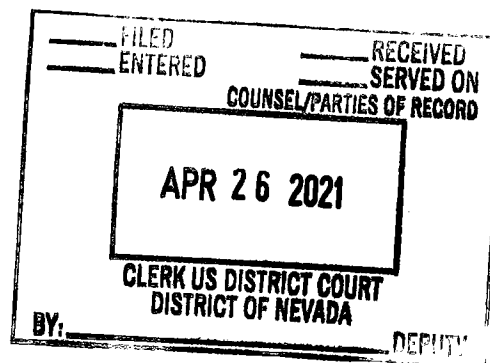


Julius Bradford
 Name
HOSP; P.O. Box 650
Indian Springs, NV 89070
NDOC #81804
 Prison Number



UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

Julius Bradford,
 Plaintiff

vs.

Aaron D. Ford, Attorney General,
Calvin Johnson, Warden (Current),
Brian Williams, Warden (Former),
Sia Asimidakis, Law Library Supervisor,
J. Graham, Law Library Supervisor,
 Defendant(s).

2:21-cv-00688-JAD-NJK

CIVIL RIGHTS COMPLAINT
 PURSUANT TO
 42 U.S.C. § 1983

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, Julius Bradford,
 (print plaintiff's name)

who presently resides at 22010 Cold Creek Rd; Indian Springs, NV, were violated by

the actions of the below-named individuals that were directed against Plaintiff at

High Desert State Prison on the following dates:
 (institution/city where violation occurred)

January 2019 to Present, January 2019 to Present, and January 2019 to Present.
 (Claim 1) (Claim 2) (Claim 3)

**Make a copy of this page to provide the below
information if you are naming more than five (5) defendants**

- 2) Defendant Aaron D. Ford resides at 100 N. Carson St. Carson City, and is
(full name of first defendant) (address of first defendant)
employed as Attorney General of Nevada. This defendant is sued in his/her
(defendant's position and title, if any)
___ individual X official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: Attorney General Ford has the authority to remedy the constitutional
violations going forward
- 3) Defendant Calvin Johnson resides at 22010 Cold Creek Rd., Indian Springs, and is
employed as HDSP Warden. This defendant is sued in his/her
X individual X official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: Warden Johnson is the current Warden at HDSP and
also personally responded to one of my First Level Grievances ("2006-30-84649")
- 4) Defendant Brian Williams resides at (previously) 5500 Snyder Rd, Carson City, and is
employed as (Former) Warden HDSP. This defendant is sued in his/her
X individual ___ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: Mr. Williams was, at relevant times, the Warden at HDSP.

- 5) Defendant Sia Asimidakis resides at (previously) 22010 Cold Creek Rd., and is employed as (Former) HDSP Law Library Supervisor. This defendant is sued in his/her X individual official capacity. (Check one or both.) Explain how this defendant was acting under color of law: Ms. Asimidakis was, at relevant times, the Law Library Supervisor at HDSP, and she also personally responded to my Informal Grievance #2006-30-84649
- 6) Defendant J. Graham resides at 22010 Cold Creek Road, and is employed as HDSP Law Library Supervisor. This defendant is sued in his/her X individual X official capacity. (Check one or both.) Explain how this defendant was acting under color of law: Mr. Graham, is, and was at all relevant times, a Law Library Supervisor at HDSP. Mr. Graham has all of the duties and responsibilities of AR 722.
- 7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.
- _____
- _____

B. NATURE OF THE CASE

- 8) Briefly state the background of your case.

This action asserts constitutional violations, and resulting risks/injuries, due to the Defendants' failure to provide access to the actual laws of this state, as found in the official Statutes of Nevada. Pursuant to NRS 220.170(3), the only way to rebut ~~rebut~~ the codified version as prima facie is to show that the Statutes of Nevada differ in some meaningful respect. See Halverson v. Miller, 124 Nev. 484 (2008). The Law Library Supervisors here at

HDSP not only have a duty to provide Statutes of Nevada cites upon request, they can easily obtain them via the Nevada Legislature's website: www.leg.state.nv.us.

While the Defendants provide access to the codified version, "Nevada Revised Statutes" (hereinafter "NRS-Code"), it has been established that there are sometimes major inconsistencies between the codified version and the actual laws which may work to the detriment of interested persons. See *Halverson v. Miller*, *Id.*; see also *Stephan v. United States*, 319 US 423 (1943). For instance, NRS 176.017 as published in the NRS-Code does not indicate that any persons will be excluded from its considerations based on the date of their alleged offense; but looking to the actual law as found in the Statutes of Nevada there is a date listed ~~that~~ with an indication that offenses occurring prior to it will not receive the benefits of the law.

With there being repealed provisions still published in the "NRS-Code" without any notice of the repeal it is even more necessary to have access to the Statutes of Nevada so that I may verify/rebut any statute cited as prima facie.

I am currently representing myself in Pro Se in a pending capital murder trial (Case No. 09-C-250428; Eighth Judicial District Court; Clark County, NV). The lack of access to the official Statutes of Nevada interferes with my ability to assess the nature and cause of the charges against me insofar as I am impeded in possibly rebutting the NRS-Code statutes asserted by the State, in the manner prescribed by NRS 220.170(3).

C. CAUSE(S) OF ACTION

CLAIM 1

The following civil rights have been violated: My due process right to utilize the rebuttal procedure prescribed by NRS 220.170(3), as well as my right to equal protection of NRS 220.170(3), and my right to challenge the NRS Code as prima facie; Petition For Redress.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

9. Plaintiff hereby re-alleges and incorporates by reference all prior paragraphs of this Complaint as if set forth fully herein.

10. On multiple occasions between January 2019 and May 2019 I made requests to the HDSP Law Library for certain laws as published in the Statutes of Nevada. All requests included both the Volume/Session year and chapter for proper identification. On each occasion I was told by Law Library Supervisors Graham and Asimidakis that the Statutes of Nevada were unavailable.

11. Supervisors Asimidakis and Graham failed to follow the mandate of AR 722.01(4) which requires them to attempt to get copies of unavailable materials from another Law Library. They could have easily obtained the requested materials from the Nevada Legislature's online Law Library which is found on the Legislature's website and accessible to Law Library Supervisors at HDSP.

12. I grieved the issue (#2006-30-84649) citing NRS 220.170(3) and my inability to utilize its rebuttal procedure due to the lack of access to the Statutes of Nevada via the HDSP Law Library.

13. Defendant Asimidakis responded to my grievance but failed to correct the issue. Ms. Asimidakis indicated that she contacted

LexisNexis about the Law Library's "lack of access" to the Statutes of Nevada, although also indicated, *supra*, the HDSP does have access via the Nevada Legislature's website.

14. Defendant Johnson responded to my First Level Grievance and indicated that the NRS-Code is all that is required to be provided. Mr. Johnson completely overlooked my claim that I was being denied the ability and opportunity to rebut the NRS-Code as *prima facie* in the manner prescribed by NRS 220.170(3). Mr. Johnson's actions continued the deprivation of my right to use the rebuttal procedure provided by NRS 220.170(3), a protected species of property. See *Logan v. Zimmerman Brush Co.*, 455 US 422, at 430-432 (1982) ✓

15. In 2019 Defendant Williams was the Warden at HDSP, and per AR 722 it was his responsibility to ensure that inmates had access to the Statutes of Nevada in order to (possibly) rebut certain NRS-Code statutes as *prima facie*. He failed to do so.

CLAIM 2

The following civil rights have been violated: My Sixth Amendment/Fifth Amendment right to a fair trial.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

16. Plaintiff hereby re-alleges and incorporates by reference all prior paragraphs of this Complaint as if set forth fully herein.

17. I am currently representing myself in Pro Se in a state capital murder case. I am scheduled to begin trial in July 2021.

18. Title 14 of the NRS-Code governs the procedures in criminal proceedings in Nevada. As found by the Nevada Supreme Court in its decision in *Halverson v. Miller, supra*, there are instances where the NRS-Code and Statutes of Nevada differ in significant and meaningful ways. The denial of access to the Statutes of Nevada by the Defendants forces me to accept NRS 169.001 - NRS 207.520 as *prima facie*, by precluding me from even looking to the Statutes of Nevada to ascertain whether the provisions as found in the NRS-Code are properly reflected; in addition to preventing me from (possibly) utilizing the rebuttal procedure prescribed by NRS 200.170(3).

- 9) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If more than one, describe the others on an additional page answering the following questions.)

- a) Defendants: N/A
- b) Name of court and docket number: N/A
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):
N/A
- d) Issues raised: N/A
- e) Approximate date it was filed: N/A
- f) Approximate date of disposition: N/A

- 10) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page answering the following questions.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: Bill Young; Dan Long; Mike McGrath
- b) Name of court and case number: U.S.D.C.; D. Nev.; Case No. 3:06-cv-00050-JWM-RAM
- c) The case was dismissed because it was found to be (circle one): (1) frivolous; (2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: I cannot remember the exact issue but I believe it was about the Defendants giving the wrong gang affiliation to the media. I believe, based on the issue alleged, that it was dismissed because it did not raise a federal claim.
- e) Approximate date it was filed: 5-19-2006 (Submitted 1-23-2006)
- f) Approximate date of disposition: 5-19-2006

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: N/A
- b) Name of court and case number: N/A
- c) The case was dismissed because it was found to be (circle one): (1) frivolous;
(2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: N/A

- e) Approximate date it was filed: N/A
- f) Approximate date of disposition: N/A

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: N/A
- b) Name of court and case number: N/A
- c) The case was dismissed because it was found to be (circle one): (1) frivolous;
(2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: N/A

- e) Approximate date it was filed: N/A
- f) Approximate date of disposition: N/A

D. REQUEST FOR RELIEF

I believe I am entitled to the following relief: ① A declaratory judgment stating that the actions of the Defendants violated my First, Fifth, Sixth, and Fourteenth Amendment rights;
② Compensatory damages against Defendants Johnson, Williams, Asimidakis, and Graham jointly and severally.
③ Punitive damages against Defendants Johnson, Williams, Asimidakis and Graham jointly and severally.
④ An injunction ordering Defendants Ford and Johnson to ensure that HHS Law Library Supervisors obtain copies of requested laws/statutes from the Statutes of Nevada from the Nevada Legislature's website.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I **DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

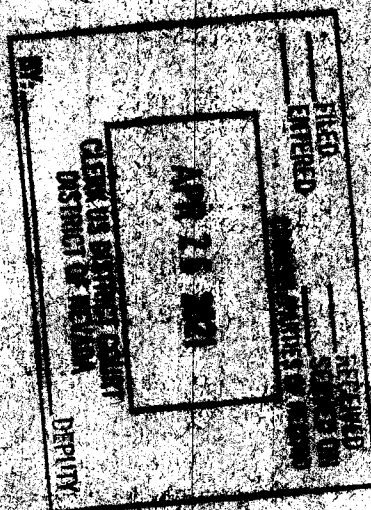
N/A

(name of person who prepared or helped
prepare this complaint if not the plaintiff)

(signature of plaintiff)

4-12-21
(date)

HD&F, P.O. Box 1650
Indian Springs, NV 89170



Clerk, U.S. District Court
District of Nevada
Lloyd D. George U.S. Courthouse
333 Las Vegas Blvd South, Rm
Las Vegas, NV 89101