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 8 *April Witter, and Nissel Young*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 LAUSTEVEION JOHNSON,
 12 Plaintiff,
 13 v.
 14 N. YOUNG, et al.
 15 Defendants.

Case No. 3:14-cv-00178-RCJ-VPC

**MOTION TO PRODUCE INMATE
 LAUSTEVEION JOHNSON FOR TRIAL**

16 Defendants, Renee Baker, James "Greg" Cox, William Moore, April Witter, and Nissel Young, by
 17 and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Benjamin R.
 18 Johnson, Deputy Attorney General, hereby file this Motion to Produce Inmate Lausteveion Johnson for
 19 Trial. This motion is supported by the following memorandum of Points and Authorities and all papers
 20 and pleadings on file in this action.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **I. INTRODUCTION**

23 The above-captioned case is scheduled for trial at the Bruce R. Thompson United States
 24 Courthouse in Reno, Nevada, to begin on October 24, 2016. Mr. Johnson is currently incarcerated at
 25 Southern Desert Correctional Center (SDCC) in the custody of the Nevada Department of Corrections
 26 (NDOC). The NDOC intends to temporarily transfer Plaintiff Lausteveion Johnson (#82138) (Mr.
 27 Johnson) to a correctional facility that is geographically closer to the courthouse for trial. The NDOC
 28 requires an order from this Court to make this transfer and produce Mr. Johnson for trial.

1 **II. ARGUMENT**

2 Inmate transportation is governed by the Nevada Revised Statutes and NDOC Administrative
3 Regulations. See NRS 209.274 (“when an offender is required or requested to appear before a court in
4 this state, the Department shall transport the offender to and from court on the day[s] scheduled for his
5 or her appearance”).

6 In order for the NDOC’s transportation authority to be fully compliant with applicable law and
7 regulations, Defendants respectfully request an Order from this Court directing the NDOC to:

- 8 1. Temporarily transfer Mr. Johnson to a northern correctional institution that is suitable for his
9 custody level, has available housing units, and is geographically closer to Reno, Nevada than
10 SDCC for the purpose of trial in the above-referenced case;
- 11 2. Produce Mr. Johnson at the Bruce R. Thompson United States Courthouse, 400 South
12 Virginia Street, Reno, Nevada 89501 on the dates and times of trial in the above-referenced
13 case; and
- 14 3. Make any other necessary arrangements to ensure that Mr. Johnson remains physically
15 present at the Bruce R. Thompson United States Courthouse, 400 South Virginia Street,
16 Reno, Nevada 89501 on the dates and times of trial in the above-referenced case.

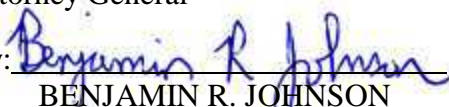
17 Defendants have attached a proposed order to this motion as Exhibit A. The NDOC will ensure
18 that Mr. Johnson is transferred in compliance with the Court’s Order. Defendants also request that Mr.
19 Johnson be transferred with his legal property in order to ensure the speedy adjudication of his claims.

20 **III. CONCLUSION**

21 Defendants request the Court execute and issue the attached proposed Order, thereby securing
22 Mr. Johnson’s physical presence at trial.

23 DATED this 22nd day of September, 2016.

24 ADAM PAUL LAXALT
25 Attorney General

26 By: 
27 BENJAMIN R. JOHNSON
28 Deputy Attorney General
Bureau of Litigation
Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 22nd day of September, 2016, I caused to be deposited for mailing, a true and correct copy of the foregoing, **MOTION TO PRODUCE INMATE LAUSTEVEION JOHNSON FOR TRIAL**, to the following:

LAUSTEVEION JOHNSON #82138
SOUTHERN DESERT CORRECTIONAL CENTER
P. O. BOX 208
INDIAN SPRINGS, NV 89070



An employee of the
Office of the Attorney General

EXHIBIT A

PROPOSED ORDER TO
PRODUCE INMATE FOR
TRIAL

EXHIBIT A

1 ADAM PAUL LAXALT
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Case No. 3:14-cv-00178-RCJ-VPC

**ORDER TO PRODUCE
INMATE FOR TRIAL**

16 Before the Court is Defendants' Motion to Produce Inmate Lausteveion Johnson for Trial. The
17 Court Ordered that the above-captioned case shall proceed to a jury trial at the Bruce R. Thompson
18 Courthouse, 400 South Virginia Street, Reno, Nevada 89501, beginning on **December 12, 2016** (ECF No.
19 96). The Motion to Produce Inmate Lausteveion Johnson for Trial is GRANTED. Accordingly,

20 IT IS ORDERED that the Nevada Department of Corrections shall temporarily transfer
21 Lausteveion Johnson (#82138) to a northern correctional institution that is suitable for his custody level,
22 has available housing units, and is geographically closer to Reno, Nevada than Southern Desert
23 Correctional Center, Lausteveion Johnson's (#82138) current place of confinement, for the purpose of
24 trial in the above-referenced case;

25 IT IS FURTHER ORDERED that the Nevada Department of Corrections will transfer
26 Lausteveion Johnson's (#82138) with all of his legal property related to the above-referenced case;

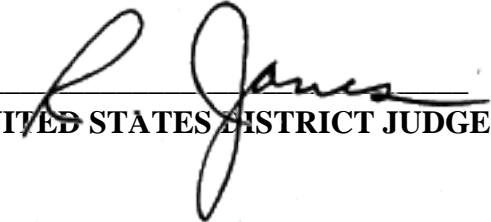
27 IT IS FURTHER ORDERED that the Nevada Department of Corrections shall produce
28 Lausteveion Johnson's (#82138) at the Bruce R. Thompson Courthouse, 400 South Virginia Street,

1 Reno, Nevada 89501 from 8:30 a.m. until 5:00 p.m., or such other times ordered by the Court, for each
2 day of trial until the trial is concluded; and

3 IT IS FURTHER ORDERED that the Nevada Department of Corrections make any other
4 necessary arrangements to ensure that Lausteveion Johnson's (#82138) remains physically present at the
5 Bruce R. Thompson Courthouse, 400 South Virginia Street, Reno, Nevada 89501 from 8:30 a.m. until
6 5:00 p.m. or such other times ordered by the Court, for each day of trial until the trial is concluded.

7 IT IS SO ORDERED.

8 DATED: This 18th day of October, 2016.

9 
10 UNITED STATES DISTRICT JUDGE
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