

NOAS (CIV)
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

Electronically Filed
Mar 23 2023 10:44 AM
Elizabeth A. Brown
Clerk of Supreme Court

Attorneys for Defendants

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.

NOTICE OF APPEAL

Notice is hereby given that 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 of the State of Nevada, and Samuel L. Pezone, Jr., Deputy Attorney General pursuant to NRAP 3 & 4, appeal all of this Court's dispositions adverse to Defendants, including but not limited to this Court's Findings of

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1 Facts, Conclusions of Law and Judgment and subsequent Notice Findings of Facts,
2 Conclusions of Law and Judgment entered and filed on February 16, 2023.

3 DATED this 20th day of March, 2023.

4 AARON D. FORD
Attorney General

5 By: /s/ Samuel L. Pezone, Jr.
6 SAMUEL L. PEZONE, JR. (No. 15978)
7 Deputy Attorney General
8 *Attorneys for Defendants*
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EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-20-823142-C**

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

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Location: **Department 29**
 Judicial Officer: **Reynolds, Jacob A.**
 Filed on: **10/15/2020**
 Case Number History:
 Cross-Reference Case Number: **A823142**
 Supreme Court No.: **82800**
83033
83458
86114
101010101
86217

CASE INFORMATION**Statistical Closures**

02/15/2023 Other Manner of Disposition - Criminal

Case Type: **Other Civil Matters**Case Status: **02/15/2023 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number A-20-823142-C
 Court Department 29
 Date Assigned 03/20/2023
 Judicial Officer Reynolds, Jacob A.

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Bonham, Bryan	Pro Se
Defendant	Daniels, Charles	Miller, Dawn R. <i>Retained</i> 702-386-0404(W)
	Garrett, T	Miller, Dawn R. <i>Retained</i> 702-386-0404(W)
	Nevada Depatment of Corrections	Miller, Dawn R. <i>Retained</i> 702-386-0404(W)
	Nevada State of	Ford, Aaron D. <i>Retained</i> 775-684-1100(W)
	Potter, C	Miller, Dawn R. <i>Retained</i> 702-386-0404(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

10/15/2020


















Inmate Filed - Complaint With Jury Demand

[1] Civil Rights Complaint Pursuant to 42 U.S.C. 1983 Bench Trial Demanded Right to Amend Reserved















CASE SUMMARY

CASE NO. A-20-823142-C

10/15/2020	 Application to Proceed in Forma Pauperis [2] <i>Application to Proceed Informa Pauperis (Confidential)</i>
10/15/2020	 Summons Electronically Issued - Service Pending [3] <i>Summons - Civil (Electronically Issued)</i>
10/15/2020	 Summons Electronically Issued - Service Pending [4] <i>Summons - Civil (Electronically Issued)</i>
10/15/2020	 Summons Electronically Issued - Service Pending [5] <i>Summons - Civil (Electronically Issued)</i>
10/15/2020	 Summons Electronically Issued - Service Pending [6] <i>Summons - Civil (Electronically Issued)</i>
10/15/2020	 Summons Electronically Issued - Service Pending [7] <i>Summons - Civil (Electronically Issued)</i>
10/20/2020	 Order to Proceed In Forma Pauperis [8] <i>Order to Proceed in Forma Pauperis (Confidential)</i>
11/19/2020	 Motion Filed By: Plaintiff Bonham, Bryan [9] <i>Plaintiffs Motion to Request an Extension of Time to Serve Defendants or in Alternative Request for Order to Proceed in Forma Pauperis (Confidential)</i>
11/19/2020	 Clerk's Notice of Hearing [10] <i>Notice of Hearing</i>
11/19/2020	 Notice of Motion Filed By: Plaintiff Bonham, Bryan [11] <i>Notice of Motion</i>
12/08/2020	 Application to Proceed in Forma Pauperis [12] <i>Judicial Notice & Request for Orde to Proceed IFP (Confidential)</i>
12/22/2020	 Memorandum Filed By: Plaintiff Bonham, Bryan [13] <i>Memorandum in Support of Plaintiff's 42 U.S.C. 1983 Civil Rights Complaint; Supervisory Liability</i>
01/04/2021	Case Reassigned to Department 29 <i>Judicial Reassignment to Judge David M. Jones</i>
01/04/2021	 Notice of Change of Hearing [14] <i>Notice of Change of Hearing</i>
01/07/2021	 Motion for Preliminary Injunction Filed By: Plaintiff Bonham, Bryan [15] <i>Hearing Requested. Plaintiffs Motion for Preliminary Injunction & Protective Order and Brief in Support; Standard for Preliminary Injunction</i>
01/07/2021	 Notice of Motion















CASE SUMMARY

CASE NO. A-20-823142-C

	 Filed By: Plaintiff Bonham, Bryan <i>[16] Notice of Motion</i>
01/07/2021	 Clerk's Notice of Hearing <i>[17] Notice of Hearing</i>
01/13/2021	 Declaration <i>[18] Declaration of Service</i>
02/04/2021	 Motion Filed By: Plaintiff Bonham, Bryan <i>[19] Motion for in Camera Submission</i>
02/04/2021	 Motion Filed By: Plaintiff Bonham, Bryan <i>[20] Motion for in Camera Submission</i>
02/04/2021	 Motion Filed By: Plaintiff Bonham, Bryan <i>[21] Motion for in Camera Submission</i>
02/09/2021	 Motion for Order Extending Time Filed by: Defendant Nevada State of; Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[22] Defendants' Motion for an Extension to File an Answer or Responsive Pleading; No Hearing Requested</i>
02/09/2021	 Clerk's Notice of Hearing <i>[23] Notice of Hearing</i>
03/04/2021	 Response Filed by: Plaintiff Bonham, Bryan <i>[24] Hearing Requested in Camera. Plaintiffs Response to Defendant Request for Extension of Time to File an Answer or Responsive Pleading; Motion for Default for Plaintiff.</i>
03/04/2021	 Clerk's Notice of Hearing <i>[25] Notice of Hearing</i>
03/30/2021	 Ex Parte Motion Filed By: Plaintiff Bonham, Bryan <i>[26] Exparte Motion for Appointment of Counsel and Request for an Evidentiary Hearing</i>
04/05/2021	 Motion to Dismiss Filed By: Defendant Nevada State of; Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[27] Defendants' Motion to Dismiss or in the Alternative Motion for Summary Judgment [Hearing Requested]</i>
04/06/2021	 Clerk's Notice of Hearing <i>[28] Notice of Hearing</i>
04/07/2021	 Certificate of Service <i>[29] Certificate of Service of Notice of Hearing</i>

CASE SUMMARY

CASE NO. A-20-823142-C

04/08/2021	 Decision and Order Filed By: Defendant Nevada State of; Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[Proposed] Decision and Order</i>
04/13/2021	 Opposition to Motion Filed By: Defendant Nevada State of; Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[31] Defendants' Opposition to Plaintiff's Motion for the Appointment of Counsel; No Hearing Requested</i>
04/14/2021	 Notice of Entry of Decision and Order <i>[32] Notice of Entry of Decision and Order</i>
04/16/2021	 Notice of Appeal Filed By: Plaintiff Bonham, Bryan <i>[33] Notice of Appeal</i>
04/19/2021	 Case Appeal Statement Filed By: Plaintiff Bonham, Bryan <i>[34] Case Appeal Statement</i>
05/12/2021	 Response Filed by: Plaintiff Bonham, Bryan <i>[35] "Hearing Requested" Plaintiffs Response to Defendants Motion to Dismiss or in Alternative Motion for Summary Judgment</i>
05/27/2021	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[36] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
06/03/2021	 Motion Filed By: Plaintiff Bonham, Bryan <i>[37] Hearing Requested Motion to Withdrawal or to Move Case to U.S Dist Court</i>
06/03/2021	 Notice of Motion Filed By: Plaintiff Bonham, Bryan <i>[38] Notice of Motion</i>
06/03/2021	 Clerk's Notice of Hearing <i>[39] Notice of Hearing</i>
06/03/2021	 Notice of Appeal Filed By: Plaintiff Bonham, Bryan <i>[40] Notice of Appeal</i>
06/08/2021	 Case Appeal Statement Filed By: Plaintiff Bonham, Bryan <i>[41] Case Appeal Statement</i>
07/14/2021	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[42] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
07/22/2021	 Motion to Amend Filed By: Plaintiff Bonham, Bryan

CASE SUMMARY

CASE NO. A-20-823142-C

[43] Plaintiff's Motion to Amend Pursuant to Fed Rule Civ. P15

08/04/2021



Motion

Filed By: Plaintiff Bonham, Bryan

[44] Motion to Request Order from Last Hearing Date. Notice of Refilling in Fed Court.

08/05/2021



Order

[45] Proposed Order

08/06/2021



Notice of Entry of Order

Filed By: Defendant Nevada State of; Defendant Nevada Department of

Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C

[46] Notice of Entry of Proposed Order

08/30/2021



Notice of Appeal

[47] Notice of Appeal

09/01/2021



Case Appeal Statement

Filed By: Plaintiff Bonham, Bryan

[48] Case Appeal Statement

04/12/2022



NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part

[49] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed in Part, Reversed in Part and Remand

04/13/2022



Order Scheduling Status Check

[50] Order Scheduling Status Check: Remand

05/13/2022



Order

[52] Order

05/17/2022



Notice of Entry of Order

Filed By: Defendant Nevada State of; Defendant Nevada Department of

Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C

[53] Notice of Entry of Order

07/01/2022



Motion for Discovery

Filed By: Plaintiff Bonham, Bryan

[54] "In Person Hearing Requested" Motion for Discovery/ Motion for Evidentiary Hearing & Order to Show Cause

07/01/2022



Clerk's Notice of Hearing

[55] Notice of Hearing

07/01/2022



Supplemental Brief

Filed By: Plaintiff Bonham, Bryan

[56] In Person Hearing Requested Plaintiffs Supplemental Brief in Support of Second Amended Complaint & Tort Action.

07/15/2022



Opposition to Motion



Filed By: Defendant Nevada State of; Defendant Nevada Department of

Corrections; Defendant Garrett, T; Defendant Potter, C; Agency Office of the Attorney General

[58] Defendants' Opposition to Motion for Discovery/Evidentiary Hearing and Order to Show Cause



CASE SUMMARY

CASE NO. A-20-823142-C

08/04/2022	 Notice of Motion Filed By: Plaintiff Bonham, Bryan <i>[59] Notice of Motion</i>
08/04/2022	 Motion Filed By: Plaintiff Bonham, Bryan <i>[60] Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference</i>
08/17/2022	 Order Filed By: Defendant Nevada Depatment of Corrections; Defendant Daniels, Charles; Defendant Garrett, T <i>[61] Order</i>
08/17/2022	 Notice of Entry of Order <i>[62] Notice of Entry of Order</i>
09/02/2022	 Reply in Support <i>[63] Reply in Support of Defendants' Motion to Dismiss/or in the Alternative Summary Judgment</i>
09/29/2022	 Motion Filed By: Plaintiff Bonham, Bryan <i>[64] Plaintiffs Motion in Response to Order for Suplimental Pleading and Response to Motion to Dismiss</i>
11/03/2022	 Notice of Motion Filed By: Plaintiff Bonham, Bryan <i>[66] Notice of Motion</i>
11/03/2022	 Clerk's Notice of Hearing <i>[67] Notice of Hearing</i>
11/04/2022	 Notice of Appearance Party: Defendant Nevada State of; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[68] Notice of Appearance</i>
11/04/2022	 Notice of Hearing <i>[69] Amended Notice of Hearing</i>
11/15/2022	 Motion Filed By: Plaintiff Bonham, Bryan <i>[70] "Hearing Requested" Motion and Order for Transportation of Inmate for Court Appearance or, In the Alternative, for Appearance by Telephone or Video Conference</i>
11/15/2022	 Notice of Motion Filed By: Plaintiff Bonham, Bryan <i>[71] Notice of Motion</i>
11/15/2022	 Clerk's Notice of Hearing <i>[72] Notice of Hearing</i>

CASE SUMMARY

CASE NO. A-20-823142-C

11/16/2022	 Clerk's Notice of Hearing <i>[74] Notice of Hearing</i>
12/06/2022	 Motion to Strike Filed By: Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[75] Motion to Strike, or for a Stay and Extension of Time; Hearing Not Requested</i>
12/06/2022	 Clerk's Notice of Hearing Party: Defendant Nevada State of <i>[76] Notice of Hearing</i>
12/15/2022	 Notice of Hearing <i>[77] Amended Notice of Hearing</i>
12/22/2022	 Certificate of Service Filed by: Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[78] Certificate of Service</i>
12/22/2022	 Certificate of Service Filed by: Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[79] Certificate of Service</i>
12/22/2022	 Certificate of Service Filed by: Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[80] Certificate of Service</i>
01/09/2023	 Response Filed by: Defendant Nevada State of; Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[81] Defendants' Response to Plaintiff's Supplemental Pleadings; Hearing Not Requested</i>
01/11/2023	 Motion to Strike Filed By: Plaintiff Bonham, Bryan <i>[82] "Hearing Requested" Plaintiffs Motion to Strike & Request for an Order of Fraud Upon Court.</i>
01/11/2023	 Clerk's Notice of Hearing <i>[83] Notice of Hearing</i>
01/11/2023	 Certificate of Service Filed by: Defendant Nevada State of; Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[84] Certificate of Service</i>
01/25/2023	 Response Filed by: Defendant Nevada State of; Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[85] Defendants' Response to Plaintiff's Motion to Strike; Hearing Not Requested</i>
01/26/2023	 Response Filed by: Defendant Nevada State of; Defendant Nevada Department of

CASE SUMMARY

CASE NO. A-20-823142-C

Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C
[86] Defendants' Amended Response to Plaintiff's Motion to Strike; Hearing Not Requested

01/31/2023



Certificate of Service

Filed by: Defendant Nevada State of; Defendant Nevada Department of
Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C
[87] Certificate of Service

02/01/2023



Motion

Filed By: Plaintiff Bonham, Bryan
[88] Hearing Requested. Motion and Order for Transportation of Inmate for Court
Appearance or, in the Alternative, for Appearance by Telephone or Video Conference

02/01/2023



Notice of Motion

Filed By: Plaintiff Bonham, Bryan
[89] Notice of Motion

02/01/2023



Clerk's Notice of Nonconforming Document

[90] Clerk's Notice of Nonconforming Document

02/02/2023



Clerk's Notice of Nonconforming Document and Curative Action

[91] Clerk's Notice of Curative Action

02/02/2023



Clerk's Notice of Hearing

[92] Notice of Hearing

02/03/2023



Order

[93] Order for Production of Inmate Bryan Bonham, NDOC Identification No. 60575

02/03/2023



Order Granting Motion

[94] Order Granting Defendants' Motion to Strike

02/03/2023



Notice of Entry of Order

Filed By: Defendant Nevada State of; Defendant Nevada Department of
Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C
[95] Notice of Entry of Order for Production of Inmate Bryan Bonham, NDOC Identification
No. 60575

02/03/2023



Notice of Entry of Order

Filed By: Defendant Nevada State of; Defendant Nevada Department of
Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C
[96] Notice of Entry of Order Granting Defendants' Motion to Strike

02/10/2023



Motion

Filed By: Plaintiff Bonham, Bryan
[97] Motion and Order for Transportation of Inmate for Court Appearance or, in the
Alternative, for Appearance by Telephone or Video Conference

02/10/2023



Notice of Motion

Filed By: Plaintiff Bonham, Bryan
[98] Notice of Motion

02/14/2023




Notice of Appeal

[99] Notice of Appeal

CASE SUMMARY

CASE NO. A-20-823142-C

02/15/2023	 Case Appeal Statement <i>[100] Case Appeal Statement</i>
02/16/2023	 Findings of Fact, Conclusions of Law and Judgment Filed by: Defendant Nevada State of; Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[101] Findings of Fact, Conclusions of Law and Judgment</i>
02/16/2023	 Notice of Entry of Judgment Filed By: Defendant Nevada State of; Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C <i>[102] Notice of Entry of Findings of Fact, Conclusions of Law and Judgment</i>
02/21/2023	 Recorders Transcript of Hearing <i>[104] Transcript of Hearing Held on February 13, 2023</i>
03/06/2023	 Notice of Appeal <i>[105] Notice of Appeal</i>
03/07/2023	 Case Appeal Statement <i>[106] Case Appeal Statement</i>
03/20/2023	Administrative Reassignment - Judicial Officer Change <i>Pursuant to Administrative Order 23-02 - Reassigned to Judge Jacob A. Reynolds</i>
03/20/2023	 Notice of Appeal Filed By: Defendant Nevada State of; Defendant Nevada Department of Corrections; Defendant Daniels, Charles; Defendant Garrett, T; Defendant Potter, C; Agency Office of the Attorney General <i>[107] Notice of Appeal</i>
	<u>DISPOSITIONS</u>
05/27/2021	Clerk's Certificate (Judicial Officer: Jones, David M) Debtors: Bryan Bonham (Plaintiff) Creditors: Nevada State of (Defendant), Nevada Department of Corrections (Defendant), Charles Daniels (Defendant), T Garrett (Defendant), C Potter (Defendant) Judgment: 05/27/2021, Docketed: 05/27/2021 Comment: Supreme Court No. 82800 " Appeal Dismissed"
07/14/2021	Clerk's Certificate (Judicial Officer: Jones, David M) Debtors: Bryan Bonham (Plaintiff) Creditors: Nevada State of (Defendant), Nevada Department of Corrections (Defendant), Charles Daniels (Defendant), T Garrett (Defendant), C Potter (Defendant) Judgment: 07/14/2021, Docketed: 07/14/2021 Comment: Supreme Court No. 83033 " Appeal Dismissed"
08/05/2021	Summary Judgment (Judicial Officer: Jones, David M) Debtors: Bryan Bonham (Plaintiff) Creditors: Nevada State of (Defendant), Nevada Department of Corrections (Defendant), Charles Daniels (Defendant), T Garrett (Defendant), C Potter (Defendant) Judgment: 08/05/2021, Docketed: 08/05/2021
04/12/2022	Clerk's Certificate (Judicial Officer: Jones, David M) Debtors: Nevada State of (Defendant), Nevada Department of Corrections (Defendant), Charles Daniels (Defendant), T Garrett (Defendant), C Potter (Defendant) Creditors: Bryan Bonham (Plaintiff) Judgment: 04/12/2022, Docketed: 04/14/2022

CASE SUMMARY

CASE NO. A-20-823142-C

Comment: Supreme Court No 83458- "APPEAL REVERSED IN PART/REMANDED IN PART"

02/16/2023

Judgment (Judicial Officer: Jones, David M)

Debtors: Nevada State of (Defendant), Nevada Department of Corrections (Defendant), Charles Daniels (Defendant), T Garrett (Defendant), C Potter (Defendant)

Creditors: Bryan Bonham (Plaintiff)

Judgment: 02/16/2023, Docketed: 02/19/2023

Total Judgment: 9.00

HEARINGS

01/20/2021



Motion (3:00 AM) (Judicial Officer: Jones, David M)

Plaintiffs Motion to Request and Extension of Time to Serve Defendants or in Alternative Request for Order to Proceed in Forma Pauperis

Motion Granted;

Journal Entry Details:

No parties present. The Request to Extend time not being appropriate, COURT ORDERED, Motion to Request 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;

02/09/2021



Motion for Preliminary Injunction (9:00 AM) (Judicial Officer: Jones, David M)

Plaintiff's Motion for Preliminary Injunction & Protective Order and Brief in Support

Motion Denied;

Journal Entry Details:

No parties present. COURT FINDS, the motion being incorrect and not sent to the proper authorities, and ORDERED, motion DENIED.;

03/17/2021



Motion (3:00 AM) (Judicial Officer: Jones, David M)

Defendants' Motion for an Extension to File an Answer or Responsive Pleading

Motion Granted;

Journal Entry Details:

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;

04/06/2021



Motion (9:00 AM) (Judicial Officer: Barker, David)

Plaintiffs Response to Defendant Request for Extension of Time to File an Answer or Responsive Pleading ; Motion for Default for Plaintiff

Matter Heard;

Journal Entry Details:

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;

05/11/2021



Motion to Dismiss (9:00 AM) (Judicial Officer: Jones, David M)

Defendants' Motion to Dismiss or in the Alternative Motion for Summary Judgment

Granted in Part;

Journal Entry Details:

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.;

07/08/2021



Motion (9:00 AM) (Judicial Officer: Jones, David M)

Plaintiff's Motion to Withdraw or to Move Case to US Dist Court

MINUTES

CASE SUMMARY

CASE NO. A-20-823142-C

Set Status Check;

Journal Entry Details:

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;

SCHEDULED HEARINGS



Status Check (08/05/2021 at 9:00 AM) (Judicial Officer: Barker, David)

Status Check: Orders Filed

08/05/2021



Status Check (9:00 AM) (Judicial Officer: Barker, David)

Status Check: Orders Filed

Matter Continued;

Proposed order filed

Journal Entry Details:

Ms. Porray submitted the requested orders on 7/27/21. COURT ORDERED, matter CONTINUED. CONTINUED TO: 9/9/21 9:00 AM;

08/24/2021



Minute Order (3:00 AM) (Judicial Officer: Jones, David M)

Minute Order - No Hearing Held;

Journal Entry Details:

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;

05/03/2022



Status Check (9:00 AM) (Judicial Officer: Thompson, Charles)

05/03/2022, 12/07/2022, 01/26/2023

Status Check: Remand

Briefing Schedule Set;

Matter Continued;

Matter Heard;

Briefing Schedule Set;

Matter Continued;

Matter Heard;

Briefing Schedule Set;

Matter Continued;

Matter Heard;

Journal Entry Details:

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 ;

08/02/2022



Motion (9:00 AM) (Judicial Officer: Jones, David M)

Plaintiff's Motion for Discovery/ Motion for Evidentiary Hearing & Order to Show Cause

Motion Denied;

Journal Entry Details:

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.;

12/07/2022

Motion (9:00 AM) (Judicial Officer: Thompson, Charles)

12/07/2022, 01/26/2023





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

Matter Continued; Hearing

Stricken;

CASE SUMMARY



CASE NO. A-20-823142-C

	Matter Continued; Hearing Stricken;
12/07/2022	 All Pending Motions (9:00 AM) (Judicial Officer: Jones, David M) Matter Heard; Journal Entry Details: <i>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. ;</i>
12/16/2022	 Minute Order (11:30 AM) (Judicial Officer: Jones, David M) Minute Order - No Hearing Held; Journal Entry Details: <i>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;</i>
12/20/2022	CANCELED Motion (9:00 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Judge</i> <i>Plaintiff's - Motion an Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference</i>
01/26/2023	Motion (9:00 AM) (Judicial Officer: Thompson, Charles) <i>Plaintiff's Motion in Response to Order for Supplemental Pleading and Response to Motion to Dismiss "Amended Cover Page"</i> Stricken;
01/26/2023	Motion to Strike (9:00 AM) (Judicial Officer: Thompson, Charles) Events: 12/06/2022 Motion to Strike <i>Defendants' Motion to Strike, or for a Stay and Extension of Time</i> Matter Continued;
01/26/2023	 All Pending Motions (9:00 AM) (Judicial Officer: Thompson, Charles) Matter Heard; Journal Entry Details: <i>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 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 ;</i>
02/13/2023	 Evidentiary Hearing (9:00 AM) (Judicial Officer: Cherry, Michael A.)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-20-823142-C

	<p><i>Evidentiary Hearing: Supreme Court Remand</i></p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>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.;</i></p>
02/15/2023	<p> Motion to Strike (9:00 AM) (Judicial Officer: Cherry, Michael A.)</p> <p><i>Plaintiff's Motion to Strike & Request for an Order of Fraud Upon Court</i></p> <p>Moot;</p> <p>Journal Entry Details:</p> <p><i>Colloquy regarding a previous order already being denied. COURT ORDERED, this matter is OFF CALENDAR as there is a previous Order already filed.;</i></p>
03/07/2023	<p> Minute Order (10:30 AM) (Judicial Officer: Bixler, James)</p> <p><i>Minute Order for vacated hearing on 3/8/23</i></p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>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;</i></p>
03/08/2023	<p>CANCELED Motion (9:00 AM) (Judicial Officer: Bixler, James)</p> <p><i>Vacated - per Judge</i></p> <p><i>Plaintiff's Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference</i></p>

DATE

FINANCIAL INFORMATION

Agency Office of the Attorney General	
Total Charges	45.00
Total Payments and Credits	45.00
Balance Due as of 3/22/2023	0.00
Defendant Nevada Department of Corrections	
Total Charges	24.00
Total Payments and Credits	24.00
Balance Due as of 3/22/2023	0.00
Plaintiff Bonham, Bryan	
Total Charges	270.00
Total Payments and Credits	270.00
Balance Due as of 3/22/2023	0.00

DISTRICT COURT CIVIL COVER SHEET

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

County, Nevada

Case No

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Defendant(s) (name/address/phone):

Attorney (name/address/phone):

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property	Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Judicial Review/Appeal
Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ	Other Civil Filing
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters

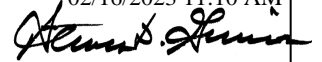
Business Court filings should be filed using the Business Court civil coversheet.

10/13/20
Date

Prepared by the Clerk

Signature of initiating party or representative

See other side for family-related case filings


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@clarkcountyda.com

17 Samuel Pezone

spezone@ag.nv.gov

18 Jennifer Briones

jnbriones@ag.nv.gov

20

21

22

23

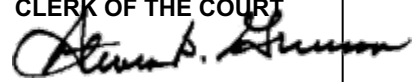
24

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NJUD
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.*,

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

FFCL
AARON D. FORD
Attorney General
SAMUEL L. PEZONE, JR. (Bar No. 15978)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101
(702) 486-4070 (phone)
(702) 486-3773 (fax)
Email: spezone@ag.nv.gov

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

DISTRICT COURT
CLARK COUNTY, NEVADA

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

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@clarkcountyda.com

17 Samuel Pezone

spezone@ag.nv.gov

18 Jennifer Briones

jnbriones@ag.nv.gov

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**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

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

**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.

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

**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)
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August 05, 2021	9:00 AM	Status Check
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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

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

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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HEARD BY: Jones, David M	COURTROOM: RJC Courtroom 15A
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COURT CLERK: Stephanie Squyres

RECORDER: Connie Coll

REPORTER:

PARTIES

PRESENT:	Miller, Dawn R.	Attorney
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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)
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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.

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

RECORDED:

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

**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)

January 26, 2023 9:00 AM All Pending Motions

HEARD BY: Thompson, Charles **COURTROOM:** Phoenix Building 11th Floor
110

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

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

PRESENT:	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 11th Floor
110

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



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

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

DATE: March 22, 2023
CASE: A-20-823142-C

RE CASE: BRYAN BONHAM vs. STATE OF NEVADA; NEVADA DEPARTMENT OF CORRECTIONS;
CHARLES DANIELS; T. GARRETT; C. POTTER

NOTICE OF APPEAL FILED: March 20, 2023

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGEMENT; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

BRYAN BONHAM ,

Plaintiff(s),

vs.

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

Defendant(s),

Case No: A-20-823142-C

Dept No: XXIX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 22 day of March 2023.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

