pleading*

2           Even if a motion seeking leave to amend had been filed, Bonham was required to  
3 seek leave to supplement this motion. *See* NRCP 15(d). Moreover, Bonham was required to  
4 seek leave to amend or supplement his complaint by motion. *See* NRCP 15(a), (d).

5           Bonham did not seek leave to file his Supplemental Pleading. His Supplemental  
6 Pleading is procedurally defective, and Defendants cannot respond thereto.

7                   3.     *Bonham has not attached or filed a proposed amended complaint*

8           Any motion seeking leave to amend must be filed with the “proposed amended  
9 pleading.” EDCR 2.30(a). There is no such “proposed amended pleading” attached to the  
10 Supplemental Pleading. Bonham has not filed a motion for leave to amend with any such  
11 pleading attached.

12           Absent a proposed amended pleading, the Complaint cannot “be deemed amended.”  
13 EDCR 2.30(a). Even if there were a pending request for leave to amend the complaint, it  
14 cannot be granted absent compliance with EDCR 2.30(a). Assuming there was a pending  
15 request for leave to amend, Court must deny such a request at this time.

16 **IV. CONCLUSION**

17           Bonham’s Surreply, and Supplemental Pleading are procedurally defective such that  
18 Defendants cannot respond. Bonham never sought and was never granted leave to file  
19 these, insofar as leave was required; and, in any event, Defendants have already responded  
20 to Bonham’s arguments in their Reply. No motion for leave to amend has been filed, and  
21 any such motion must be denied in light of Bonham’s failure to attach a proposed amended  
22 complaint.

23           DATED this 9th day of January, 2023.

24                                   AARON D. FORD  
25                                   Attorney General

26                                   By: /s/ Samuel L. Pezone, Jr.  
27                                   SAMUEL L. PEZONE, JR. (No. 15978)  
28                                   Deputy Attorney General  
                                      Attorneys for Defendants

## CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on January 9, 2023, I electronically filed the foregoing **DEFENDANTS' RESPONSE TO PLAINTIFF'S SUPPLEMENTAL PLEADINGS** 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 mailing a copy at Las Vegas, Nevada, addressed to the following:

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



*Heather S. Lamin*  
CLERK OF THE COURT

1 Bryan P Bonham 60575

2 PO Box 650 (HDSP)

3 Indian Springs, Nev 89070

4

5

EIGHTH JUDICIAL DISTRICT COURT

6

CLARK COUNTY, NEVADA

7

8 Bryan P Bonham

CASE NO A-20-823142-C

9 plaintiff

DEPT. NO XXIX

10 -VS-

"HEARING REQUESTED"

11 State of Nevada ex rel

PLAINTIFFS MOTION TO STRIKE & REQUEST FOR

12 Nevada Dept of Corrections, et al.,

AN ORDER OF FRAUD UPON COURT,

13 defendants

14 comes now plaintiff, Bryan P Bonham, moves this Honorable court to grant

15 this motion based on the facts herein.

16

17 this motion is further made & based on all the points & authorities attached

18 herein.

19

20

21 Dated this 14th day of December 2022

22 15/ ~~Bryan P Bonham~~

23 Bryan P Bonham

24 PO Box 650 HDSP

25 Indian Springs, Nev 89070

26

27

28

CLERK OF THE COURT

DEC 20 2022

RECEIVED

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

4

5

EIGHTH JUDICIAL DISTRICT COURT

6

CLARK COUNTY, NEVADA

7

8 Bryan p Bonham

CASE NO. A-20-823142-C

9

Plaintiff

DEPT NO. XXIX

10

-VS-

11

State of Nevada ex rel

NOTICE OF MOTION

12

Nevada Dept of Corrections, et al.

13

Defendants

14

15

TO:

16

Deputy Attorney General

17

Samuel L. Pezone JR.

18

555 E. Washington Ave <sup>ste 3900</sup>

19

Las Vegas, Nevada 89101

20

21

please take notice, that the undersigned will bring the above motion for hearing as

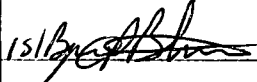
22

soon as courts docket will allow.

23

Dated this 14<sup>th</sup> day of December, 2022

24

151 

25

Bryan P Bonham 60575

26

PO Box 650 HOSP

27

Indian Springs, nev 89070

28

1 (1)

MEMORANDUM OF LAW

2 POINTS AND AUTHORITIES

3 Plaintiff will FIRST address the second Amended complaint.

4 "A District Court should grant leave to Amend even if no request to Amend the  
5 pleadings was made unless it determines that the pleading could not possibly  
6 be cured by the allegation of other facts." Lopez v Smith 203 F.3d 1122, 1130  
7 (9th cir 2010), Doe v U.S. 58 F.3d 494, 497 (9th cir 1995); Cook Perkins & Liebe  
8 V N. Cal Collection Serv 911 F.2d 242, 247 (9th cir 1990); Lacey v Maricopa  
9 Cnty 693 F.3d 896, 926 (9th cir 2012)

10  
11 (2) After receiving order from Nevada supreme plaintiff feels the wrong decision  
12 has been given. Plaintiff maintains he has a federally protected Liberty interest  
13 in the funds deposited into his account. He further argues that the NRS  
14 involved are laws that are in fact of an unknown authority of which it seems  
15 counsel does not want to respond to. Plaintiff contends the funds he  
16 receives from family, he has a right to it, NDOC customs, policies i.e.  
17 in fact give him that right. See AR 258. This plaintiff now argues that  
18 "under the supremacy clause state courts are obligated to apply and adjudicate  
19 federal claims fairly presented to them" City of Auburn v Quest Corp 260  
20 F.3d 1160 (9th cir 2001)

21 "If a state infringes on a substantive constitutional right, the mere  
22 presence of procedural protections or state law remedies cannot defeat  
23 a claim under section 1983 Daniels v Williams 474 U.S. 327, 338 (1986)  
24 The NDOC is a state agency;  
25 Respondant superior in this case does apply as the violations of plaintiff's protected  
26 Liberty interest in his money. Respondant superior would not apply if the  
27 violation was not done pursuant to policy or custom. As plaintiff has  
28 argued AR 258 was amended without the approval of the Board of prison

1 commissioners. The NDOC continues to take over the %

2 Higgins v Beyer 293 F.3d 683, 643 (3<sup>rd</sup> Cir 2002) Wright v Rowland, 219

3 F.3d 905, 913 (9<sup>th</sup> Cir 2000) "inmates have a protected protectable property

4 interest in funds recieved from outside sources."

5 Vance v Barrett 345 F.3d at 1089-91 (9<sup>th</sup> Cir 2003) holding that

6 prisoners' interest is their property; present deprivations pursuant to

7 statute present taking's clause issues and deprivations without statutory

8 authorization present due process questions.

9 (3)

### MOTION TO STRIKE

10

### LEGAL STANDARD

11 RULE 12(F) provides that a "court may strike a from a pleading an insufficient

12 defense or any redundant, immaterial, impertinent, or scandalous matter. The court

13 may act: (1) on its own; or (2) on motion made by a party either before

14 responding to the pleading or, if a response is not allowed, within 21 days after

15 being served with the pleading." RULE 7(a) defines a pleading; (1) a complaint; (2) an

16 answer to a complaint (3) An answer to a counter claim designated as a counter claim;

17 (4) An answer to a cross claim; (5) A Third-Party complaint; (6) An answer to a

18 third party complaint; and (7) if the court orders one, A Reply to an answer.

19 (4) Courts disfavor a motion to strike because it "proposes a drastic remedy."

20 Stanbury Law Firm v IRS 221 F.3d 1059, 1063 (8<sup>th</sup> Cir 2000) District courts

21 enjoy Liberal discretion under RULE 12(F) nevertheless, striking pleadings is an

22 extreme measure, and motions to strike are viewed with disfavor and

23 are infrequently granted. Striking from a pleading is an extreme and

24 drastic remedy and is heavily disfavored see Armed Forces Bank m.s. v FSG-

25 -4 LLC NO 2:11-cv-654 JCM-CWH, 2011 WL 5513186, @ \*4 (D. Nev. Nov 2011),

26 citing Colaprico v Sun Microsystems Inc 758 F. Supp. 1335, 1339 (N.D. Cal 1991)

27 "motions to strike should not be granted ~~unless~~ unless it is clear that the

28 matter to be stricken could have no possible bearing on the subject matter

1 of the litigation." courts have been unwilling to construe the term "pleading"  
2 broadly. RULE 12 (F) applies only to a pleading see Hrubec v National R.R.  
3 R.R. Passenger corp, 829 F. Supp. 1502, 1506 (N.D. Ill 1993) (defendants  
4 motion not a pleading)  
5 (S) A motion, a brief or memorandum, or an affidavit may not be attacked by a  
6 motion to strike. Hrubec v National R.R. Passenger Corp., 829 F. Supp. 1502,  
7 1506 (N.D. Ill 1993)  
8 (6) refusing to strike defendant's motion to strike and memorandum in support  
9 of that motion. Lombard v MCI Telecoms Corp., 13 F. Supp. 2d 621, 625  
10 (N.D. Ohio 1998) No basis in Federal Rules for striking affidavit; court should  
11 disregard inadmissible evidence not strike it from record EEOC v Admiral  
12 Maint. Serv., LP 174 F.R.D 643, 646 (N.D. Ill 1997) statement of facts and  
13 affidavit in support of summary judgment motion did not constitute "pleadings"  
14 subject to motion to strike; Sum of \$66,839.59 v IRS 119 F. Supp 2d 1358, 1359  
15 (N.D. Ga 2000) motion to strike is appropriate only with regard to pleadings, proper  
16 method for challenging evidence in affidavit was notice of obligation to testimony  
17 see also foot note 6 above.  
18 (7) "scandalous" generally refers to any allegation that effects unnecessarily  
19 on the moral character of an individual or states anything in repulsive language  
20 that detracts from the dignity of the court. Khalid bin Talal v E.P. Hutton  
21 & Co, 720 F. Supp 671 686 (N.D. Ill 1989) courts look to whether allegations  
22 "reflect cruelly", use repulsive language", or detract from "dignity of the  
23 court". "scandalous" is not as broad as "impertinent" and a court will usually  
24 strike purported scandalous material only if it is irrelevant and immaterial to  
25 the issues in controversy, Talbo v Robert Matthews Distrib. Co, 961 F.2d 654,  
26 664 (7th Cir 1992) "Allegations may be stricken as scandalous if the matter  
27 bears no possible relation to the controversy or may cause the objecting  
28 Party Prejudice

1 (8)

## COUNSELS

2

## FRAUDULANT CLAIMS

3 Plaintiff first points out ATTACHMENT A OF Defendant's motion to strike.

4 (4) at line 18 which states "The DAG is registered and participates in the

5 EFS are electronically served upon DAG, The DAG accepts electronic service or

6 service by mail on behalf of its clients, including the defendants in this

7 case. Jacobson v. Hofgard, 168 F. Supp. 3d 187 (DC of C. 2016)

8 p195, to successfully assert a claim for fraudulent misrepresentation, or

9 fraud in the inducement, under District of Columbia Law, "A plaintiff must

10 prove (1) a false representation (2) in reference to a material fact, (3) made

11 with knowledge of its falsity, (4) with the intent to deceive, and (5) action taken...

12 in reliance upon the representation, (6) which consequently resulted in provable

13 damages." Regan v. Spicer HB, LLC, 134 F. Supp. 3d 21, 35-36, 2015

14 WL 5611402, @\*9 (D.D.C. 2015) (omitted) "A false representation may be

15 either an affirmative misrepresentation or a failure to disclose a material

16 fact when a duty to disclose that fact has arisen" Sundberg v. TTR Realty,

17 LLC 109 A.3d 1123, 1131 (D.C. 2015)

18 FEDERAL RULE OF CIVIL PROCEDURE 9(b) requires a claim of fraudulent

19 misrepresentation to be pled with particularity FED. R. CIV. PRO 9(b) see also

20 e.g., Intelsat USA Sales Corp. v. Juch-Tech, Inc., 935 F. Supp. 2d 101, 107

21 (D.D.C. 2013)

22 ~~FED~~ FEDERAL RULE OF CIVIL PROCEDURE (8) - requiring only a "short and plain

23 statement of the claim." - remains applicable as well Intelsat 935 F. Supp.

24 2d at 107. The D.C. Circuit has determined that together, these rules

25 require that fraud related claims state "the time, place and content of the

26 false misrepresentations, the fact misrepresented, and what was

27 retained or given up as a consequence of the fraud, as well as the

28 individuals allegedly involved [.] "id.

1 counsel through Diane Q. Resch omits that OAG did in fact receive copy  
2 of complaint on or about May 10<sup>th</sup>, 2022. on page 3 of motion to strike  
3 further more plaintiff contends He did mail the second Amended complaint  
4 via NOOC DOC 509 Form (AKA) Brass Slip NO 2530091, His supplemental  
5 pleading to add mail room to complaint via Brass Slip NO 2500360? New  
6 cover page via Brass Slip NO 2500372. The new supreme court has ruled in  
7 case NO. new sup crt NO. 83458 that once legal documents are handed to  
8 a prison staff member i.e. notice of Appeal or in this case 2<sup>nd</sup> Amend complaint  
9 it is therefore Filed.

10 (9) Plaintiff contends He is a prose indigent Litigant.

11 Thus, He is, or should be held to a less stringent standard. "Allegations such as  
12 those asserted by Petitioner, however in artfully pleaded are sufficient." which  
13 we held to less stringent standard than a formal pleading drafted by a Lawyer."

14 Haines v Kerner 404 U.S. 519 (1972)

15 plaintiff argues that in His certificate of service, & after to the following  
16 the court will see the Address of the OAG. granted, & by mistake He left  
17 the OAG's name blank for the 2<sup>nd</sup> Amend complaint. Plaintiff has  
18 never had nor does he have control of how or when office of the clerk  
19 of the court does their job.

20 (10) plaintiff gets no money, is over his allowed 100<sup>000</sup> copy work limit  
21 with NOOC, thus rely's on clerk of court to electronically serve Defendants.  
22 plaintiff has no Access to a computer ect. plaintiff has utilized the  
23 same ~~ser~~ certificate of service in multiple civil cases at state Dist crt  
24 level, as well as U.S. Dist. crt level, no OAG has ever Attempted to  
25 ~~challenge~~ challenge his certificate of service.

26 counsel is attempting to create a false narrative, so as to not address  
27 the issue of whether or not NRS statutes/state Laws are valid or in fact  
28 unconstitutional, void.

1 plaintiff contends this is a valid question, that his argument is supported  
2 by shaperdized case law from multiple states, 9th cir & others as well as  
3 the U.S. Supreme court. He further argued state tort law. i.e. NRS statutes/  
4 Nevada state laws.  
5 (11) In motion to strike on page 3 Line 23 to 27. counsel states plaintiffs  
6 "Supp. Brief" only argues/addresses the Amend complaint.  
7 pag 2 of Sup. Brief surviving motion to dismiss. page 5 top of page.  
8 Line 1 NRS 209.246 (3) to line 10 deals with the core issue of this  
9 case. The NDOC taking over the % they are permitted to take pursuant to  
10 their own rules & Regulations and Nevada state law, being NRS 209.246  
11 (3) as well as violations of NRS 205.0824, NRS 205.0823, NRS 197.200  
12 This plaintiff also points out section II 42 USC. § 1983 standard, on page  
13 6 Line 7 - Page 18 Line 16  
14 (12) The Paramount & supreme law of the state of Nevada is in fact the  
15 NEVADA CONSTITUTION ART 1 § 8.  
16 DUE PROCESS The due process clause of the fourteenth (14<sup>th</sup>) Amend to the  
17 United States constitution contains a substantive component, sometimes  
18 referred to as "SUBSTANTIVE DUE PROCESS", which bars certain arbitrary  
19 government actions "regardless of the fairness of the procedures used to  
20 implement them" it also is a guarantee of fair procedure, sometimes referred  
21 to as "PROCEDURAL DUE PROCESS" see Daniels v Williams, 474 U.S. 327, 337  
22 (1986); Cleburne v Cleburne Living Center Inc. 473 U.S. 432, 439 (1985) see  
23 also Carey v Piphus, 435 U.S. 247, 259 (1978) and Rochin v California  
24 342 U.S. 165, 208 (1952)  
25 (13) moreover, the plaintiff has submitted "PRIMA FACIE EVIDENCE" via  
26 exhibits that "do/does present claims, issues, allegations that the "NRS"  
27 state laws involved here in are unconstitutional, unlawful, & invalid, void  
28 which by law the Paramount Law ART 1 § 8 OF THE NEV CONST mandates



1 That plaintiff must be permitted to establish as a fact the defendants through  
2 their counsel have not, in any manner presented any contradictory evidence  
3 there to. NEV.CONST ART 138 were for the plaintiff is entitled to relief. Rubio v  
4 STATE 194 P.3d 1224, 1233 (New 2008)  
5 (14) The due process clause requires that a person have the opportunity to  
6 "ESTABLISH ANY FACT" which would be "PROTECTION TO HIM" or his property  
7 The due process clause of the NEVADA CONSTITUTION ART 138 not only requires that  
8 a person shall be properly brought into court "SUBJECT MATTER JURISDICTION"  
9 that He shall have the opportunity to "ESTABLISH ANY FACT" which according  
10 to usages of common law or provisions of the constitution, would be protection  
11 to him or his property (emphasis added) see wright v cradlebaugh, 3 new 341  
12 (1867) cited in persing v Reno stock Brokerage Co, 30 new 342, 349, 96 PUC  
13 1054 (1908) State v Fouquette 67 new. 505, 514, 221 p. 2d 404 (1950) see  
14 also Vipperman v STATE, 96 new 592, 614 p. 2d 532 (1980), Casio v State,  
15 106 new 327, 793 P. 2d 836 (1990)

16 (15) SUPPLEMENTAL PLEADINGS

17 Pratt v Rowland 769 F. Supp 1128, 1131 (ND Cal 1991) RULE 15(d) is intended to  
18 give District courts broad discretion in allowing supplemental pleadings as a  
19 tool of judicial economy and convenience, application of rule is favored,  
20 Kerth v Volpe 858 F.2d 467, 473 (9th Cir 1988) In fact supplemental  
21 pleadings are deemed so useful in facilitating efficient judicial  
22 administration that the ninth ~~etc~~ circuit has recommended that they  
23 be allowed as a matter of course.  
24 New Amsterdam Casualty Co. v Waller 323 F.2d 20, 28, 29 (4th Cir 1963)  
25 Allegations contained in supplemental pleadings need not arise out of the  
26 same transaction or occurrence as the allegations contained in the original  
27 complaint. They need bear only some relationship to the original subject of the  
28 original action more over RULE 15(d) allows new parties to be added to the

1 complainant. This Plaintiff fails to see how a supplemental pleading is improper.  
2 This plaintiff's supplemental pleading was to add, still is mail room at  
3 HOSP due to mail room holding legal mail pertaining to this case  
4 for over a year. Further more it reiterates that the statutes/state  
5 laws argued in second Amended complaint as well as in supplemental pleading  
6 are ~~not~~ invalid, unlawful & unconstitutional. they all were enacted under  
7 S.B. no 2 (1957) Senate Bill No 2 1957, Fall within the range of NRS sections  
8 1.010 to NRS 710.590 plaintiff should be permitted to argue his case in  
9 open court.

10 Finally on page 7 of 12 motion to strike. Line 24 23-25 states in part.  
11 Electronic service of a pleading requires "submitting it to be electronic filing  
12 service." NRCp 5(b)(2). Bonham submitted his Surreply to the clerk by  
13 mail; electronic service was never occurred.

14 As far as plaintiff is aware electronic filing for inmates at HOSP E-filing  
15 is only available at U.S. Dist CRT level not state court. plaintiff further  
16 argues that on page 50 of his supp pleading cert of service is clear, &  
17 unambiguous language is used. it is not his fault clerk of the court &  
18 his office, and employees failed to perform his duties.

#### 19 CONCLUSION

20 Again plaintiff points out he is an indigent, pro se Litigant, and is unable to  
21 make copies of each pleading so he asks clerk of court to serve each  
22 defendant accordingly. plaintiff does not have an endless supply of  
23 funds, to take time to request leave to extend legal copy work would render  
24 his pleadings untimely filed as he only has a short time to write it, get  
25 into court. This plaintiff Respectfully requests this court to enter an order that  
26 counsel's motion to strike be denied/striken, that clerk of court be admonished  
27 for failure to perform their duties see neglect. and that plaintiffs valid  
28 articulated claims, Arguments in second 2<sup>nd</sup> Amend complaint proceed.

1 & order of fraud be ordered for false statements sworn to in Attachment A  
2 of counsels motion to strike.

3

4

VERIFICATION

5 I Bryan P Bonham declare and verify that I have read the foregoing motion  
6 to strike, Request for fraud upon court; to the best of my belief & knowledge  
7 that the foregoing is true & correct under the pains & penalties of perjury  
8 pursuant to 28 U.S.C.A. § 1746 & 18 U.S.C.A. § 1621

9

10

CERTIFICATE OF SERVICE

11 I Bryan P Bonham certify that I have read the foregoing motion to strike &  
12 Request for fraud upon court order, that I have deposited this mail by  
13 handing it to NDOC staff at HDSP Law Library on 12/14/2022 and am  
14 attaching special instructions for the clerk of the court to electronically  
15 serve Office of Attorney General (OAG) & serving all of my opponents  
16 pursuant to N.E.F.C.R. 5(k), 9 et seq (A-E) etc to the following

17

18 DEPUTY ATTORNEY GENERAL

19 Samuel L Pezone JR.

20 555 E Washington Ave Ste 3900

21 Las Vegas, Nev 89101

22 Email: spezone@ag.nv.gov.

23 Dated this 14th day of December, 2022

24 15/Bryan P Bonham

25 Bryan P Bonham 60575

26 PO Box 650 (HDSP)

27 Indian Springs, Nev 89070

28

mailed via Brass slip NO 2508360

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
1/11/2023 12:03 PM  
Steven D. Grierson  
CLERK OF THE COURT



Bryan Bonham, Plaintiff(s)

vs.

Nevada State of, Defendant(s)

Case No.: A-20-823142-C

Department 29

**NOTICE OF HEARING**

Please be advised that the Plaintiff's Motion to Strike & Request for an Order of Fraud Upon Court in the above-entitled matter is set for hearing as follows:

**Date:** February 15, 2023

**Time:** 9:00 AM

**Location:** RJC Courtroom 15A  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court



CSERV  
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**

BRYAN BONHAM,

Plaintiff,

v.

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

Defendants.

Case No. A-20-823142-C

Dept. No. 29

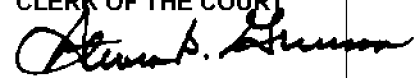
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 11th day of January, 2023, I served the Notice of Hearing by depositing a true and correct copy of the same in a sealed envelope for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, addressed to the following:

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



**RSPN**  
**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  
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(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**

**BRYAN BONHAM,**

Plaintiff,

v.

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

Defendants.

Case No. A-20-823142-C

Dept. No. XXIX

**HEARING NOT REQUESTED**

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO STRIKE**

Defendants, Nevada Department of Corrections (NDOC), State of Nevada, Charles Daniels, Tim Garrett, and Carter Potter (collectively "Defendants"), by and through counsel, the Office of the Attorney General, Aaron D. Ford, Nevada Attorney General, and Samuel L. Pezone, Jr., Deputy Attorney General, hereby respond to Plaintiff's Motion to Strike and "Request for An Order of Fraud Upon Court."

///

///

///

///

///

Defendants' response is made based upon the following memorandum of points and authorities, the pleadings herein, and the exhibits annexed hereto.

DATED this 25th day of January, 2023.

AARON D. FORD  
Attorney General

By: /s/ Samuel L. Pezone, Jr.  
SAMUEL L. PEZONE, JR. (No. 15978)  
Deputy Attorney General  
*Attorneys for Defendants*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. BACKGROUND**

Plaintiff, Bryan Bonham (Bonham), is an inmate in the custody of the NDOC. On October 10, 2020, Bonham filed a complaint alleging that Defendants violated his constitutional rights by deducting certain debts from an outside deposit to his inmate trust account. Complaint at 3:7-14. Bonham claimed that he only received \$14.00 after deductions from a \$150.00 deposit, and that he should have received \$30.00 after deductions. *Id.* at 3:11-13. Bonham requested damages in the amount of \$85,000.00.

Defendants filed their "Motion to Dismiss or in the Alternative for Summary Judgment" on April 5, 2021. On May 11, 2021, the Court entered a minute order granting Defendants' Motion for Summary Judgment.

Plaintiff appealed. On March 17, 2022, the Nevada Court of Appeals entered an "Order Affirming in Part and Reversing in Part." The Court of Appeals affirmed this Court's grant of Summary Judgment on Bonham's 42 U.S.C. §1983 claims. However, the Court of Appeals reversed and remanded for this Court to consider whether the Complaint's allegations were "sufficient to present state law claims under Nevada's notice pleading standard." Order Affirming in Part and Reversing at 6-7.

On December 6, 2022, Defendants moved to Strike (hereinafter, "Defendant's Motion" or "Def. Mot. to Strike") several of Bonhams intervening supplemental pleadings. The Motion argued, among other things, that Bonham failed to serve each of the supplemental pleadings.



1 Bonham filed this “Motion to Strike and Request for Order of Fraud Upon the Court”  
2 (hereinafter “Bonham’s Motion” or “Pl. Mot. to Strike”). Bonham requests that “counsels  
3 motion to strike be denied/striken, that clerk of court be admonished for failure to perform  
4 their duties,” and “an order of fraud be ordered for false statements sworn to in attachment  
5 of counsels motion to strike.” Pl. Mot. to Strike at 10-11.

6 Bonham’s Motion cites largely inapplicable federal legal standards for a motion to  
7 strike pursuant to Fed. R. Civ. P. 15. Pl. Mot. to Strike at 4-5. Without offering any  
8 argument addressing these inapplicable standards, Bonham now argues, contrary to his  
9 certificates of service, that he did mail his filings to the Office of the Attorney General  
10 (OAG). *Id.* at 6-7. Bonham claims that Undersigned Counsel and his secretary have  
11 fraudulently misrepresented that we did not receive his filings. *Id.* at 7. He claims, without  
12 any evidence, that we did receive the amended complaint on May 10, 2022. *Id.*

13 In the alternative, Bonham argues that he should be excused from the service  
14 requirements of NRCP 5(a)(1), (b)(2), and EDCR 2.20(c), because he is a *pro se* litigant,  
15 because “he is over his allowed 100 copy work limit with NDOC,” and because no DAG has  
16 previously challenged Bonham’s ineffective method of service. Pl. Mot. to Strike at 7, 10.  
17 Bonham faults the Clerk of court for failing to perform what Bonham purports were the  
18 Clerk’s duties. *Id.*

19 Apparently in response to Defendants’ Motion, Bonham argues that his  
20 supplemental pleadings are not improper, but fails to address any of Defendants’  
21 procedural arguments, e.g., that he failed to seek leave pursuant to NRCP 15(d) or within  
22 the time allowed pursuant to EDCR 2.20(i). Pl. Mot. to Strike at 10.

23 To put the icing on the proverbial cake, Bonham includes a certificate of service with  
24 the same sort of language he has used in all of his previous filings: “I have deposited this  
25 mail by hand it to NDOC Staff... and am attaching special instructions for the clerk of the  
26 court to electronically serve Office of the Attorney General (OAG) & serving all of my  
27 opponents pursuant to NEFCR 5(k), 9 et seq (A-E) etc to the following.” Pl. Mot. to Strike  
28 at 11.

## II. LEGAL STANDARD

Pursuant to NRCP 12(f), “the court may strike from a pleading... any redundant, immaterial, impertinent, or scandalous matter.” It may do so “on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served.” NRCP 12(f)(2).

Under to NRCP 15(d), “the court may...permit a party to serve a supplemental pleading” on “motion and reasonable notice.” However, EDCR 2.20(i) states, “[s]upplemental briefs will only be permitted if filed within the original time limitation of paragraphs (d), (e), or (g), or by order of the court.” See also *Klasch v. Tanenggee*, No. A544659, 2009 WL 8521638 (8th J.D. Nev. Nov. 16, 2009) (court’s refusal to consider surreply brief was not improper where the brief failed to comply with EDCR 2.20(i), then codified as 2.20(f), and NRCP 15(d)). The court may order the opposing party “to plead to the supplement.” *Id.*

EDCR 2.20(c) requires a party to “serve and file” all motions with “a memorandum of points and authorities in support.” EDCR 2.20(e) provides that the deadline to file and serve a written opposition to a motion is 14 days after service. EDCR 2.20(g) provides that the deadline to file and serve a reply to an opposition is 7 days prior to any hearing on the underlying motion, or 7 days from the date of service of the opposition if no hearing is set.

A party must serve “written motions” and “pleadings filed after the complaint” on all parties. NRCP 5(a)(1). “A paper is served” electronically only by “submitting it to the court’s electronic filing system... for electronic service under NEFCR 9.” See NRCP 5(b)(2).

“On motion” and “for good cause,” the court may “extend the time” to file papers and pleadings. NRCP 6(b). If the time has already expired, the party must show it “failed to act because of excusable neglect.” *Id.*

## III. ARGUMENT

### A. Bonham Never Served His Motion to Strike

Bonham failed to serve his Motion to Strike, as required by NRCP 5(a)(1), (b)(2), and EDCR 2.20(c). Undersigned counsel has not received a copy of Bonham’s Motion to date.

Counsel only became aware of the Motion on January 11, 2023, when the Court issued a Notice of Hearing on the Motion.

Bonham continues, intentionally and with impunity, to evade and ignore the rules of this Court and the Nevada district courts. This Court should not allow him to continue; this Court should deny Bonham's Motion for failure to comply with NRCP 5(a)(1), (b)(2), and EDCR 2.20(c).

**B. Bonham Failed to Provide a Basis for Striking Defendants' Motion**

Bonham's Motion fails to argue anywhere that Defendants' Motion to Strike is procedurally defective, redundant, impertinent, immaterial, or scandalous pursuant to NRCP 12(f). *See* Pl. Mot. to Strike. Bonham's mere citation of inapplicable federal standards is not sufficient.

Bonham cites *Lombardi v. MCI Telecommunications Corp.*, et al., 13 F.Supp.2d 621, 625 (N.D. Ohio 1998), purporting that the Ohio district court refused "to strike defendant's motion to strike and memorandum in support." Pl. Mot. to Strike at 5:8. In that spirit, this Court should deny Bonham's Motion to Strike.

**C. Bonham's Request for "An Order of Fraud Upon the Court" Should Be Denied, and a Motion for Sanctions is Forthcoming**

Bonham's claim that Defendant received service of his amended complaint lacks any evidentiary support. His claims that he mailed his supplemental pleadings to the OAG belies his own certificates of service, which indicate otherwise. Further, upon review of Bonham's DOC 509 "Brass Slips" numbered 2530091, 2500360, 2500372, and 2508360, it appears that Bonham only made out postage for one letter for each of these slips, and on dates corresponding to the dates upon which his filings were mailed. Exhibit A. It appears that Bonham only mailed his filings once; and since they were in fact filed, he could only have mailed them to the Clerk rather than to the OAG.

NRCP 11 provides that this Court may impose appropriate sanctions, including monetary sanctions, upon an unrepresented party for making "factual contentions" that lack "evidentiary support." By accusing counsel and his secretary of lying in their motion

1 and declaration, Bonham has presented a factual contention that is belied by the very the  
2 Brass Slips he claims would support the contention. A Safe Harbor letter pursuant to NRCP  
3 11(C)(2) is forthcoming. This Court should deny Bonham's Motion to Strike and his  
4 "request for an order of fraud" upon this Court.

5 **D. Bonham's *Pro se* Status Does Not Excuse Him From Service**

6 Bonham should not be excused from service nor should Defendant's Motion to Strike  
7 be denied because of Bonham's *pro se* status. The rules "cannot be applied differently  
8 merely because a party not learned in the law is acting *pro se*." *Bonnell v. Lawrence*, 128  
9 Nev. 394, 404, 282 P.3d 712, 718 (2012). "While district courts should assist *pro se* litigants  
10 as much as reasonably possible, a *pro se* litigant cannot use his alleged ignorance as a shield  
11 to protect him from the consequences of failing to comply with basic procedural  
12 requirements." *Rodriguez v. Fiesta Palms, LLC*, 134 Nev. 654, 659 (2018), *holding modified*  
13 *on other grounds by Willard v. Berry-Hinckley Indus.*, 136 Nev. 467 (2020). Service  
14 pursuant to NRCP 5 is a basic procedural requirement, one from which no exception should  
15 appropriately be made. A lack of service means a lack of timely notice to the opposing party  
16 of the paper or pleading, as well as its contents.

17 Bonham cites no reason, no legal basis, why the Clerk should be required to  
18 electronically serve filings on his behalf, or why the court should enter an order for the  
19 clerk to do such. Bonham provides no reason why previous Deputies' lax treatment of his  
20 ineffective service should excuse him from service now, or ever.

21 Further, Bonham's circumstances are not extraordinary. He must, within his means,  
22 comply with the service requirements. If he cannot accept electronic service, then he cannot  
23 electronically serve, through the Clerk or otherwise. He must serve his filings by mail upon  
24 the OAG at his own expense.

25 This Court should deny Bonham's Motion to Strike and his request to admonish the  
26 clerk of court. Further, this Court should grant Defendant's Motion to Strike.

1 **IV. CONCLUSION**

2 This Court should deny Bonham's Motion to Strike, his request to admonish the  
3 court clerk, and his request for an order of fraud. Bonham provides no reason why this  
4 court should strike Defendant's Motion to Strike. He fails to address any of Defendant's  
5 procedural arguments. Furthermore, Bonham should not be excused from having to serve  
6 Defendants by mail merely because of his *pro se* status. This Court should grant  
7 Defendants' pending Motion to Strike.

8 DATED this 25th day of January, 2023.

9 AARON D. FORD  
Attorney General

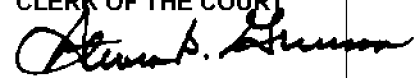
10 By: /s/ Samuel L. Pezone, Jr.  
11 SAMUEL L. PEZONE, JR. (No. 15978)  
12 Deputy Attorney General  
13 *Attorneys for Defendants*  
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## CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on January 25, 2023, I electronically filed the foregoing **DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO STRIKE** 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 mailing a copy at Las Vegas, Nevada, addressed to the following:

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



**RSPN**  
**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**

**BRYAN BONHAM,**

Plaintiff,

v.

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

Defendants.

Case No. A-20-823142-C

Dept. No. XXIX

**HEARING NOT REQUESTED**

**DEFENDANTS' AMENDED RESPONSE TO PLAINTIFF'S MOTION TO STRIKE**

Defendants, Nevada Department of Corrections (NDOC), State of Nevada, Charles Daniels, Tim Garrett, and Carter Potter (collectively "Defendants"), by and through counsel, the Office of the Attorney General, Aaron D. Ford, Nevada Attorney General, and Samuel L. Pezone, Jr., Deputy Attorney General, hereby respond to Plaintiff's Motion to Strike and "Request for An Order of Fraud Upon Court."

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Defendants' response is made based upon the following memorandum of points and authorities, the pleadings herein, and the exhibits annexed hereto.

DATED this 26th day of January, 2023.

AARON D. FORD  
Attorney General

By: /s/ Samuel L. Pezone, Jr.  
SAMUEL L. PEZONE, JR. (No. 15978)  
Deputy Attorney General  
*Attorneys for Defendants*

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. BACKGROUND**

Plaintiff, Bryan Bonham (Bonham), is an inmate in the custody of the NDOC. On October 10, 2020, Bonham filed a complaint alleging that Defendants violated his constitutional rights by deducting certain debts from an outside deposit to his inmate trust account. Complaint at 3:7-14. Bonham claimed that he only received \$14.00 after deductions from a \$150.00 deposit, and that he should have received \$30.00 after deductions. *Id.* at 3:11-13. Bonham requested damages in the amount of \$85,000.00.

Defendants filed their "Motion to Dismiss or in the Alternative for Summary Judgment" on April 5, 2021. On May 11, 2021, the Court entered a minute order granting Defendants' Motion for Summary Judgment.

Plaintiff appealed. On March 17, 2022, the Nevada Court of Appeals entered an "Order Affirming in Part and Reversing in Part." The Court of Appeals affirmed this Court's grant of Summary Judgment on Bonham's 42 U.S.C. §1983 claims. However, the Court of Appeals reversed and remanded for this Court to consider whether the Complaint's allegations were "sufficient to present state law claims under Nevada's notice pleading standard." Order Affirming in Part and Reversing at 6-7.

On December 6, 2022, Defendants moved to Strike (hereinafter, "Defendant's Motion" or "Def. Mot. to Strike") several of Bonham's intervening supplemental pleadings. The Motion argued, among other things, that Bonham failed to serve each of the supplemental pleadings.



1 Bonham filed this “Motion to Strike and Request for Order of Fraud Upon the Court”  
2 (hereinafter “Bonham’s Motion” or “Pl. Mot. to Strike”). Bonham requests that “counsels  
3 motion to strike be denied/striken, that clerk of court be admonished for failure to perform  
4 their duties,” and “an order of fraud be ordered for false statements sworn to in attachment  
5 of counsels motion to strike.” Pl. Mot. to Strike at 10-11.

6 Bonham’s Motion cites largely inapplicable federal legal standards for a motion to  
7 strike pursuant to Fed. R. Civ. P. 15. Pl. Mot. to Strike at 4-5. Without offering any  
8 argument addressing these inapplicable standards, Bonham now argues, contrary to his  
9 certificates of service, that he did mail his filings to the Office of the Attorney General  
10 (OAG). *Id.* at 6-7. Bonham claims that Undersigned Counsel and his secretary have  
11 fraudulently misrepresented that we did not receive his filings. *Id.* at 7. He claims, without  
12 any evidence, that we did receive the amended complaint on May 10, 2022. *Id.*

13 In the alternative, Bonham argues that he should be excused from the service  
14 requirements of NRCP 5(a)(1), (b)(2), and EDCR 2.20(c), because he is a *pro se* litigant,  
15 because “he is over his allowed 100 copy work limit with NDOC,” and because no DAG has  
16 previously challenged Bonham’s ineffective method of service. Pl. Mot. to Strike at 7, 10.  
17 Bonham faults the Clerk of court for failing to perform what Bonham purports were the  
18 Clerk’s duties. *Id.*

19 Apparently in response to Defendants’ Motion, Bonham argues that his  
20 supplemental pleadings are not improper, but fails to address any of Defendants’  
21 procedural arguments, e.g., that he failed to seek leave pursuant to NRCP 15(d) or within  
22 the time allowed pursuant to EDCR 2.20(i). Pl. Mot. to Strike at 10.

23 To put the icing on the proverbial cake, Bonham includes a certificate of service with  
24 the same sort of language he has used in all of his previous filings: “I have deposited this  
25 mail by hand it to NDOC Staff... and am attaching special instructions for the clerk of the  
26 court to electronically serve Office of the Attorney General (OAG) & serving all of my  
27 opponents pursuant to NEFCR 5(k), 9 et seq (A-E) etc to the following.” Pl. Mot. to Strike  
28 at 11.

## II. LEGAL STANDARD

Pursuant to NRCP 12(f), “the court may strike from a pleading... any redundant, immaterial, impertinent, or scandalous matter.” It may do so “on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served.” NRCP 12(f)(2).

Under to NRCP 15(d), “the court may...permit a party to serve a supplemental pleading” on “motion and reasonable notice.” However, EDCR 2.20(i) states, “[s]upplemental briefs will only be permitted if filed within the original time limitation of paragraphs (d), (e), or (g), or by order of the court.” See also *Klasch v. Tanenggee*, No. A544659, 2009 WL 8521638 (8th J.D. Nev. Nov. 16, 2009) (court’s refusal to consider surreply brief was not improper where the brief failed to comply with EDCR 2.20(i), then codified as 2.20(f), and NRCP 15(d)). The court may order the opposing party “to plead to the supplement.” *Id.*

EDCR 2.20(c) requires a party to “serve and file” all motions with “a memorandum of points and authorities in support.” EDCR 2.20(e) provides that the deadline to file and serve a written opposition to a motion is 14 days after service. EDCR 2.20(g) provides that the deadline to file and serve a reply to an opposition is 7 days prior to any hearing on the underlying motion, or 7 days from the date of service of the opposition if no hearing is set.

A party must serve “written motions” and “pleadings filed after the complaint” on all parties. NRCP 5(a)(1). “A paper is served” electronically only by “submitting it to the court’s electronic filing system... for electronic service under NEFCR 9.” See NRCP 5(b)(2).

“On motion” and “for good cause,” the court may “extend the time” to file papers and pleadings. NRCP 6(b). If the time has already expired, the party must show it “failed to act because of excusable neglect.” *Id.*

## III. ARGUMENT

### A. Bonham Never Served His Motion to Strike

Bonham failed to serve his Motion to Strike, as required by NRCP 5(a)(1), (b)(2), and EDCR 2.20(c). Undersigned counsel has not received a copy of Bonham’s Motion to date.

1 Counsel only became aware of the Motion on January 11, 2023, when the Court issued a  
2 Notice of Hearing on the Motion.

3 Bonham continues, intentionally and with impunity, to evade and ignore the rules  
4 of this Court and the Nevada district courts. This Court should not allow him to continue;  
5 this Court should deny Bonham's Motion for failure to comply with NRCP 5(a)(1), (b)(2),  
6 and EDCR 2.20(c).

7 **B. Bonham Failed to Provide a Basis for Striking Defendants' Motion**

8 Bonham's Motion fails to argue anywhere that Defendants' Motion to Strike is  
9 procedurally defective, redundant, impertinent, immaterial, or scandalous pursuant to  
10 NRCP 12(f). *See* Pl. Mot. to Strike. Bonham's mere citation of inapplicable federal  
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12 Bonham cites *Lombardi v. MCI Telecommunications Corp.*, et al., 13 F.Supp.2d 621,  
13 625 (N.D. Ohio 1998), purporting that the Ohio district court refused "to strike defendant's  
14 motion to strike and memorandum in support." Pl. Mot. to Strike at 5:8. In that spirit, this  
15 Court should deny Bonham's Motion to Strike.

16 **C. Bonham's Request for "An Order of Fraud Upon the Court" Should**  
17 **Be Denied, and a Motion for Sanctions is Forthcoming**

18 Bonham's claim that Defendant received service of his amended complaint lacks any  
19 evidentiary support. His claims that he mailed his supplemental pleadings to the OAG  
20 belies his own certificates of service, which indicate otherwise. Further, upon review of  
21 Bonham's DOC 509 "Brass Slips" numbered 2530091, 2500360, 2500372, and 2508360, it  
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26 NRCP 11 provides that this Court may impose appropriate sanctions, including  
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28 lack "evidentiary support." By accusing counsel and his secretary of lying in their motion

1 and declaration, Bonham has presented a factual contention that is belied by the very the  
2 Brass Slips he claims would support the contention. A Safe Harbor letter pursuant to NRCP  
3 11(C)(2) is forthcoming. This Court should deny Bonham's Motion to Strike and his  
4 "request for an order of fraud" upon this Court.

5 **D. Bonham's *Pro se* Status Does Not Excuse Him From Service**

6 Bonham should not be excused from service nor should Defendant's Motion to Strike  
7 be denied because of Bonham's *pro se* status. The rules "cannot be applied differently  
8 merely because a party not learned in the law is acting *pro se*." *Bonnell v. Lawrence*, 128  
9 Nev. 394, 404, 282 P.3d 712, 718 (2012). "While district courts should assist *pro se* litigants  
10 as much as reasonably possible, a *pro se* litigant cannot use his alleged ignorance as a shield  
11 to protect him from the consequences of failing to comply with basic procedural  
12 requirements." *Rodriguez v. Fiesta Palms, LLC*, 134 Nev. 654, 659 (2018), *holding modified*  
13 *on other grounds by Willard v. Berry-Hinckley Indus.*, 136 Nev. 467 (2020). Service  
14 pursuant to NRCP 5 is a basic procedural requirement, one from which no exception should  
15 appropriately be made. A lack of service means a lack of timely notice to the opposing party  
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17 Bonham cites no reason, no legal basis, why the Clerk should be required to  
18 electronically serve filings on his behalf, or why the court should enter an order for the  
19 clerk to do such. Bonham provides no reason why previous Deputies' lax treatment of his  
20 ineffective service should excuse him from service now, or ever.

21 Further, Bonham's circumstances are not extraordinary. He must, within his means,  
22 comply with the service requirements. If he cannot accept electronic service, then he cannot  
23 electronically serve, through the Clerk or otherwise. He must serve his filings by mail upon  
24 the OAG at his own expense.

25 This Court should deny Bonham's Motion to Strike and his request to admonish the  
26 clerk of court. Further, this Court should grant Defendant's Motion to Strike.

1 **IV. CONCLUSION**

2 This Court should deny Bonham's Motion to Strike, his request to admonish the  
3 court clerk, and his request for an order of fraud. Bonham provides no reason why this  
4 court should strike Defendant's Motion to Strike. He fails to address any of Defendant's  
5 procedural arguments. Furthermore, Bonham should not be excused from having to serve  
6 Defendants by mail merely because of his *pro se* status. This Court should grant  
7 Defendants' pending Motion to Strike.

8 DATED this 26th day of January, 2023.

9 AARON D. FORD  
Attorney General

10 By: /s/ Samuel L. Pezone, Jr.  
11 SAMUEL L. PEZONE, JR. (No. 15978)  
Deputy Attorney General  
12 *Attorneys for Defendants*  
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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

# EXHIBIT A

BRASS SLIPS

# EXHIBIT A

STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS  
INMATE ACCOUNT TRANSACTION  
REQUEST

Date:

To: Inmate services

I hereby authorize my account to be charged in the amount  
of \$.....(.....Dollars).

Please pay to.....

Signature.....

Print name.....

ID No. 60575.....Institution. HDSP

Approved by.....

Transfer	Purchase Order	Postage	Other
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White  
Canary  
Pink

Inmate Services  
Institution Copy  
Inmate

DOC 509 (Rev.2-06)



Supplemental for Add  
Mail Form to Complaint  
Case No. A-20-823412

STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS  
INMATE ACCOUNT TRANSACTION  
REQUEST

Date:

To: Inmate services

I hereby authorize my account to be charged in the amount  
of \$.....2.16.....(Two Dollars & Sixteen Cents) Dollars)

Please pay to...NRDC.....

Signature.....*[Signature]*.....

Print name.....*Bryan P. Bonham*.....

ID No.....*6057*.....Institution.....*HOSP*.....

Approved by.....*[Signature]*.....

Transfer	Purchase Order	Postage	Other
		<i>X</i>	

1. I am a Nevada resident.  
2. I am a Nevada inmate.  
3. I am a Nevada inmate.

STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS  
INMATE ACCOUNT TRANSACTION  
REQUEST

Date: 10-18-2022

To: Inmate services

I hereby authorize my account to be charged in the amount  
of \$.....2.40.....(Two dollar & forty cents).

Please pay to: NDOC.....

Signature: [Signature].....

Print name: Bryan P. Latham.....

ID No. 60575..... Institution: HOSP.....

Approved by: [Signature].....

Transfer	Purchase Order	Postage	Other
		X	

motion to strike  
Request for Fraud upon  
court. A-20-923142-C

STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS  
INMATE ACCOUNT TRANSACTION  
REQUEST

Date: 12/14/2022

N

To: Inmate services

I hereby authorize my account to be charged in the amount  
of \$ 0.84 EIGHT FOUR CENTS ONLY (Dollars).

Please pay to NDOC

Signature [Signature]

Print name RYAN PINHAM

ID No. 100575 Institution 1020

Approved by [Signature]

Transfer	Purchase Order	Postage <u>9.1</u> <u>X1</u>	Other
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1 **CSERV**  
2 **AARON D. FORD**  
3 Attorney General  
4 **SAMUEL L. PEZONE, JR.** (Bar No. 15978)  
5 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) 486-4070 (phone)  
11 (702) 486-3773 (fax)  
12 Email: spezone@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.

Case No. A-20-823142-C

Dept. No. 29

24 **CERTIFICATE OF SERVICE**

25 I HEREBY CERTIFY that on the 30th day of January 2023, I served the **JANUARY**  
26 **26, 2023, MINUTE ORDER** by depositing a true and correct copy of the same in a sealed  
27 envelope for mailing in the United States Mail, first-class postage prepaid, at Las Vegas,  
28 Nevada, addressed to the following:

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

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

---

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

---

**January 26, 2023      09:00 AM      All Pending Motions**

**HEARD BY:**      Thompson, Charles      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Squyres, Stephanie

**RECORDER:**      Michaux, Angelica

**REPORTER:**

**PARTIES PRESENT:**

**JOURNAL ENTRIES**

Sam Pezone, ESQ. present on behalf of Deft's.  
Pltf. not present.

PLAINTIFF'S SUPPLEMENTAL PLEADING IN SUPPORT OF HIS REQUEST TO ADD COUNTS OF INTERFERING WITH ACCESS TO COURTS, ADDING NEW DEFENDANTS WITH EVIDENCE IN SUPPORT...STATUS CHECK: REMAND...DEFENDANTS' MOTION TO STRIKE, OR FOR A STAY AND EXTENSION OF TIME...PLAINTIFF'S MOTION IN RESPONSE TO ORDER FOR SUPPLEMENTAL PLEADING AND RESPONSE TO MOTION TO DISMISS "AMENDED COVER PAGE".

Argument by counsel regarding motion. COURT ORDERED, the following documents will be STRICKEN: Second Amended complaint filed on April 26, 2022, Plaintiff's Supplemental Pleading in Support of his Request to Add Counts of Interfering with Access to Courts, Adding New Defendants with Evidence in Support filed on November 3, 2022, and Plaintiff's Motion in Response to Order for Supplemental Pleading and Response to Motion to Dismiss "Amended Cover Page" filed on November 16, 2022, as these documents were filed without service and without permission from the Court. COURT FURTHER ORDERED, a Evidentiary Hearing is SET, and the Defendants Motion to Strike is hereby GRANTED.

EVIDENTIARY HEARING: 02/13/23 9:00 AM

CLERK'S NOTE: This minute order has been corrected to reflect the Deft'. motion was however granted./ss 1.30.23

1 Bryan P Bonham  
2 Plaintiff / In Propria Personam  
3 Post Office Box 650 [HDSP]  
4 Indian Springs, Nevada 89018

Electronically Filed  
02/01/2023

Heather S. Shinn  
CLERK OF THE COURT

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
7

8 Bryan P Bonham

9 Plaintiff/Petitioner

10 vs.

11 STATE OF NEVADA ex rel

12 Defendants/Respondants

Case No. A-20-823142-C

Dept No. 29

Docket \_\_\_\_\_

13  
14 NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that plaintiff/petitioner Bryan P  
16 Bonham

17 will come on for hearing before the above-entitled Court on the 26<sup>th</sup> day of January, 2023,  
18 at the hour of 9 o'clock A. M. In Department 29, of said Court.  
19

20 CC FILE

21  
22 DATED: this 28<sup>th</sup> day of December, 2022

23  
24  
25  
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27  
28  
RECEIVED

JAN 03 2023

CLERK OF THE COURT

BY: \_\_\_\_\_

#

/In Propria Personam



CNND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Bryan Bonham, Plaintiff(s)

A-20-823142-C

vs.

Department 29

Nevada State of, Defendant(s)

**CLERK'S NOTICE OF NONCONFORMING DOCUMENT**

Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, notice is hereby provided that the following electronically filed document does not conform to the applicable filing requirements:

Title of Nonconforming Document:	Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference
Party Submitting Document for Filing:	Bryan Bonham
Date and Time Submitted for Electronic Filing:	2-1-2023 at

**Reason for Nonconformity Determination:**

- ☐ The document filed to commence an action is not a complaint, petition, application, or other document that initiates a civil action. *See* Rule 3 of the Nevada Rules of Civil Procedure. In accordance with Administrative Order 19-5, the submitted document is stricken from the record, this case has been closed and designated as filed in error, and any submitted filing fee has been returned to the filing party.

☐ The document initiated a new civil action and a cover sheet was not submitted as required by NRS 3.275.

☐ The document was not signed by the submitting party or counsel for said party.

☐ The document filed was a court order that did not contain the signature of a judicial officer. In accordance with Administrative Order 19-5, the submitted order has been furnished to the department to which this case is assigned.

☒ Motion does not have a hearing designation per Rule 2.20(b). Motions must include designation "Hearing Requested" or "Hearing Not Requested" in the caption of the first page directly below the Case and Department Number.

Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, a nonconforming document may be cured by submitting a conforming document. All documents submitted for this purpose must use filing code "**Conforming Filing – CONFILE.**" Court filing fees will not be assessed for submitting the conforming document. Processing and convenience fees may still apply.

Dated this: 1st day of February, 2023

By: /s/ Michelle McCarthy

Deputy District Court Clerk



1 **CERTIFICATE OF SERVICE**

2

3 I hereby certify that on February 01, 2023, I concurrently filed and served a copy of the

4 foregoing Clerk's Notice of Nonconforming Document, on the party that submitted the

5 nonconforming document, via the Eighth Judicial District Court's Electronic Filing and Service

6 System.

7

8

9

10 By: /s/ Michelle McCarthy

11 \_\_\_\_\_

12 Deputy District Court Clerk

13

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28

*Heather L. Lamin*  
CLERK OF THE COURT

Bryan P. Berham

NDOC No. 60575

plaintiff/petitioner

In proper person

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

Bryan P. Berham

Petitioner,

v.

Case No. A-20-823142-C

STATE OF NEVADA EXM1

Dept. No. 29

Respondent.)

*Hearing Required.*

MOTION AND ORDER FOR TRANSPORTATION  
OF INMATE FOR COURT APPEARANCE  
OR, IN THE ALTERNATIVE,  
FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE

RECEIVED

JAN 03 2022

CLERK OF THE COURT

Petitioner, Bryan P. Berham, proceeding pro se, requests  
that this Honorable Court order transportation for his personal appearance or, in the  
alternative, that he be made available to appear by telephone or by video conference  
at the hearing in the instant case that is scheduled for January 26, 2023  
at 9AM.

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at High Desert State Prison.

3 My mandatory release date is ~~10/27/30~~ 10/27/30.

4  
5 2. The Department of Corrections is required to transport offenders to and  
6  
7 from Court if an inmate is required or requests to appear before a Court in this state.  
8

9 NRS 209.274 Transportation of Offender to Appear Before Court states:

10 "1. Except as otherwise provided in this section, when an offender is  
11 required or requested to appear before a Court in this state, the  
12 Department shall transport the offender to and from Court on the day  
13 scheduled for his appearance.

14 2. If notice is not provided within the time set forth in NRS 50.215, the  
15 Department shall transport the offender to Court on the date scheduled  
16 for his appearance if it is possible to transport the offender in the usual  
17 manner for the transportation of offenders by the Department. If it is  
18 not possible for the Department to transport the offender in the usual  
19 manner:

20 (a) The Department shall make the offender available on the date scheduled  
21 for his appearance to provide testimony by telephone or by video conference,  
22 if so requested by the Court.

23 (b) The Department shall provide for special transportation of the offender to  
24 and from the Court, if the Court so orders. If the Court orders special  
25 transportation, it shall order the county in which the Court is located to  
26 reimburse the Department for any cost incurred for the special transportation.

27 (c) The Court may order the county sheriff to transport the offender to and  
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because:

1 ☒ I AM NEEDED AS A WITNESS.

2 My petition raises substantial issues of fact concerning events in which I  
3 participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S.  
4 205 (1952) (District Court erred when it made findings of fact concerning  
5 Hayman's knowledge and consent to his counsel's representation of a witness  
6 against Hayman without notice to Hayman or Hayman's presence at the  
7 evidentiary hearing).

8 ☒ THE HEARING WILL BE AN EVIDENTIARY HEARING.

9 My petition raises material issues of fact that can be determined only in my  
10 presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention  
11 that allegations are improbable and unbelievable cannot serve to deny the  
12 petitioner an opportunity to support them by evidence). The Nevada  
13 Supreme Court has held that the presence of the petitioner for habeas corpus  
14 relief is required at any evidentiary hearing conducted on the merits of the  
15 claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

16 4. The prohibition against ex parte communication requires that I be present  
17 at any hearing at which the state is present and at which issues concerning the claims  
18 raised in my petition are addressed. U.S. Const. amends. V, VI.

19 5. If a person incarcerated in a state prison is required or is requested to  
20 appear as a witness in any action, the Department of Corrections must be notified in  
21 writing not less than 7 business days before the date scheduled for his appearance in  
22 Court if the inmate is incarcerated in a prison located not more than 40 miles from  
23 Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or  
24 more from Las Vegas, the Department of Corrections must be notified in writing not  
25 less than 14 business days before the date scheduled for the person's appearance in  
26 Court.

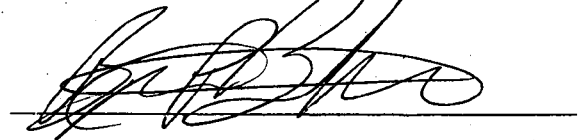
27 6. High Desert State Prison is located approximately

28 55 miles from Las Vegas, Nevada.

1           7. If there is insufficient time to provide the required notice to the Department  
2 of Corrections for me to be transported to the hearing, I respectfully request that this  
3 Honorable Court order the Warden to make me available on the date of the  
4 scheduled appearance, by telephone, or video conference, pursuant to NRS  
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the  
6 evidentiary hearing.

7           8. The rules of the institution prohibit me from placing telephone calls from  
8 the institution, except for collect calls, unless special arrangements are made with  
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my  
10 telephone appearance can be made by contacting the following staff member at my  
11 institution: High Desert State prison, Jeremy Bean "warden"  
12 whose telephone number is 775-887-6600

13  
14 Dated this 28th day of December, 2023.

15   
16

17  
18 Bryan P Bonham 60575  
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29

**CERTIFICATE OF SERVICE BY MAILING**

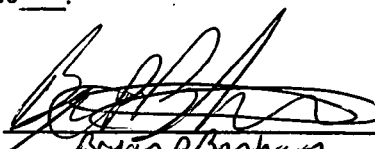
I, Bryan P Benham, hereby certify, pursuant to NRCP 5(b), that on this 28<sup>th</sup>  
day of December, 2022 I mailed a true and correct copy of the foregoing, "Motion for  
transport"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

Deputy Attorney General  
Samuel Pezone, JR.  
555 E Washington Ave STE 3900  
Las Vegas NV 89100

Clerk of the Court  
200 Lewis Ave 3rd Floor  
Las Vegas, NV 89101

CC:FILE

DATED: this 28<sup>th</sup> day of December, 2022.

  
Bryan P Benham # 602575  
Plaintiff/Petitioner/In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS.

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion

for transport

(Title of Document)

filed in District Court Case number A-20-823142-C

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific law)

-or-

B. For the administration of a public program or for an application  
for a federal or state grant.

  
Signature

12/28/22

Date

Bryan P Bonham  
Print Name

Plaintiff/Petitioner  
Title

Bryon P Bonham 60575

PO Box 650 HOSP

Indian Springs, Nev 89070

3762

REGINAL JUSTICE CENTER  
CLERK OF THE COURT  
8TH JUDICIAL DISTRICT  
200 LEWIS AVE 3rd floor  
LV. NV 89101

MOH DESERT STATE PRISON

DEC 28 2022

UNIT 10

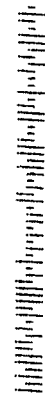


ZIP 89101  
QUANTITY 250000

US POSTAGE \$001.92

QUICKENT FIRST CLASS MAIL

mailed via Brass slip NO 2519895





mailed via Brass slip NO  
2549845

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Department 29

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
2/2/2023 11:54 AM  
Steven D. Grierson  
CLERK OF THE COURT



Bryan Bonham, Plaintiff(s)

vs.

Nevada State of, Defendant(s)

Case No.: A-20-823142-C

Department 29

**NOTICE OF HEARING**

Please be advised that the Plaintiff's Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference in the above-entitled matter is set for hearing as follows:

**Date:** March 08, 2023

**Time:** 9:00 AM

**Location:** RJC Courtroom 15A  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

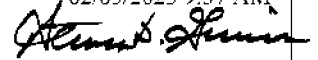
STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court

  
CLERK OF THE COURT

**OPI**  
**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**

**BRYAN BONHAM,**

Plaintiff,

v.

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

Case No. A-20-823142-C

Dept. No. 29

HEARING DATE: February 13, 2023  
HEARING TIME: 99:00 AM

**ORDER FOR PRODUCTION OF INMATE**  
**BRYAN BONHAM, NDOC IDENTIFICATION NO. 60575**

**TO: NEVADA DEPARTMENT OF CORRECTIONS; and**

**TO: BRIAN WILLIAMS, Warden of High Desert State Prison, Nevada**

THIS MATTER comes before this Court on the Nevada Supreme Court's Order Affirming in Part, Reversing in Part and Remanding. This Court entered an Order Regarding Briefing on May 13, 2022. Have received the parties' briefs, this Court has set this matter for an Evidentiary Hearing on February 13, 2023, at 9:00 AM.

The Plaintiff is an inmate lawfully in the custody of the Nevada Department of Corrections (NDOC or the Department). Pursuant to NRS 209.274, this Court now orders

1 the NDOC to transport the Plaintiff for the Evidentiary Hearing on February 13, 2023, or,  
2 if it is not possible to transport the Plaintiff in the usual manner for the transportation of  
3 offenders by the Department, to make him available by secure video via this Court's  
4 Bluejeans link.

5 Accordingly, the Court orders as follows:

6 **IT IS HEREBY ORDERED** Nevada Department of Corrections is hereby directed  
7 to PRODUCE BRYAN BONHAM AS HIS PRESENCE WILL BE REQUIRED IN  
8 DISTRICT COURT, Department 19 in Las Vegas, Nevada, commencing on **February 13,**  
9 **2023 at the hour of 9:00 o'clock a.m.** and continuing until completion of the Evidentiary  
10 Hearing.

11 **IT IS FURTHER ORDERED** that if it is not possible to transport Plaintiff, the  
12 NDOC will make BRYAN BONHAM AVAILABLE TO APPEAR REMOTELY BY VIDEO  
13 from HIGH DESERT STATE PRISON via this Court's Bluejeans link, commencing on  
14 **February 13, 2023 at the hour of 9:00 o'clock a.m.** and continuing until completion of  
15 the Evidentiary Hearing.

16 Dated this 3rd day of February, 2023

17 

18  
19 **BBA D86 054F 9715**  
20 **Michael Cherry**  
**District Court Judge**

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

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

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
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 Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 2/3/2023

15 Diane Resch

dresch@ag.nv.gov

16 Steven Wolfson

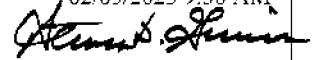
motions@clarkcountyda.com

17 Samuel Pezone

spezone@ag.nv.gov

18 Jennifer Briones

jnbriones@ag.nv.gov

  
CLERK OF THE COURT

1 **OGM**  
2 **AARON D. FORD**  
3 Attorney General  
4 **SAMUEL L. PEZONE, JR.** (Bar No. 15978)  
5 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) 486-4070 (phone)  
11 (702) 486-3773 (fax)  
12 Email: spezone@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.**

Case No. A-20-823142-C

Dept. No. 29

HEARING DATE: January 26, 2023  
HEARING TIME: 9:00 AM

24 **ORDER GRANTING DEFENDANTS' MOTION TO STRIKE**

25 Defendants, Nevada Department of Corrections (NDOC), State of Nevada, Charles  
26 Daniels, Tim Garrett, and Carter Potter (collectively "Defendants"), by and through  
27 counsel, the Office of the Attorney General, Aaron D. Ford, Nevada Attorney General, and  
28 Samuel L. Pezone, Jr., Deputy Attorney General, hereby submit this order.

THIS MATTER came before this Court on Defendants' Motion to Strike. This Court  
finds that Plaintiff's Second Amended Complaint filed on April 26, 2022, Plaintiff's  
Supplemental Pleading in Support of his Request to Add Counts of Interfering with Access  
to Courts, Adding New Defendants with Evidence in Support filed on November 3, 2022,  
and Plaintiff's Motion in Response to Order for Supplemental Pleading and Response to  
Motion to Dismiss filed on September 29, 2022, and filed again with an "Amended Cover

Page” on November 16, 2022, were filed without service and without permission from this Court. Pursuant to NRCP 12(f), and for good cause shown, Defendants Motion to Strike is hereby GRANTED, and theses document will be STRIKEN.

Accordingly, the Court orders as follows:

**IT IS HEREBY ORDERED** that the Defendants Motion to Strike is GRANTED.

**IT IS FURTHER ORDERED** that Plaintiff's Second Amended Complaint filed on April 26, 2022, is STRIKEN.

**IT IS FURTHER ORDERED** that Plaintiff's Supplemental Pleading in Support of his Request to Add Counts of Interfering with Access to Courts, Adding New Defendants with Evidence in Support filed on November 3, 2022, is STRIKEN.

**IT IS FURTHER ORDERED** that Plaintiff's Motion in Response to Order for Supplemental Pleading and Response to Motion to Dismiss filed on September 29, 2022 and filed again with an “Amended Cover Page” on November 16, 2022, is STRIKEN.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Strike & Request for an Order of Fraud Upon the Court, filed January 11, 2023, regarding Defendant's Motion to Strike is DENIED.

**IT IS FURTHER ORDERED** that the February 15, 2023, Hearing on Plaintiff's Motion to Strike & Request for an Order of Fraud is VACATED.

Dated this 3rd day of February, 2023



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

**34A A94 CE6E D776**  
**Michael Cherry**  
**District Court Judge**

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



1 **CSERV**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
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 Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 **Service Date: 2/3/2023**

15 **Diane Resch**

**dresch@ag.nv.gov**

16 **Steven Wolfson**

**motions@clarkcountyda.com**

17 **Samuel Pezone**

**spezone@ag.nv.gov**

18 **Jennifer Briones**

**jnbriones@ag.nv.gov**



NEOJ  
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**

BRYAN BONHAM,  
  
Plaintiff,

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

v.

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

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

**NOTICE OF ENTRY OF ORDER FOR PRODUCTION OF INMATE BRYAN  
BONHAM, NDOC IDENTIFICATION NO. 60575**

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the **ORDER FOR PRODUCTION OF INMATE  
BRYAN BONHAM, NDOC IDENTIFICATION NO. 60575** was entered in the above-  
entitled action on the 3rd day of February, 2023, a copy of which is attached hereto.

DATED this 3rd day of February, 2023.

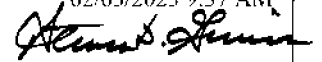
AARON D. FORD  
Attorney General

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*

Page 2 of 2  
878

  
CLERK OF THE COURT

**OPI**  
**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**

**BRYAN BONHAM,**

Plaintiff,

v.

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

Case No. A-20-823142-C

Dept. No. 29

HEARING DATE: February 13, 2023  
HEARING TIME: 99:00 AM

**ORDER FOR PRODUCTION OF INMATE**  
**BRYAN BONHAM, NDOC IDENTIFICATION NO. 60575**

**TO: NEVADA DEPARTMENT OF CORRECTIONS; and**

**TO: BRIAN WILLIAMS, Warden of High Desert State Prison, Nevada**

THIS MATTER comes before this Court on the Nevada Supreme Court's Order Affirming in Part, Reversing in Part and Remanding. This Court entered an Order Regarding Briefing on May 13, 2022. Have received the parties' briefs, this Court has set this matter for an Evidentiary Hearing on February 13, 2023, at 9:00 AM.

The Plaintiff is an inmate lawfully in the custody of the Nevada Department of Corrections (NDOC or the Department). Pursuant to NRS 209.274, this Court now orders

1 the NDOC to transport the Plaintiff for the Evidentiary Hearing on February 13, 2023, or,  
2 if it is not possible to transport the Plaintiff in the usual manner for the transportation of  
3 offenders by the Department, to make him available by secure video via this Court's  
4 Bluejeans link.

5 Accordingly, the Court orders as follows:

6 **IT IS HEREBY ORDERED** Nevada Department of Corrections is hereby directed  
7 to PRODUCE BRYAN BONHAM AS HIS PRESENCE WILL BE REQUIRED IN  
8 DISTRICT COURT, Department 19 in Las Vegas, Nevada, commencing on **February 13,**  
9 **2023 at the hour of 9:00 o'clock a.m.** and continuing until completion of the Evidentiary  
10 Hearing.

11 **IT IS FURTHER ORDERED** that if it is not possible to transport Plaintiff, the  
12 NDOC will make BRYAN BONHAM AVAILABLE TO APPEAR REMOTELY BY VIDEO  
13 from HIGH DESERT STATE PRISON via this Court's Bluejeans link, commencing on  
14 **February 13, 2023 at the hour of 9:00 o'clock a.m.** and continuing until completion of  
15 the Evidentiary Hearing.

16 Dated this 3rd day of February, 2023

17 

18  
19 **BBA D86 054F 9715**  
20 **Michael Cherry**  
**District Court Judge**

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

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

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5	
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 Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 2/3/2023

15 Diane Resch	dresch@ag.nv.gov
16 Steven Wolfson	motions@clarkcountyda.com
17 Samuel Pezone	spezone@ag.nv.gov
18 Jennifer Briones	jnbriones@ag.nv.gov
19	
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NEOJ  
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**

BRYAN BONHAM,

Plaintiff,

v.

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

Defendants.

Case No. A-20-823142-C

Dept. No. 29

**NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION TO  
STRIKE**

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the **ORDER GRANTING DEFENDANT'S  
MOTION TO STRIKE** was entered in the above-entitled action on the 3rd day of  
February, 2023, a copy of which is attached hereto.

DATED this 3rd 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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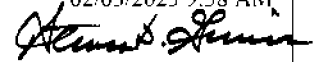
**CERTIFICATE OF SERVICE**

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on February 3, 2023, I electronically filed the foregoing **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO STRIKE** 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 mailing a copy at Las Vegas, Nevada, addressed to the following:

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



  
CLERK OF THE COURT

1 **OGM**  
2 **AARON D. FORD**  
3 Attorney General  
4 **SAMUEL L. PEZONE, JR.** (Bar No. 15978)  
5 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) 486-4070 (phone)  
11 (702) 486-3773 (fax)  
12 Email: spezone@ag.nv.gov  
13  
14 *Attorneys for Defendants Nevada Department*  
15 *of Corrections (NDOC), State of Nevada,*  
16 *Charles Daniels, Tim Garrett, and Carter Potter*  
17

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

12 <b>BRYAN BONHAM,</b>	Case No. A-20-823142-C
13 Plaintiff,	Dept. No. 29
14 v.	
15 <b>STATE OF NEVADA <i>ex rel.</i> NEVADA</b>	HEARING DATE: January 26, 2023
16 <b>DEPARTMENT OF CORRECTIONS, <i>et al.</i>,</b>	HEARING TIME: 9:00 AM
17 Defendants.	

18 **ORDER GRANTING DEFENDANTS' MOTION TO STRIKE**

19 Defendants, Nevada Department of Corrections (NDOC), State of Nevada, Charles  
20 Daniels, Tim Garrett, and Carter Potter (collectively "Defendants"), by and through  
21 counsel, the Office of the Attorney General, Aaron D. Ford, Nevada Attorney General, and  
22 Samuel L. Pezone, Jr., Deputy Attorney General, hereby submit this order.

23 THIS MATTER came before this Court on Defendants' Motion to Strike. This Court  
24 finds that Plaintiff's Second Amended Complaint filed on April 26, 2022, Plaintiff's  
25 Supplemental Pleading in Support of his Request to Add Counts of Interfering with Access  
26 to Courts, Adding New Defendants with Evidence in Support filed on November 3, 2022,  
27 and Plaintiff's Motion in Response to Order for Supplemental Pleading and Response to  
28 Motion to Dismiss filed on September 29, 2022, and filed again with an "Amended Cover

Page” on November 16, 2022, were filed without service and without permission from this Court. Pursuant to NRCP 12(f), and for good cause shown, Defendants Motion to Strike is hereby GRANTED, and theses document will be STRIKEN.

Accordingly, the Court orders as follows:

**IT IS HEREBY ORDERED** that the Defendants Motion to Strike is GRANTED.

**IT IS FURTHER ORDERED** that Plaintiff's Second Amended Complaint filed on April 26, 2022, is STRIKEN.

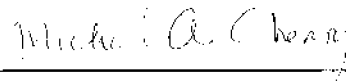
**IT IS FURTHER ORDERED** that Plaintiff's Supplemental Pleading in Support of his Request to Add Counts of Interfering with Access to Courts, Adding New Defendants with Evidence in Support filed on November 3, 2022, is STRIKEN.

**IT IS FURTHER ORDERED** that Plaintiff's Motion in Response to Order for Supplemental Pleading and Response to Motion to Dismiss filed on September 29, 2022 and filed again with an “Amended Cover Page” on November 16, 2022, is STRIKEN.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Strike & Request for an Order of Fraud Upon the Court, filed January 11, 2023, regarding Defendant's Motion to Strike is DENIED.

**IT IS FURTHER ORDERED** that the February 15, 2023, Hearing on Plaintiff's Motion to Strike & Request for an Order of Fraud is VACATED.

Dated this 3rd day of February, 2023



Respectfully Submitted by:  
AARON D. FORD  
Attorney General

34A A94 CE6E D776  
Michael Cherry  
District Court Judge

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

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5	
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 Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 2/3/2023

15 Diane Resch	dresch@ag.nv.gov
16 Steven Wolfson	motions@clarkcountyda.com
17 Samuel Pezone	spezone@ag.nv.gov
18 Jennifer Briones	jnbriones@ag.nv.gov
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*Heather L. Linn*  
CLERK OF THE COURT

1 Bryan P Bonham

2 NDOC No. 60575

3 Plaintiff

4 In proper person

5  
6 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE  
7 STATE OF NEVADA IN AND FOR THE  
8 COUNTY OF CLARK  
9

10 Bryan P Bonham )

11 )  
12 Petitioner, )

13 v. )

14 ) Case No. A-20-823142-C

15 )  
16 STATE OF NEVADA ex rel )

Dept. No. 29

17 Respondent. )

18 )  
19  
20 MOTION AND ORDER FOR TRANSPORTATION  
21 OF INMATE FOR COURT APPEARANCE  
22 OR, IN THE ALTERNATIVE,  
23 FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE  
24

25 Petitioner, Bryan P Bonham, proceeding pro se, requests  
26 that this Honorable Court order transportation for his personal appearance or, in the  
27 alternative, that he be made available to appear by telephone or by video conference  
28 at the hearing in the instant case that is scheduled for 2/15/23  
29 at 9 AM

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at High Desert State Prison

3 My mandatory release date is 10/27/30

4  
5 2. The Department of Corrections is required to transport offenders to and  
6  
7 from Court if an inmate is required or requests to appear before a Court in this state.

8  
9 NRS 209.274 Transportation of Offender to Appear Before Court states:

10 "1. Except as otherwise provided in this section, when an offender is  
11 required or requested to appear before a Court in this state, the  
12 Department shall transport the offender to and from Court on the day  
13 scheduled for his appearance.

14 2. If notice is not provided within the time set forth in NRS 50.215, the  
15 Department shall transport the offender to Court on the date scheduled  
16 for his appearance if it is possible to transport the offender in the usual  
17 manner for the transportation of offenders by the Department. If it is  
18 not possible for the Department to transport the offender in the usual  
19 manner:

20 (a) The Department shall make the offender available on the date scheduled  
21 for his appearance to provide testimony by telephone or by video conference,  
22 if so requested by the Court.

23 (b) The Department shall provide for special transportation of the offender to  
24 and from the Court, if the Court so orders. If the Court orders special  
25 transportation, it shall order the county in which the Court is located to  
26 reimburse the Department for any cost incurred for the special transportation.

27 (c) The Court may order the county sheriff to transport the offender to and  
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because:

1 ☒ I AM NEEDED AS A WITNESS.

2 My petition raises substantial issues of fact concerning events in which I  
3 participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S.  
4 205 (1952) (District Court erred when it made findings of fact concerning  
5 Hayman's knowledge and consent to his counsel's representation of a witness  
6 against Hayman without notice to Hayman or Hayman's presence at the  
7 evidentiary hearing).

8 ☒ THE HEARING WILL BE AN EVIDENTIARY HEARING.

9 My petition raises material issues of fact that can be determined only in my  
10 presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention  
11 that allegations are improbable and unbelievable cannot serve to deny the  
12 petitioner an opportunity to support them by evidence). The Nevada  
13 Supreme Court has held that the presence of the petitioner for habeas corpus  
14 relief is required at any evidentiary hearing conducted on the merits of the  
15 claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

16 4. The prohibition against ex parte communication requires that I be present  
17 at any hearing at which the state is present and at which issues concerning the claims  
18 raised in my petition are addressed. U.S. Const. amends. V, VI.

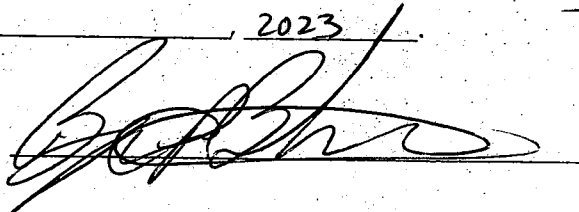
19 5. If a person incarcerated in a state prison is required or is requested to  
20 appear as a witness in any action, the Department of Corrections must be notified in  
21 writing not less than 7 business days before the date scheduled for his appearance in  
22 Court if the inmate is incarcerated in a prison located not more than 40 miles from  
23 Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or  
24 more from Las Vegas, the Department of Corrections must be notified in writing not  
25 less than 14 business days before the date scheduled for the person's appearance in  
26 Court.

27 6. High Desert State Prison is located approximately  
28 55 miles from Las Vegas, Nevada.

1 7. If there is insufficient time to provide the required notice to the Department  
2 of Corrections for me to be transported to the hearing, I respectfully request that this  
3 Honorable Court order the Warden to make me available on the date of the  
4 scheduled appearance, by telephone, or video conference, pursuant to NRS  
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the  
6 evidentiary hearing.

7 8. The rules of the institution prohibit me from placing telephone calls from  
8 the institution, except for collect calls, unless special arrangements are made with  
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my  
10 telephone appearance can be made by contacting the following staff member at my  
11 institution: ~~Warden~~ Associate warden, Jeremy Bean  
12 whose telephone number is 775-887-6600

13  
14 Dated this 18th day of January, 2023

15  
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19 Bryan P Benham 60575  
20 Plaintiff in prose  
21  
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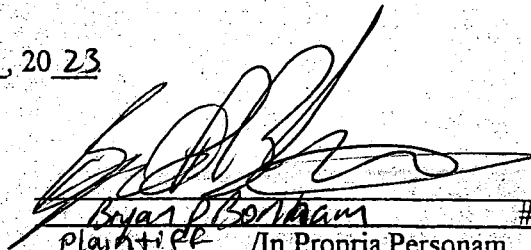
**CERTIFICATE OF SERVICE BY MAILING**

I, Bryan P Bonham, hereby certify, pursuant to NRCP 5(b), that on this 19th  
day of January, 20 23, I mailed a true and correct copy of the foregoing, "motion for  
transport"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

Deputy Attorney General  
Samuel Lopez JR  
555 E Washington Ave Ste 3900  
Las Vegas 89101

CC FILE

DATED: this 18th day of January, 20 23

  
Bryan P Bonham # 60595  
plaintiff /In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:



AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion

For transport  
(Title of Document)

filed in District Court Case number A-20-823142-C

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application  
for a federal or state grant.

  
Signature

1-18-23  
Date

Bryan P Bonham  
Print Name

\_\_\_\_\_  
Title

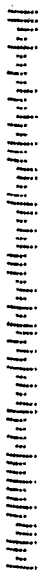
Bryan P Bonham 65725  
PO Box 650 HOSP  
Indian Springs, NV 89070

Confidential  
Legal Mail

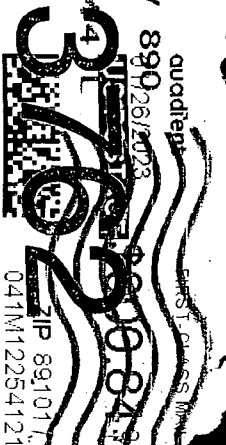
8th Judicial District  
Clerk of the Court  
200 Lewis Ave 3rd Floor  
LV, NV 89001

Mailed via Business slip NO 2548635

89101-630000



LAS VEGAS NV 89070  
26 JAN 2023 PM 4



ZIP 89101  
041M12254121

*Alvin S. Humin*  
CLERK OF THE COURT

1 Bryan P Bonham  
2 Plaintiff / In Propria Personam  
3 Post Office Box 650 [HDSP]  
4 Indian Springs, Nevada 89018

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 Bryan P Bonham  
9 plaintiff

10 vs.

11 STATE OF NEVADA ex rel  
12 Defendants

Case No. A-20-823142-c

Dept No. 29

Docket \_\_\_\_\_

13  
14 NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that Bryan P Bonham plaintiff herein  
16 in the above case

17 will come on for hearing before the above-entitled Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
18 at the hour of 9<sup>00</sup> o'clock A. M. In Department 29, of said Court.

19  
20 CC FILE

21  
22 DATED: this 18<sup>th</sup> day of January, 2023.

23  
24 BY: *Bryan P Bonham*

Bryan P Bonham

#60575

/In Propria Personam

25 RECEIVED  
26  
27  
28

CLERK OF THE COURT



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

---

**INMATE CORRESPONDENCE**

February 10, 2023

**Re: A-20-823142-C / Department 29**

**Bryan Bonham, Plaintiff(s)**

**vs.**

**Nevada State of, Defendant(s)**

- ☐ A court order is required to complete the request.
- ☐ Documents are sealed. A court order is required to reproduce. (PSI)
- ☐ Documents requested are not in the court file at this time.
- ☐ Transcripts have not been filed. A court order is required.
- ☐ Copies are \$.50 per page or by court order.
- ☐ Consult your law library for this information.
- ☐ District Court does/does not show any outstanding District Court warrants under the above referenced defendant name.
- ☒ Other: Blank Order for Transport of Inmate for Court Appearance is being returned.  
Need to complete Upper Portion w/ filing party information, case caption parties names, case number and department, as well as line 20 party's name.

Cordially yours,  
DC Criminal Desk #27  
Deputy Clerk of the Court

1 IN THE \_\_\_\_\_ JUDICIAL DISTRICT COURT OF THE  
2 STATE OF NEVADA IN AND FOR THE  
3 COUNTY OF \_\_\_\_\_  
4

5 \_\_\_\_\_ )  
6 Petitioner, )  
7 )  
8 v. )  
9 ) Case No. \_\_\_\_\_  
10 )  
11 \_\_\_\_\_ ) Dept. No. \_\_\_\_\_  
12 )  
13 Respondent. )  
14 \_\_\_\_\_ )  
15

16 ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE  
17 OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO  
18 CONFERENCE

19 Based upon the above motion, I find that the presence of  
20 \_\_\_\_\_ is necessary for the hearing that is scheduled in this  
21 case on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at  
22 \_\_\_\_\_.

23 THEREFOR, IT IS HEREBY ORDERED that,

24 ☐ Pursuant to NRS 209.274, Warden \_\_\_\_\_  
25 of \_\_\_\_\_ is hereby commanded to have  
26 \_\_\_\_\_ transported to appear before me at a hearing  
27 scheduled for \_\_\_\_\_ at \_\_\_\_\_ at the  
28 \_\_\_\_\_ County Courthouse. Upon completion of the hearing,

1 \_\_\_\_\_ is to be transported back to the above  
2 named institution.

3  
4 ☐ Pursuant to NRS 209.274(2)(a), Petitioner shall be made available for telephonic  
5 or video conference appearance by his or her institution. My clerk will contact  
6 \_\_\_\_\_ at \_\_\_\_\_ to make  
7 arrangements for the Court to initiate the telephone appearance for the hearing. —  
8

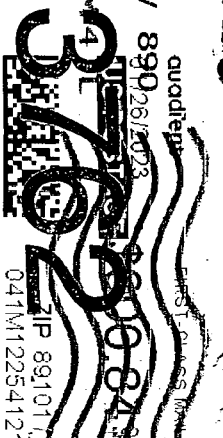
9 Dated this \_\_\_\_\_ day of \_\_\_\_\_,  
10 \_\_\_\_\_  
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13 \_\_\_\_\_  
14 District Court Judge  
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Bryan P Bonham 6575  
PO Box 6570 HOSP  
Indian Springs, NV 89070

Suburban District  
Clerk of the Court  
200 Lewis Ave 3rd Floor  
LV, NV 89001

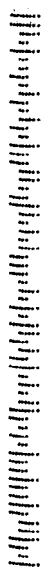
LAS VEGAS NV 89026-2023  
26 JAN 2023 PM 4



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Legal Mail

Mailed via Gross Slip NO 2548635

89101-630000



*Steven D. Grierson*

1. Bryan p Bonham 60575

2. PO Box 650 (HDSP)

3. Indian Springs, NEV 89070

4.

5.

EIGHTH JUDICIAL DISTRICT COURT

6.

CLARK COUNTY, NEVADA

7.

8. Bryan p Bonham

CASE NO A-20-823142-C

9. Plaintiff

DEPT NO 29

10. VS.

11. STATE OF NEVADA et al

NOTICE OF APPEAL

12. Defendants.

13.

14. TO

15. DEPUTY ATTORNEY GENERAL

16. Samuel L. Pezone

17. 555 E Washington Ave <sup>STE 3400</sup>

18. Las Vegas, NEV 89101

19.

20. please take notice that since plaintiff is not included in hearing, or given notice of any decision

21. made on January 26<sup>th</sup>, 2023 plaintiff gives his notice of decision given on this

22. date at said hearing.

23. Dated this 29<sup>th</sup> day of January, 2023

24. *[Signature]*

25. Bryan p Bonham 60575

26. PO Box 650 (HDSP)

27. Indian Springs, NEV 89070

28.



202

REGINAL JUSTICE CENTER  
CLERK OF THE COURT  
200 LEWIS AVE 3rd floor  
Las Vegas, Nev 89101

Confidential  
Legal Mail

[Download PDF](#)

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LAS VEGAS NV 890  
9 FEB 2023 PM 4 L

via Brass Slip MO 250 7218



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

9 BRYAN P. BONHAM,

10 Plaintiff(s),

11 vs.

12  
13 STATE OF NEVADA; NEVADA DEPT. OF  
14 CORRECTIONS; CHARLES DANIELS; T.  
GARRETT; C. PORTER,

15 Defendant(s),

Case No: A-20-823142-C

Dept No: XXIX

16  
17  
18 **CASE APPEAL STATEMENT**

19 1. Appellant(s): Bryan P. Bonham

20 2. Judge: Michael A. Cherry

21 3. Appellant(s): Bryan P. Bonham

22 Counsel:

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

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

28 Counsel:

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

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

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

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, January 20, 2021  
\*\*Expires 1 year from date filed (Expired)  
Appellant Filed Application to Proceed in Forma Pauperis: No  
Date Application(s) filed: N/A

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

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 82800, 83033, 83458

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

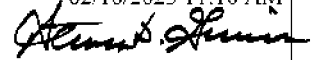
Dated This 15 day of February 2023.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Bryan P. Bonham

  
CLERK OF THE COURT

**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**

BRYAN BONHAM,  Plaintiff,  v.  STATE OF NEVADA <i>ex rel.</i> NEVADA DEPARTMENT OF CORRECTIONS, <i>et al.</i> ,  Defendants.	Case No. A-20-823142-C  Dept. No. 29   HEARING DATE: February 13, 2023 HEARING TIME: 9:00 AM
---	--

**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



---

**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

4  
5  
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  
case as listed below:

14 Service Date: 2/16/2023

15 Diane Resch

dresch@ag.nv.gov

16 Steven Wolfson

motions@clarkcountynvda.com

17 Samuel Pezone

spezone@ag.nv.gov

18 Jennifer Briones

jnbriones@ag.nv.gov





**NJUD**  
**AARON D. FORD**  
Attorney General  
**SAMUEL L. PEZONE, JR.** (Bar No. 15978)  
Deputy Attorney General  
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(702) 486-4070 (phone)  
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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**

**BRYAN BONHAM,**  
  
Plaintiff,

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

v.

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

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.

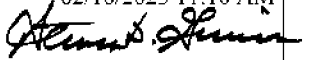
**AARON D. FORD**  
Attorney General

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

  
CLERK OF THE COURT

**FFCL**  
**AARON D. FORD**  
Attorney General  
**SAMUEL L. PEZONE, JR.** (Bar No. 15978)  
Deputy Attorney General  
State of Nevada  
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*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>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>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

*Michael Cherry*

---

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**  
4 **CLARK COUNTY, NEVADA**

5  
6 **Bryan Bonham, Plaintiff(s)**

**CASE NO: A-20-823142-C**

7 **vs.**

**DEPT. NO. Department 29**

8 **Nevada State of, Defendant(s)**  
9

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14 **Service Date: 2/16/2023**

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17 **Samuel Pezone**

**spezone@ag.nv.gov**

18 **Jennifer Briones**

**jnbriones@ag.nv.gov**



1 RTRAN

2  
3  
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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 BRYAN BONHAM,  
8 Plaintiff,

CASE#: A-20-823142-C  
DEPT. XXIX

9 vs.

10 STATE OF NEVADA, ET AL.,  
11 Defendants.  
12

13 BEFORE THE HONORABLE MICHAEL A. CHERRY  
14 DISTRICT COURT JUDGE  
MONDAY, FEBRUARY 13, 2023

15 **RECORDER'S TRANSCRIPT OF EVIDENTIARY HEARING**

16  
17 APPEARANCES

18 Plaintiff Pro Se:

BRYAN BONHAM

19 For the Defendants:

SAMUEL L. PEZONE, JR., ESQ.

20  
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25 RECORDED BY: ANGELICA MICHAUX, COURT RECORDER



1 Las Vegas, Nevada, Monday, February 13, 2023

2

3 [Case called at 9:03 a.m.]

4 THE MARSHAL: Department 29 is now a session. The  
5 Honorable Judge Cherry presiding.

6 THE COURT: Let's do the pledge, Marshal.

7 [Pledge of Allegiance recited]

8 THE COURT: Ms. Clerk, you can call the case please.

9 THE CLERK: Okay. Case A20823142, Brian Bonham v.  
10 Nevada State.

11 THE COURT: Will the parties identify themselves?

12 MR. PEZONE: Your Honor, Samuel Pezone, bar number  
13 15978, on behalf of defendants.

14 THE COURT: Okay. And we have the petitioner, Mr. Bonham  
15 presently in custody, but he's on BlueJeans, as is the defense attorney.

16 This is a case involving an inmate at the Nevada Department  
17 of Corrections and his claims against the Nevada Department of  
18 Corrections and several officers and employees of the Nevada  
19 Department of Corrections, who were properly making deductions from  
20 his inmate account after his mother entered \$150 into his account and  
21 \$84 was deducted.

22 The Plaintiff claims that this action violated NRS 209.246 and  
23 AR 258 because it exceeded 50 percent of the \$150 deposit. He also  
24 alleged that the Defendants deprived him of his constitutionally  
25 protected property interest in the funds in his inmate account and was,

1 therefore, liable under 42 US 1983.

2 Summary judgment was eventually granted in favor of  
3 Defendant -- the Defendants. There was an order agreeing with  
4 defendant arguments stating that the Nevada -- with the arguments  
5 stating that the State of Nevada and the Nevada Department of  
6 Corrections were not persons for purposes of an 1983 claim, and that the  
7 Nevada Department of Corrections officials and employees Daniels,  
8 Garrett, and Potter did not personally participate in deducting funds from  
9 Bonham's inmate account.

10 The Supreme Court affirmed the Court order as to his -- as to  
11 Bonham's 1983 claims as the named parties, not being proper parties to  
12 these claims. However, the court remanded the issue back to Department  
13 29 because it did not appear that the District Court considered whether  
14 the foregoing facts presented by him were sufficient to present state law  
15 claims under Nevada notice pleading standards, and whether there was  
16 evidence in the record to support such claims.

17 So here we have the hearing today. It's called an evidentiary  
18 hearing. Does either side plan on calling any witnesses?

19 MR. PEZONE: No, Your Honor.

20 MR. BONHAM: If she's there, yes.

21 THE COURT: Pardon me?

22 MR. BONHAM: If she is there in the courtroom, yes, my  
23 mother.

24 THE COURT: No, she's not here.

25 MR. BONHAM: Okay.

1 THE COURT: But I'll take judicial notice, since this case has  
2 been in the Supreme Court, that she did, in fact, give you the \$150. So  
3 let's make that as -- that's a finding fact that you did receive 100 -- that  
4 she did place in your account \$150.

5 Now, the question is, by the deduction that they made, did  
6 they violate any state rights? And that's what the Supreme Court is  
7 asking me to find today, whether or not any state rights were violated.  
8 What's the State's position on this, as to whether -- I mean, it seems a  
9 little unconscionable that you deducted as much as you deducted from  
10 this fellow. I mean, he's in custody, for God's sakes. His mom gives him  
11 \$150, and you guys take away \$84, which is quite a bit compared -- it  
12 exceeded the 50 percent. I mean, I could imagine taking \$75, but gee  
13 whiz \$84. We're talking about just a few dollars in controversy, but it's  
14 the principle, I think, here, that it's -- that this man is complaining about.  
15 What's the State's position on this? Yes, go ahead.

16 MR. BONHAM: Your Honor, may I interject?

17 THE COURT: Sure.

18 MR. BONHAM: This -- that isn't the only time that this has  
19 happened. It's happened prior to that amount and after.

20 THE COURT: Okay. Let me hear the State's position on this.

21 MR. PEZONE: Your Honor, the 50 percent deduction was not  
22 the only statutory deduction taken from the deposit. I believe there was  
23 also a deduction for the -- for filing fees, which was statutorily  
24 authorized. And there was one other deduction. But in any case, the  
25 only -- I believe the only controversy here is for essentially \$16 of \$30,

1 basically. And as my predecessor indicated in her briefing the amount,  
2 at least at issue here, isn't chalked up to AR 258, which permits -- and  
3 NRS 209.246, which permits the agency to deduct funds -- reasonable  
4 funds that are accrued for specific purposes, and in this case, postage  
5 and items related to litigation, photocopying documents.

6 In this case, the postage at issue, the additional charges at  
7 issue were subsequent to the actual deposit, and so they wouldn't  
8 actually fall under AR 258. And as my predecessor indicated in her brief,  
9 there's really no other state law claims out there other than conversion  
10 that would really fit this. I don't know of. A conversion requires an  
11 unlawful act or an act which cannot be justified or excused in the law.

12 In this case, Mr. Bonham hasn't alleged in his complaint any  
13 other violation of any other law or act. And as a matter of law, NRS  
14 209.246 wasn't violated, nor was AR -- nor was AR 258, and that doesn't  
15 give rise to a cause of action anyway.

16 So as it stands, there's simply no cause of action for  
17 conversion or any state law claim. I understand Mr. Bonham indicated in  
18 his brief that there could potentially be criminal actions, but those are  
19 criminal actions and not state law claims in a civil action. So as it stands,  
20 there's simply no -- the complaint doesn't contain allegations that give  
21 any notice of any state law claim, and so we can't really go forward with  
22 this case, your Honor. That's the State's position.

23 THE COURT: I want to take a look at the statute real quick.  
24 The law clerk's pulling it up for me.

25 MR. PEZONE: And to be clear, I can give the specific

1 deductions, Your Honor. And our brief, my predecessor indicated that  
2 NDOC deducted \$30 for a filing fee, \$75 for legal copies, which is the 50  
3 percent, and then 15 percent went to the inmate savings account, and  
4 then the additional amount is down to postage, that was again  
5 authorized and charged subsequent to the deposit, but it was deducted  
6 from the deposit.

7 THE COURT: Is there any case law on this issue?

8 MR. PEZONE: On which particular issue, your Honor?

9 THE COURT: The deduction of over 50 percent. I mean, I'm  
10 looking at the statute 209.246.

11 MR. PEZONE: I --

12 THE COURT: Go ahead.

13 MR. PEZONE: I don't believe so, Your Honor. As I indicated,  
14 the deduction -- the additional deductions were for filing fees for the  
15 inmate savings account, and they're different from the deductions  
16 pursuant to AR 258. And then the postage deduction was again  
17 subsequent. It wouldn't fall under AR 258 either or NRS 209.246.

18 MR. BONHAM: Yes, it would, Your Honor. I have to object.

19 THE COURT: Okay. tell me what your objection is.

20 MR. BONHAM: NRS 209 states that the Director may deduct  
21 a reasonable amount for a debt incurred on my behalf, which would  
22 cover legal copy work, postage, medical fees, and when they went and  
23 deducted that \$75 that covered both legal copy work and postage.  
24 Postage isn't an extra deduction that they can take.

25 So their claim that it's an insignificant amount is wrong.

1 That's part of -- that's covered under the NRS.

2 THE COURT: Well, the --

3 MR. BONHAM: And the reasonable amount is the key point  
4 to stay on because the original AR 258 was set at 50 percent for legal  
5 copy work and postage. Then the Director, who's now no longer the  
6 Director, and one of the Associate Directors, took it upon themselves  
7 when Mercy's Law was enacted to amend the AR without the approval of  
8 the board, which was the Governor, the Secretary of State, the Attorney  
9 General, your boss, Mr. Pezone. They knew nothing about it. And when  
10 it was brought to their attention, they ordered that the AR go back to the  
11 original.

12 And then when they finally did it properly, it states that 25  
13 percent may be taken for what an inmate owes the NDOC. Not 80  
14 percent, not 90 percent, like the NDOC has been doing to me. And until  
15 this situation gets fixed, I'm not going to have money put on my books  
16 to pay anybody. The NRS is the state law. The AR is the rule that they  
17 expect me to go by, and I have every right under the Accardi Doctrine to  
18 expect the NDOC to follow its own rules and regulations.

19 THE COURT: What would the cost -- the actual cost for the  
20 postage and for the filing -- you said the filing fee was \$30. How much  
21 was the postage and the copying?

22 MR. PEZONE: The postage would have been about 16 or 15  
23 -- 14, 15 or \$16, Your Honor. I'm not quite sure, actually, off the top of my  
24 head, but I could go look into it. But, again, per briefing and per math --

25 THE COURT: How much is the copying?

1 MR. PEZONE: -- I suppose.

2 THE COURT: How much was the copying?

3 THE COURT: The legal copies were \$75, Your Honor. So that  
4 was the 50 percent deduction pursuant to AR 258.

5 MR. BONHAM: And on one account, when I had money put  
6 on my books, I think it was last March, they went over the percentage  
7 again and also violated their own rules and regulations by not taking  
8 money out and putting it into my savings account.

9 THE COURT: How much went into a savings account?

10 MR. PEZONE: \$15 to the inmate savings account in this case.

11 THE COURT: So he was able to get -- that 15 is part of the  
12 84?

13 MR. PEZONE: That 15 -- I mean, I don't understand quite  
14 what the 84 is in this case. I have -- I have 84 with respect to the legal  
15 copies plus the postage. And so we're arguing essentially that the  
16 postage is subsequent to the deposit and, therefore, it doesn't fall under  
17 AR 258 or NRS 209.246.

18 MR. BONHAM: Are you saying that the postage doesn't fall  
19 under either one of those?

20 MR. PEZONE: Yes, that's my position, sir.

21 MR. BONHAM: Wow. Wow. That's a perjury statement.

22 THE COURT: I don't understand. What do you mean by that,  
23 the postage doesn't fall under that? You're not deducting for the  
24 postage?

25 MR. PEZONE: No, we did deduct for the postage. However,

1 the postage charges were incurred after the deposit. And the --

2 MR. BONHAM: No, they weren't.

3 MR. PEZONE: -- the text of AR 258 indicates that for costs  
4 incurred by the department on behalf of inmate rather than -- again, it's  
5 charges -- essentially repayment of past charges. In this case, the  
6 postage, again, was incurred after the deposit and wouldn't fall under  
7 that provision. And this is actually page 4 and 5 of Defendants' reply in  
8 support of their motion to dismiss.

9 THE COURT: Okay. I'm looking at 258.07, inmate deductions  
10 from any source other than wages, and they can deduct -- the Director  
11 can deduct 50 percent for costs incurred by the Department on behalf of  
12 the inmate per 209.246. At the time, any charges pursuant to 209.246 are  
13 posted to the inmate account, including, but not limited to monetary  
14 sanctions. Restitution 50% of the trust account may be taken as the  
15 initial payment.

16 All restitution costs are subject to change from the original  
17 amount due to the receipt of additional billings not known at the time of  
18 the assessment. And 10 percent for credit to the inmates interest  
19 bearing savings account. After the savings account reaches \$200,  
20 deduction will stop, with the exception of CGTH and NNRC residents,  
21 who will continue to accrue 10% and then 20% towards a court order  
22 filing fee, if applicable.

23 Okay. I need to know the exact amount. One hundred fifty  
24 was deposited and what did he get? Like, what was what was given to  
25 him.



1 MR. PEZONE: Based on his allegations and, again, I think  
2 we're only back at the complaint. So I believe, based on his allegations,  
3 just \$14 is what he was given. If we're taking them --

4 THE COURT: He was given \$14?

5 MR. PEZONE: -- as true. If we're taking them as true, those  
6 were his allegations.

7 THE COURT: Mr. Bonham, is that what you got was \$14?

8 MR. BONHAM: Roughly. But there's been other deductions  
9 from other deposits that happened since the filing of this case. And  
10 that's what I tried to argue in the second amended complaint that this  
11 court dismissed, because they say that I never attached a certificate of  
12 service.

13 MR. PEZONE: Your Honor --

14 MR. BONHAM: Because I'm over my copy work limit by a  
15 couple thousand dollars, so I can't go and make copies of everything. So  
16 I put in the certificate of service for the clerk of the court to electronically  
17 serve the Defendants, and they claimed that there is no certificate of  
18 service. But in reading my second amended complaint, I can point you  
19 to where the certificate of service is. And yet this Court still dismissed  
20 my second amended complaint where I had new defendants added.

21 MR. PEZONE: Your Honor, Mr. Bonham's second  
22 amendment complaint was struck because it wasn't served on  
23 Defendants, not that there wasn't a certificate of service. It's just that the  
24 certificate of service indicated, incorrectly, that the clerk would  
25 electronically file the documents in this case, not just the second

1 amendment complaint, but if we're talking about the second amendment  
2 complaint. The second amendment complaint that the clerk would  
3 electronically file it and serve it upon defendants, which just isn't the  
4 case pursuant to the NEFCRs, the EDCRs, or pursuant to State statute or  
5 the Nevada Rules of Civil Procedure.

6 And also, Mr. Bonham didn't seek leave to file the amended  
7 complaint prior to filing it, as he is required to pursuant to the Eighth  
8 Judicial District Rules. And so the Court ordered that the amended  
9 complaint be struck.

10 As to Mr. Bonham's contentions regarding the other  
11 instances, I believe we're just looking at the complaint, and we're looking  
12 at whether Mr. Bonham stated a state law claim in his complaint based  
13 on the allegations taken as true. And so we're not looking at other issues  
14 here other than this particular deposit, this particular deduction, which is  
15 alleged in the complaint.

16 THE COURT: Well, it's -- I'm just going to make the decision  
17 in accordance with the statute NRS 209.246 and 258 of the -- AR 258.07.

18 And so I'm going to rule that of the \$150 that was deposited,  
19 50 percent can go for costs, 10 percent has to go into his savings  
20 account, and up to 20 percent is -- if there was a filing fee in this, then  
21 they can get up to 20 percent for filing fee. But he's entitled to the  
22 balance, whatever figure that may be.

23 So I'm going to ask the state to figure out -- to prepare an  
24 order that I can sign, which shows that he gets more than he gets -- I  
25 definitely want his 10 percent to go to -- 10 percent to his savings

1 account. And you can take 50 percent and you can take up to 20 percent,  
2 and then he gets the balance, whatever that is. So I'm not going to -- so  
3 the figures in an order, and if it's feet good, I'll sign it. Otherwise, I'll  
4 have you guys come back.

5 MR. BONHAM: Your Honor?

6 THE COURT: Yes.

7 MR. BONHAM: Your Honor, if I may. That AR has been  
8 amended. It's no longer 50 percent. Now it's 25 percent, I believe.

9 THE COURT: State, is that true?

10 MR. PEZONE: Your Honor, I'm unaware off the top of my  
11 head, but again, this is only with respect to his claims, and I'm not sure  
12 why, Your Honor, there would be any need for an order regarding what  
13 the AR states, unless is there -- are you inclined to enter judgment in  
14 favor of the Plaintiff for the amount?

15 THE COURT: Yes.

16 MR. PEZONE: For the balance, essentially --

17 THE COURT: Yes.

18 MR. PEZONE: -- for the 14 or \$15.

19 THE COURT: Right.

20 MR. PEZONE: Okay. Understood.

21 THE COURT: So I need you to do an order --

22 MR. PEZONE: Okay.

23 THE COURT: -- and we'll go from that. Let's see how that  
24 looks. I think that's the best way to do it at this point. Let me take a look  
25 at it. Try to get it in right away, because I'm only here this week, so get it

1 in before 30 Thursday at Noon.

2 MR. PEZONE: Understood.

3 THE COURT: Okay. That will be the order. Thank you very  
4 much, folks.

5 MR. PEZONE: Thank you.

6 [Proceedings concluded at 9:27 a.m.]

7

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17 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
18 audio-visual recording of the proceeding in the above entitled case to the  
best of my ability.

19



20

Maukele Transcribers, LLC

21

Jessica B. Cahill, Transcriber, CER/CET-708

22

23

24

25

*Steven D. Grierson*

1. Bryan P Bonham 60575
2. poBox 650 HOSP
3. ~~Indian~~ Indian Springs, NEV 89070

4.

5.

EIGHTH JUDICIAL DISTRICT COURT

6.

CLARK COUNTY, NEVADA

7.

8. Bryan P Bonham

CASE NO A-20-823142-C

9. PLAINTIFF

DEPT NO 29

10. VS

NOTICE OF APPEAL

11. STATE OF NEVADA EXREL

12. DEFENDANTS

13.

14. TO

15. Samuel L Pezone Jr

16. Deputy Attorney General

17. 555 E Washington Ave Ste 3400

18. Las Vegas, NEV 89070

19.

20. Please take notice the undersigned in the above action gives HIS notice of
21. Appeal of order given on 02/13/2023 granting in Affirmative of plaintiff's
22. AS amount is based on fraudulent testimony by counsel,

23. Dated this 14th day of February, 2023

24. *Bryan P Bonham*

25. Bryan P Bonham 60575

26. poBox 650 (HOSP)

27. Indian Springs, NEV 89070

Bryan P Bonham 60575  
PO Box 650 (HOSP)  
Indian Springs, Nev 890

CONFIDENTIAL  
Legal mail

LAS VEGAS NV 89003  
2 MAR 2023 04:46

3762

REGIONAL JUSTICE CENTER  
8TH JUDICIAL DISTRICT  
CLERK OF THE COURT  
200 LEWIS AVE 3RD FLOOR  
Las Vegas, NV 89101

65101-655000  
mailed via Brass



1 ASTA

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

9 BRYAN P. BONHAM,

10 Plaintiff(s),

11 vs.

12  
13 STATE OF NEVADA; NEVADA DEPT. OF  
14 CORRECTIONS; CHARLES DANIELS; T.  
GARRETT; C. PORTER,

15 Defendant(s),

Case No: A-20-823142-C

Dept No: XXIX

16  
17  
18 **CASE APPEAL STATEMENT**

19 1. Appellant(s): Bryan P. Bonham

20 2. Judge: Michael A. Cherry

21 3. Appellant(s): Bryan P. Bonham

22 Counsel:

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

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

28 Counsel:

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

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

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

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, January 20, 2021  
\*\*Expires 1 year from date filed (Expired)  
Appellant Filed Application to Proceed in Forma Pauperis: No  
Date Application(s) filed: N/A

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

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

Type of Judgment or Order Being Appealed: Judgment

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 82800, 83033, 83458, 86114

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 7 day of March 2023.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Bryan P. Bonham



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**January 20, 2021**

---

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

---

**January 20, 2021      3:00 AM      Motion**

**HEARD BY:** Jones, David M      **COURTROOM:** Chambers

**COURT CLERK:** Michaela Tapia

**RECORDER:** Melissa Delgado-Murphy

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- No parties present.

The Request to Extend time not being appropriate, COURT ORDERED, Motion to Reuquest and Extension of Time to Serve Defendants DENIED; request to proceed in forma pauperis GRANTED. Movant to prepare the order.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

**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
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**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

**March 17, 2021**

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

**March 17, 2021                      3:00 AM                      Motion**

**HEARD BY:** Jones, David M

**COURTROOM:** Chambers

**COURT CLERK:** Michaela Tapia

**RECORDER:** Melissa Delgado-Murphy

**REPORTER:**

## PARTIES

**PRESENT:**

## JOURNAL ENTRIES

- Having reviewed the motion and the opposition, and based on the grounds set forth by the State of Nevada, COURT ORDERED, motion GRANTED. State to prepare the order.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

PRINT DATE: 03/16/2023

Page 3 of 18

Minutes Date: January 20, 2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Matters

## COURT MINUTES

**April 06, 2021**

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

**April 06, 2021                      9:00 AM                      Motion**

**HEARD BY:** Barker, David

**COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Michaela Tapia

**RECORDER:** Melissa Delgado-Murphy

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- No parties present.

COURT FINDS, having reviewed the register of action in Odyssey, the Motion to Dismiss was filed but never set for hearing and ORDERED, matter SET for hearing.

5/11/21 9:00 AM MOTION TO DISMISS

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

PRINT DATE: 03/16/2023

Page 4 of 18

Minutes Date: January 20, 2021

**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.

PRINT DATE: 03/16/2023

Page 5 of 18

Minutes Date: January 20, 2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Matters

## COURT MINUTES

July 08, 2021

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

July 08, 2021                      9:00 AM                      Motion

**HEARD BY:** Jones, David M

**COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Michaela Tapia

**RECORDER:** Melissa Delgado-Murphy

**REPORTER:**

## PARTIES

**PRESENT:**

## JOURNAL ENTRIES

- No parties present.

The documents being improper and there being no basis, COURT ORDERED, motion DENIED. State to prepare the order. State to prepare the order from the 4/6/21 hearing granting the underlying motion as ordered by the Court. Further, State to prepare the order granting the Motion for Summary Judgment from 5/11/21. FURTHER, matter SET for status check.

8/5/21 9:00 AM STATUS CHECK: ORDERS FILED

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt

PRINT DATE: 03/16/2023

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Minutes Date: January 20, 2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**August 05, 2021**

---

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

---

**August 05, 2021      9:00 AM      Status Check**

**HEARD BY:** Barker, David      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Michaela Tapia

**RECORDER:** Melissa Delgado-Murphy

**REPORTER:**

**PARTIES**

**PRESENT:** Porray, Amy A.      Attorney

**JOURNAL ENTRIES**

- Ms. Porray submitted the requested orders on 7/27/21. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 9/9/21 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**August 24, 2021**

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A-20-823142-C	Bryan Bonham, Plaintiff(s) vs. Nevada State of, Defendant(s)
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**August 24, 2021      3:00 AM      Minute Order**

**HEARD BY:** Jones, David M      **COURTROOM:** Chambers

**COURT CLERK:** Michaela Tapia

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The necessary orders having been filed, COURT ORDERED, the status check set for 9/9/21 is VACATED.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**May 03, 2022**

---

A-20-823142-C	Bryan Bonham, Plaintiff(s) vs. Nevada State of, Defendant(s)
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May 03, 2022	9:00 AM	Status Check
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<b>HEARD BY:</b> Jones, David M	<b>COURTROOM:</b> RJC Courtroom 15A
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**COURT CLERK:** Stephanie Squyres

**RECORDER:** Connie Coll

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Miller, Dawn R.	Attorney
-----------------	-----------------	----------

**JOURNAL ENTRIES**

- COURT NOTED the Plaintiff filed a second amended Complaint, ORDERED, matter CONTINUED and the following supplemental briefing schedule SET:

Response DUE by July 5, 2022.

Reply DUE by September 3, 2022.

CONTINUED TO: 11/08/22 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**August 02, 2022**

---

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

---

**August 02, 2022      9:00 AM      Motion**

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

**COURT CLERK:** Stephanie Squyres

**RECORDER:** Angelica Michaux

**REPORTER:**

**PARTIES**

**PRESENT:** Miller, Dawn R.      Attorney

**JOURNAL ENTRIES**

- Colloquy regarding the Motion filed is improper. COURT ORDERED, Motion is DENIED. Ms. Miller indicated the Plaintiff filed a supplement and will be working on a Reply that is due in September.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**December 07, 2022**

---

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

---

**December 07, 2022      9:00 AM      All Pending Motions**

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

**COURT CLERK:** Stephanie Squyres

**RECORDER:** Angelica Michaux

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Sam Pezone ESQ, present.

PLAINTIFF'S SUPPLEMENTAL PLEADING IN SUPPORT OF HIS REQUEST TO ADD COUNTS OF INTERFERING WITH ACCESS TO COURTS, ADDING NEW DEFENDANTS WITH EVIDENCE IN SUPPORT...STATUS CHECK: REMAND.

COURT ORDERED, matter CONTINUED and the following supplemental briefing schedule SET:

Response DUE by January 10, 2023.

Reply DUE by January 20, 2023.

CONTINUED TO: 01/26/2023 9:00 AM

COURT FURTHER ORDERED, Deft's. Motion to Strike set on January 10, 2023 will be RESET to January 26, 2023.

PRINT DATE: 03/16/2023

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Minutes Date: January 20, 2021



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Matters

## COURT MINUTES

**December 16, 2022**

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

**December 16, 2022      11:30 AM      Minute Order**

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

**COURT CLERK:** Stephanie Squyres

**RECORDER:**

**REPORTER:**

## PARTIES

**PRESENT:**

## JOURNAL ENTRIES

- The Court having reviewed Plaintiff s Motion and Order for Transportation, hereby DENIES the motion as Moot as the date of the hearing for transport requested has already passed. The hearing scheduled for this matter on December 20, 2022 is hereby vacated. It is so ordered.

CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Stephanie Squyres, to all registered parties for Odyssey File & Serve. /ss

PRINT DATE: 03/16/2023

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Minutes Date: January 20, 2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**January 26, 2023**

---

A-20-823142-C	Bryan Bonham, Plaintiff(s) vs. Nevada State of, Defendant(s)
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January 26, 2023	9:00 AM	All Pending Motions
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<b>HEARD BY:</b> Thompson, Charles	<b>COURTROOM:</b> Phoenix Building Courtroom - 11th Floor
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**COURT CLERK:** Stephanie Squyres

**RECORDER:** Angelica Michaux

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Sam Pezone, ESQ. present on behalf of Deft's.  
Pltf. not present.

PLAINTIFF'S SUPPLEMENTAL PLEADING IN SUPPORT OF HIS REQUEST TO ADD COUNTS OF INTERFERING WITH ACCESS TO COURTS, ADDING NEW DEFENDANTS WITH EVIDENCE IN SUPPORT...STATUS CHECK: REMAND...DEFENDANTS' MOTION TO STRIKE, OR FOR A STAY AND EXTENSION OF TIME...PLAINTIFF'S MOTION IN RESPONSE TO ORDER FOR SUPPLEMENTAL PLEADING AND RESPONSE TO MOTION TO DISMISS "AMENDED COVER PAGE".

Argument by counsel regarding motion. COURT ORDERED, the following documents will be STRICKEN: Second Amended complaint filed on April 26, 2022, Plaintiff's Supplemental Pleading in Support of his Request to Add Counts of Interfering with Access to Courts, Adding New Defendants with Evidence in Support filed on November 3, 2022, and Plaintiff's Motion in Response to Order for Supplemental Pleading and Response to Motion to Dismiss "Amended Cover Page" filed on November 16, 2022, as these documents were filed without service and without permission from the

PRINT DATE: 03/16/2023

Page 14 of 18

Minutes Date: January 20, 2021

Court. COURT FURTHER ORDERED, a Evidentiary Hearing is SET to address the Supreme Court Order Remanding the case, counsel to submit an Order for transport for inmate B. Bonham, and the Defendants Motion to Strike is hereby GRANTED.

EVIDENTIARY HEARING: 02/13/23 9:00 AM

CLERK'S NOTE: This minute order has been corrected to reflect the Deft'. motion was however granted./ss 1.30.23

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**February 13, 2023**

---

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

---

**February 13, 2023      9:00 AM      Evidentiary Hearing**

**HEARD BY:** Cherry, Michael A.      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Stephanie Squyres

**RECORDER:**

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bonham, Bryan	Plaintiff
	Pezone, Samuel Lawrence, Jr.	Attorney

**JOURNAL ENTRIES**

- Both parties had no exhibits or witnesses to present. Extensive colloquy regarding Plaintiff's. mother giving him \$150.00, Nevada State's deductions, and filing fees. COURT STATES ITS FINDINGS, and ORDERED, that of the \$150.00 deposited, 50 percent can go for cost, 10 percent has to go into Plaintiff's savings account, and up to 20 percent can be taken for filing fee. Deft. indicated the AR Rule has been amended now to 25 percent not 50 percent. COURT FURTHER ORDERED, Judgement is in the favor of the Plaintiff who is entitled to the balance. The State to prepare the Order.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**February 15, 2023**

---

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

---

**February 15, 2023      9:00 AM      Motion to Strike**

**HEARD BY:** Cherry, Michael A.      **COURTROOM:** Phoenix Building Courtroom - 11th Floor

**COURT CLERK:** Stephanie Squyres

**RECORDER:** Angelica Michaux

**REPORTER:**

**PARTIES**

**PRESENT:** Pezone, Samuel Lawrence, Jr.      Attorney

**JOURNAL ENTRIES**

- Colloquy regarding a previous order already being denied. COURT ORDERED, this matter is OFF CALENDAR as there is a previous Order already filed.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**March 07, 2023**

---

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

---

**March 07, 2023      10:30 AM      Minute Order**

**HEARD BY:** Bixler, James      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Stephanie Squyres

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Having reviewed Plaintiff s Motion and Order for Transportation of Inmate, finding the hearing on the instant case was scheduled for February 15, 2023 hereby ORDERS Motion scheduled for March 8, 2023 OFF CALENDAR as MOOT.

CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Stephanie Squyres, to all registered parties for Odyssey File & Serve. /ss

# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated March 13, 2023, 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 four volumes with pages numbered 1 through 949.

BRYAN P. BONHAM,

Plaintiff(s),

vs.

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

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 16 day of March 2023.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk