

Case No;

Pursuant to NRS 239B.030, the undersigned affirms that this document does not contain social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR COUNTY OF PERSHING

JOHNNY E. McMAHON,
Petitioner,

VS.

NEVADA DEPT. OF CORRECTIONS
DIRECTOR JAMES DREZENDA,
NORTHERN NEVADA CORRECTIONAL
CENTER, WARDEN PERRY RUSSELL,
LOVELOCK CORRECTIONAL CENTER,
WARDEN NETHANJAH BREITENBACH,
REAL PARTY IN INTEREST,

Respondents.

MOTION FOR WRIT OF
HABEAS CORPUS PURSUANT
TO 42 U.S.C. §§ 1983, 12101,
et seq. and HEARING REQUESTED.

COMES NOW, McMahon, Petitioner, Pro se, in the above captioned Motion for Writ of Habeas Corpus Pursuant to 42 U.S.C. §§ 1983, 12101, et seq. moves this Honorable Court to GRANT the Writ. Based upon the attached exhibits and evidence within the custody of the State Respondents.

STATEMENT OF CASE/FACTS

1. In 2008 medical physician, Karen Getney, at Northern Nevada

1. Cont: Correctional Center (hereinafter NNCC) received a medical directive from the physician at Lovelock Correctional Center (hereinafter LCC) for McMahon to be transferred to a flat yard facility for rehabilitation and further care and treatment based upon neurological lower legs damage. McMahon had requested a wheel chair based upon neuropathy and loss of balance. Dr. Getney continued treatment of McMahon's physical condition for over 14 years.
2. Upon arriving at NNCC in 2008 Dr. Karen Getney examined McMahon's lower legs and ordered that I be confined to NNCC for further medical treatment and further recommended that McMahon exercise and stay active using the gyms stationary bike and not loose balance. McMahon was at NNCC until late 2021 and was a model inmate tutoring college classes for Western Nevada College with professor Robert Ash. (See Ex. # 86).
3. McMahon as a degreed certified paralegal/legal assistant assisted numerous inmates in both criminal and civil cases and was actively researching and petitioning the courts in his personal case. Subsequent to McMahon prevailing in a Writ of Mandamus against Jennifer McCain Dunbar and Warden, Perry Russell of NNCC, in March 2021, McMahon was targeted for retaliation, reflective of his medical file listing McMahon as "Litigious Inmate". (See Ex. # 96).

4. Subsequent to prevailing in the Writ of Mandamus McMahon was preparing a class action civil rights claim against Warden Perry Russell of NNCC for permanently closing dorm windows creating a life threatening condition and a fire hazard. Upon informing the warden of the life-threatening conditions the said Warden responded in a kite to McMahon in June, 2021 claiming that the matter was cleared by the fire marshal, which reflective of the foregoing response was patently false. (See Ex. # 97).
5. McMahon subsequently forwarded correspondence to the Nevada State Fire Marshal Division and a response was returned on July 08, 2021. Reflective of the response, the last time an inspection was conducted by the fire marshal at NNCC was in 2017, which is in stark contrast to Warden Perry Russell's claim. (See Ex # 99).
6. Upon McMahon preparing the class action lawsuit against Warden Russell the warden retaliated against McMahon for exercising his rights to file grievances and lawsuits. The warden transferred McMahon around the NDOC from Warm Springs to LCC a.k.a. "Diesel Therapy" a well known use of discretion to move inmates around to system and out of the jurisdiction of the court. This retaliatory abuse of legitimate penal interests was done absent the approval of medical orders, as a warden does not possess the authority to override medical absent the inmate demonstrating a clear

6. Cont; and present danger, or threat to staff, or the institution.

7. Upon arriving at LCC in 2021 McMahon has been challenging Warden Perry Russell's form of retaliation filing grievances and complaints to be transferred back to NNCC - all to no avail. (See Ex # 100 (A)-(L)).

GROUND ONE

WARDEN PERRY RUSSELL OF NORTHERN NEVADA CORRECTIONAL CENTER RETALIATED AGAINST MCMAHON FOR BEING LITIGIOUS AGAINST HIMSELF, STAFF AND THE INSTITUTION AND ORDERED MCMAHON TRANSFERRED AROUND NDOC FROM WARM SPRINGS TO LOVELOCK CORRECTIONAL CENTER IN VIOLATION OF MCMAHON'S FIRST, FIFTH, EIGHTH AND FOURTEENTH AMENDMENT RIGHTS TO THE STATE AND UNITED STATES CONSTITUTION,

First and foremost McMahon strongly asserts that he is actually and factually innocent of all crimes and was wrongfully convicted based upon the faulty concealment of exculpatory DNA evidence and McMahon's retained trial attorney, Paul Wommer, who acted in the capacity as a second prosecutor in pre-trial and trial committing over 20 reversible errors and omissions failing to put the States case to a meaningful adversarial testing in violation of Strickland Sixth Amendment IAC standards. Wommer was fired and legally discharged at sentencing yet ex-prosecutor trial judge, David Barker, forced Wommer back onto McMahon's post-conviction first-

direct appeal over McMahon's timely (3) three pro se motions to withdraw Wommer as counsel for conflict of interest. However, being judge Barker and Wommer were ex-prosecutors and both possessed a vested interest, both monetarily and personally, to secure a conviction for the Clark County District Attorney's Office as the fix was in play. Notwithstanding, the fact that the State Respondents, Las Vegas Township Justice Court, Clark County District Attorney's Office, and the Eighth Judicial District Court did not lawfully obtain subject-matter jurisdiction to hear or prosecute the criminal case, and in furtherance based upon the unwarranted arrest, and courts failure to conduct a Probable Cause Gernstein Hearing within the 48 hours between Dec. 12-14, 2005 and the Clerk of the Court is devoid of any such documents or requisite evidence on record, whereas the State failed to comply with the curative/corrective statute NRS 173.035 giving the State another bite at the apple to properly re-apply for a valid arrest warrant and present a proper charging ~~Instrument~~ to McMahon pursuant to the controlling law of the case held by the Nevada Supreme Court in Levinson, Cranford, Murphy and Parson's, Cases on all 4's with McMahon's, addressing subject-matter jurisdiction standing underpinning NRS 173.035 declaring all cases as a constitutional void judgment setting aside the judgment of conviction and exonerating the defendants.

As to the instant petition the United States Supreme Court has weighed in on whether a prisoner has a liberty interest in remaining at a particular facility. In *Wilkinson v. Austin*, 545 US 209, 222-23 (2005) the Court held, ("Prisoners have no liberty interest in

remaining in particular facility unless placement imposes 'atypical and significant hardship on [then] in relation to the ordinary incidents of prison life"). However, McMahon was medically assigned to NNCC by two medical doctors for ongoing medical care and treatment and the legal fact, as held by the courts, that NNCC is the only recognized flat yard facility in the NDOC for inmates who are disabled under ADA standards.

The nexus of this petition surrounds a First Amendment claim of retaliation and reprisals operable under *Smith v. Fla. Dept. of Corr.*, 713 F3d 1059, 1063 (11th Cir 2011). (First Amendment retaliation claim stated when prisoner presented evidence that prison officials transferred prisoner in retaliation for civil suit against them). See also *Toolasprashad v. Bureau of Prisons*, 286 F3d 576, 585 (D.C. Cir. 2002). (First Amendment retaliation claim stated when prisoner alleged prison officials transferred prisoner in retaliation for filing administrative grievances against prison staff). Cases on all 4's with McMahon's.

As such there was no legitimate penological interest for warden Perry Russell to transfer McMahon out of NNCC, overriding medical orders, nor can the State in rebuttal produce a scintilla of evidence in support to justify such a transfer out of NNCC. Being that both NNCC and LCC are medium security facilities inmates can be assigned to either facility unless medical conditions favor one over the other.

Due Process of law is a protected liberty interest and NDOC wardens do not possess the unfettered right to retaliate against an inmate for exercising his constitutional rights, contrary to

moronic and uneducated popular belief, McMahon did not check his constitutional rights in at the prison gates. In *Davis v. Kelly*, 160 F3d 917, 920 (2nd Cir 1998), (Claim stated when prisoner alleged transfer was in retaliation for bringing civil rights claim against prison officials). See also *Reese v Sparks*, 760 F2d 64, 68 (3rd Cir 1985). (Claim stated when prisoner alleged transfer was not due to administrative order but in response to civil rights action) Again, cases on all 4's with McMahon's.

To state a claim prisoners must demonstrate that their protected conduct was a substantial or motivating factor in the decision to transfer. Whereas, the State cannot prove with a scintilla of real evidence as to why Warden Perry Russell was authorized to override and supercede medical orders from a doctor for McMahon not to reside at NNCC for continued medical care and treatment. As such, not only is Warden Russell's actions retaliatory they constitute an Eighth Amendment violation of cruel and unusual punishment as there was no justifiable or penological need to transfer McMahon out of NNCC.

The Court went on in *Wilson v. Setter*, 501 US 294, 300 (1991). ("Eighth Amendment prohibits only "cruel and unusual" punishment" and "[t]he infliction of punishment is a deliberate act intended to chastise or deter"). The objective standard and subjective standard for deliberate indifference test is used to determine whether officials acted with a sufficiently culpable state of mind. The Court went on in *Helling v. McKinney*, 509 US 25, 35-37 (1993). ("Deliberate indifference" that poses an unreasonable risk or serious damage to future health violations constitutes an Eighth

Amendment Violation"), which reflective of the prima facie evidence the cumulative effect of warden Perry Russell's retaliation and deliberate indifference is both compelling and overwhelming to support the factual claim that warden Russell retaliated against McMahon knowing full well that McMahon busted and caught him lying about getting approval from the fire marshal to bolt the windows shut and that McMahon was preparing a class action civil rights claim against him which would have been detrimental to his position and financial well being. Whereas, McMahon had a protected liberty interest to remain at NNCC based upon medical orders by Dr. Karen Getney to continue receiving proper medical care and treatment.

The Ninth Circuit Court of Appeals additionally weighed in on a state created liberty interest in *Carver v Lehman*, 558 F3d 869, 872 (9th Cir 2009). (A prisoner claiming deprivation of a state-created liberty interest must specify what regulation or statute created the interest. In the instant case the state adopting the United States Constitution guarantees McMahon due process and equal protection clause rights as such warden Perry Russell's intentional discrimination or discriminatory intent was based solely on busting and exposing the warden for lying based upon the fire marshal's response. Again, the warden clearly retaliated against McMahon fearing of the inevitable filing of a class action civil rights case.

To invoke habeas corpus review under a writ of habeas corpus pursuant to 42 U.S.C. §§ 1983, 12101 et seq. the petitioner must satisfy two jurisdictional requirements. (1) the status

requirement that the petition be "in behalf of a person in custody pursuant to the judgment of a state court"; and (2) the substance requirement that the petition challenge the legality of that custody on the ground that it is "in violation of the Constitution or laws or treaties of the United States". Not only is McMahon falsely imprisoned and further busted and exposed Clark County District Attorney, government gangster, Steven Wolfson, who has manipulated both the Clerk of the Court and the Eighth Judicial District Court, and when McMahon busted and exposed his criminal enterprise and abuse of power under RICO Act Violations as well as criminal violations of forging the signature of a sitting Magistrate Karen Bennett-Harons on a TCR legal document, Wolfson panicked and had Deputy Attorney General, Sabrina Clinton, fly into Las Vegas from Carson City, to represent the Clark County District Attorney's Office ~~and~~ Clerk, Steven Grierson, intentionally placing the case in Judge, Monica Trujillo's, court in an ex parte hearing to redact/seal the record to hide the truth. Wherefore, McMahon possesses the right to Freedom of Speech absent retaliation by NDOC officials as prison officials may not interfere with prisoners exercise of First Amendment Rights unless the interference is reasonably related to a legitimate penological interest. *Thornburgh v. Abbott*, 490 US 401, 403-04 (1989). See also *Overtor v. Bazzetta*, 539 US 126, 133-135 (2003).

Accordingly, warden Perry Russell intentionally, with malice and aforethought, discriminated against McMahon who is a 74 year old innocent inmate protected by the (ADA) American Disability Act barring any form of discrimination.

RELIEF REQUESTED

Based upon the foregoing acts of retaliation by NDOC officials, for McMahon exercising his constitutional rights and placing McMahon's physical health in jeopardy, in stark contrast to the medical orders of two NDOC medical physicians, McMahon requests the following relief:

ORDER NDOC Director, James Drezenda, and LCC Warden, Nathanjah Breitenbach, to transfer McMahon back to NNCC on the next available transport;

ORDER Punitive Monetary Damages, against Warden Perry Russell, be assessed in the amount of \$250,000.00 two hundred fifty thousand dollars;

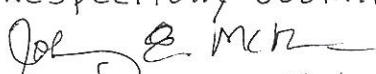
ORDER Punitive Monetary Damages, against Warden Nathanjah Breitenbach, be imposed in the amount of \$250,000.00 two hundred fifty thousand dollars;

ORDER Punitive Monetary Damages, against NDOC Director, James Drezenda, be imposed in the amount of \$250,000.00 two hundred fifty thousand dollars; and

ORDER State Respondents to pay attorney legal fees and related court costs and expenses.

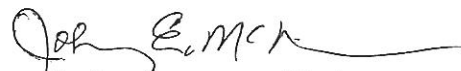
IT IS SO PRAYED.

Dated: 2 day of July, 2025

Respectfully submitted,

Johnny E. McMahon

VERIFICATION/AFFIRMATION NRS 239B.030

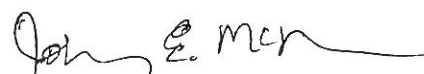
McMahon declares under penalty of perjury that the following and foregoing statements, evidence and pleading is true and accurate to the best of his ability and possesses first-hand knowledge of the truth and accuracy of the events and that no documents contain the social security number of anyone.
Dated: 2 day of July, 2025.


Johnny E. McMahon

CERTIFICATE OF SERVICE

McMahon declares that a true and correct copy of Motion for Writ of Habeas Corpus Pursuant to 42 U.S.C. §§ 1983, 12101, et seq, was placed in the U.S. mail postage pre-paid on 2 day of July, 2025 to:

Aaron Ford
Attorney General
State of Nevada
100 N. Carson St.
Carson City, NV 89701


Johnny E. McMahon
Pro se



Robert J. Ash

November 4, 2019

Mrs. Lisa Walsh, Associate Warden, NNCC
P. O. Box 7000
Carson City, NV 89702

Dear Mrs. Walsh,

I would like to thank you for assigning Mr. John McMahon as a Teaching Assistant and Tutor for my Bus 101 Introduction to Business Class.

Mr. McMahon brings into the classroom a wealth of knowledge from both past educational accomplishments and especially past business experiences. In fact, many times I have asked him to comment on the subject area that I am lecturing on.

Just recently, he assisted five students with his tutoring capabilities and helped them raise their scores from C/D in Exam 1 to all A's for Exam 2. What an extraordinary success rate!

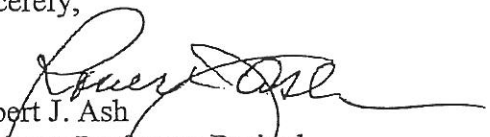
I thank Mr. McMahon for his caring, concern, patience and professionalism with the students in this class. I know the students that he has assisted also thank and appreciate him.

Please place a copy of this letter in his file for future reference, consideration and recommendation.

I also respectfully request that Mr. McMahon be assigned to my Business Class in the Spring Semester as a Teaching Assistant and Tutor.

Thanks again.

Sincerely,



Robert J. Ash
Business Professor, Retired
Adjunct Instructor, Western Nevada College

Case No.: 20 EW 00045 1B

Dept. No.: 1

REC'D & FILED

2021 MAR 26 PM 1:22

AUSREY ROWLATT
CLERK

BY A. JEFFRIES
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

JOHNNY EDWARD MCMAHON,

Petitioner,

vs.

JENNIFER MCCAIN DUNBAR, et al.,

Respondents.

ORDER GRANTING PETITIONER'S
WRIT OF MANDAMUS

This matter comes before the Court on a Petition for Writ of Mandamus to Order Respondent to Comply with Nevada Revised Statute NRS 240.1655 filed by Petitioner on November 2, 2020. Respondents filed an Opposition to Petitioners' Petition for Writ of Mandamus on December 7, 2020 and December 24, 2020. Petitioner filed a Reply to Respondents' Opposition to Petitioner's Petition for Writ of Mandamus on December 23, 2020. Respondents filed a Request for Submission on March 24, 2021.

In the Petition for Writ of Mandamus, Petitioner requested this Court issue a Writ ordering Respondent Dunbar to comply with the provisions of Nevada Revised Statutes ("NRS") 240.1655 in its entirety; to require Respondents to post this Order on all housing unit and law library bulletin boards to give notice to all prisoner applicants of the findings of fact and conclusions of law; and for any and all further relief necessary to restore justice.

Specifically, Petitioner stated that Respondent Dunbar, the law library supervisor, and a registered Nevada notary, refused on several occasions throughout 2020 to notarize certain legal documents sent to him by his attorney on the basis that Petitioner did not have a Nevada drivers'

1 license or identification card in his prison institutional file ("I-File"), which precluded her from
2 notarizing any documents for Petitioner.

3 Petitioner alleged that notices posted on bulletin boards throughout the prison regarding
4 acceptable forms of identification required to obtain notary services from the prison law library
5 omitted the last two subsections of NRS 240.1655(4)(e) and (f), which provide that:

6 (4) . . . a notarial officer has satisfactory evidence that a person is the person whose
signature is on a document if the person: . . .

7 (e) [i]s identified upon an oath or affirmation of a subscribing witness who is
personally known to the notarial officer; or

8 (f) [i]n the case of a person who is 65 years of age or older and cannot satisfy
9 the requirements of paragraphs (a) to (e), inclusive, is identified upon the basis of
an identification card issued by a governmental agency or a senior citizen center."

10
11 Specifically, Petitioner asserted that Respondent refused to comply with the provisions of
12 NRS 240.1655(4)(f) by not allowing Petitioner, who is over 65 years of age, to use his
13 government-issued Nevada Department of Corrections ("NDOC") identification card with his
14 photograph on it to verify his identity and have his legal documents notarized. Petitioner also
15 stated that Respondent informed him that his only option would be to sign the document as an
16 unsworn declaration under penalty of perjury.

17 Respondents' Opposition alleged that notaries do not have an affirmative duty to notarize
18 documents upon demand solely because the requesting party possesses evidence sufficient to
19 establish their identity under NRS 240.1655(4) because there is no law prohibiting a notary from
20 refusing to notarize documents or from requiring a party to meet further terms (such as paying
21 for services, copies, etc.) prior to providing a notary service. Respondent further stated that
22 Mandamus is not appropriate because Nevada law affords a readily available remedy in the form
23 of an unsworn declaration that carries the same legal effect under Nevada law as a notarized
24 acknowledgement or statement, and that if the person or entity with whom Petitioner conducts
25 business does not accept such a declaration despite its legal equivalence to a notarized document,
26 Petitioner needed to address that issue directly with the person or entity.

27 Petitioner's Reply to Respondents' Opposition stated that a Writ of Mandamus is the
28 proper remedy in this matter because Respondent Dunbar's refusal to notarize his documents

1 abrogates his guaranteed Constitutional right to access his lawyer and the Court for both legal
2 and personal business. Specifically, Petitioner alleged that the legislative intent and clear
3 language of NRS 240.1655(4)(a-f) does not give Respondent Dunbar the “unfettered right” to
4 deny notary services to inmates in a closed system during a pandemic, where there is no alternate
5 access to notary services. This Court agrees.

6 This Court having reviewed the papers and pleadings on file finds that sufficient grounds
7 exist to issue the Writ of Mandamus compelling Respondent Dunbar to provide notary services
8 to Petitioner so long as one of the identification requirements outlined in NRS 240.1655(4) are
9 met. The Court believes that one of the job duties of a law library supervisor and registered
10 notary working in the prison system is to provide notarial services to inmates when requested,
11 particularly when the notary works closely with inmates on their legal matters on a daily basis.

12 While it is true that notaries out in the private sector may have the option and/or ability to
13 impose additional requirements upon providing their services to the general public, the Court
14 finds that notaries working in a closed system with a limited clientele (such as a correctional
15 facility) does not have an unfettered right to deny notary services to those individuals within the
16 system. The Court believes inmates do not have the option of bringing in a private notary to
17 verify their documents, especially given the access restrictions imposed during the COVID-19
18 pandemic.

19 The Court further finds that Petitioner meets the requirements of NRS 240.1655(4)(f)
20 because he is over 65 years of age and was issued an NDOC-issued identification card
21 containing his photograph. Denying an inmate notary services while incarcerated or only
22 allowing an inmate to verify legal and business documents by a declaration made under penalty
23 of perjury denies the inmate with equal access to the justice system.

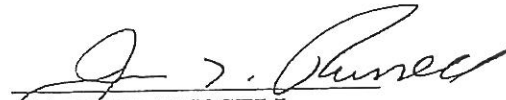
24 Therefore, based on the foregoing and good cause appearing,

25 **IT IS HEREBY ORDERED** that Petitioner’s Petition for Writ of Mandamus to Order
26 Respondent to Comply with Nevada Revised Statute NRS 240.1655 filed on November 2, 2020
27 is GRANTED.

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1 IT IS FURTHER ORDERED that Respondents shall amend their notices regarding the
2 identification required to obtain notary services to include NRS 240.1655(4)(e) and (f).

3 Dated this 26th day of March, 2021.

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6 JAMES T. RUSSELL
7 DISTRICT JUDGE
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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the First Judicial District Court, and that on this 26th day of March, 2021, I deposited for mailing, postage paid, at Carson City, Nevada, a true and correct copy of the foregoing Order addressed as follows:

Johnny E. McMahon #1022589
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89701

Laura M. Ginn, Deputy Attorney General
Office of the Attorney General
100 N. Carson St.
Carson City, NV 89701-4717


Kimberly M. Carrubba, Esq.
Law Clerk, Dept. 1

Exhibit # 97

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
McMahon, Johnny	1022589	2-C-2-J	JUN 21 2021

4.) REQUEST FORM TO: (CHECK BOX)

CASEWORKER

MEDICAL

EDUCATION

VISITING

LAUNDRY

PROPERTY ROOM

MENTAL HEALTH

LAW LIBRARY

SHIFT COMMAND

X OTHER Warden

Received

Warden - NNEC

5.) NAME OF INDIVIDUAL TO CONTACT: Warden Russell

6.) REQUEST: (PRINT BELOW) Per maintenance workers and C.O.'s I was informed that you authorized the permanent closing of dorm outside windows be bolted shut. Isn't that a fire code violation? If not, could you please provide me with the code, rule, or law allowing you to permanently bolt the windows shut in Units 2, 1, 3, and 4? If there is a fire in the unit dorms how are we going to breathe fresh air?

7.) INMATE SIGNATURE Johnny E. McMahon DOC # 1022589

8.) RECEIVING STAFF SIGNATURE DATE

9.) RESPONSE TO INMATE

This was cleared by the fire marshal

10.) RESPONDING STAFF SIGNATURE

DATE

6/22/21

Steve Sisolak
Governor



Nevada Department of
Public Safety
DEDICATION PRIDE SERVICE

George Togliatti
Director

Sheri Brueggemann
Deputy Director

Mike Dzyak
State Fire Marshal

Nevada State Fire Marshal Division

Stewart Facility
107 Jacobsen Way
Carson City, Nevada 89711
Telephone (775) 684-7501 - Fax (775) 684-7518

July 8, 2021

Johnny E. McMahon
#1022589
NNCC P.O Box 7000
Carson City, NV 89702

Dear Sir;

In response to your letter dated July 1, 2021 and received at our facility on July 6, 2021, the following is submitted.

1. The last time NNCC units 1, 2, and 3 were inspected was in 2017 as the inspector position for Northern Nevada was vacant. The position has since been filled and the facility is back on an annual inspection schedule. The inspection for 2020 was cancelled due to a high number of positive COVID cases at the facility.
2. We did not approve or disapprove of the windows being bolted shut. A window is not considered a component of the means of egress per the International Building Code edition 2018.

Means of Egress – a continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of the building or structure to a public way. A means of egress consists of three separate and distinct parts, the exit access, the exit and the exit discharge.

Furthermore, the components of an exit per the International Building Code edition 2018 are:

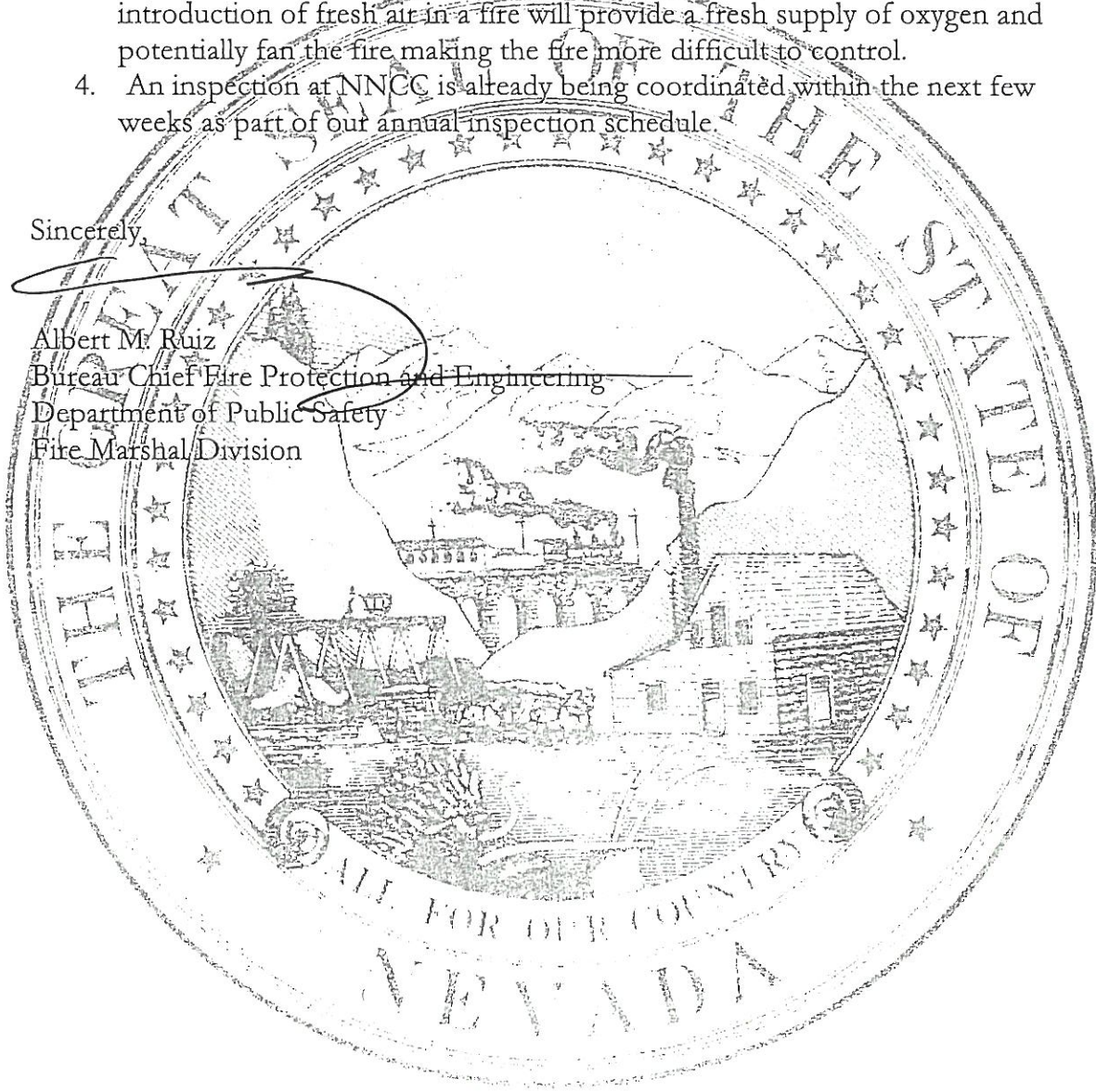
Exit – the portion of a means of egress system between the exit access and the exit discharge or public way. Exit components include exterior exit doors at the level of exit discharge, interior exit stairways and ramps, exit passageway, exterior exit stairways and ramps and horizontal exits.

A window does not fall within the components of an Exit as described above, therefore; a bolted window is not necessarily a violation of egress in an institutional setting.

3. In the event of a fire, it is expected that the occupants will evacuate along the designed means of egress to a predetermined refuge area that will provide fresh air. We do not expect occupants to remain in place. Additionally, the introduction of fresh air in a fire will provide a fresh supply of oxygen and potentially fan the fire making the fire more difficult to control.
4. An inspection at NNCC is already being coordinated within the next few weeks as part of our annual inspection schedule.

Sincerely,

Albert M. Ruiz
Bureau Chief Fire Protection and Engineering
Department of Public Safety
Fire Marshal Division



Ex# 100CA)

Log Number 2006-31-78341

NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE

NAME: McMahon, Johnny E. I.D. NUMBER: 1022589

INSTITUTION: LCC UNIT: 1-A 29-A

GRIEVANT'S STATEMENT: I am requesting a full classification committee hearing, or the approval of the warden, to transfer me back to NNCC, a medical flat yard, where I was medically assigned by Dr. Karen Getney in 2009 as I suffer from neurological conditions which can result in me falling and fatal injuries. I am 74 years

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 4-15-2025 TIME: 6:00 P.M.

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 4-18-25 TIME: 6:50 AM

GRIEVANCE RESPONSE: _____

See Attached.

CASEWORKER SIGNATURE: CCSZ CASTRO DATE: 4-30-25

 GRIEVANCE UPHELD X GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: [Signature] DATE: 5/2/25

 INMATE AGREES X INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 5-15-2025

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

RECEIVED

RECEIVED

APR 13 2025

MAY 20 2025

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

DOC 3091 (12 / 01)

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: McMahon, Johnny E. I.D. NUMBER: 1022589INSTITUTION: LCC UNIT #: 1-A 29-AGRIEVANCE #: 2006-31-78341 GRIEVANCE LEVEL: IFGRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

of age and medically assigned to NNCC for nearly 14 years
before I was put on "Diesel Therapy" and transferred to LCC
by warden Perry Russell after prevailing in a Writ of Mandamus
against him in the First Judicial District Court, and was in the
process of filing a class action lawsuit after busting the
warden for lying on a form. This form of vindictive retaliation
is not foreign to this Committee, however a warden does
not have the legal authority to override medical unless for
security reasons, which have no application in my case. In
furtherance my medical condition is not getting any better
as such a transfer back to NNCC is in order. Thank you.

RECEIVED

RECEIVED

Original:
Pink:Attached to Grievance
Inmate's Copy 2025

RECEIVED

MAY 20 2025

APR 18 2025

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCESLOVELOCK CORRECTIONAL
CENTER - GRIEVANCESLOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

Ex# 100(C)

1A-2414



State of Nevada
Department of Corrections

INMATE GRIEVANCE REPORT

ISSUE ID# 20063178341

ISSUE DATE: 04/18/2025

ISSUE LOC: LCC

INMATE NAME	NDOC ID	CURR LOC	TRANS TYPE	GR CODE	ASSIGNED TO
MCMAHON, JOHNNY EDWARD	1022589	LCC	RTRN_INF	HOU	MCASTRO
LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
IF	05/07/2025	5	Denied	JACHANDLER	A

INMATE COMPLAINT

McMahon #1022589 ,
I received your informal grievance #2006-31-78341 due to your request to be seen by Full Classification Committee to transfer you back to NNCC, a medical flat yard. Your remedy is again to be transfer back to NNCC.
Per A.R. 614.01.3 " In accordance with the medical, mental health, and dental classification and restriction criteria, the Department shall identify those institutions, including conservation camps and transitional housing, capable of meeting the needs of offenders assigned each classification identifier. Per the Medical Department you have been classified as "Requires barrier free institution/facility for med or mobility issues." LCC is considered a barrier free institution, therefore you are appropriately housed at Lovelock Correctional Center. Grievance Denied.

OFFICIAL RESPONSE

RECEIVED

MAY 30 2025

RECEIVED

JUN 05 2025

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES
Page 1 of 1

GRIEVANCE RESPONDER

Report Name: NVRIGR

Run Date: MAY-07-25 10:05 AM

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

Ex # 100(0)

LOG NUMBER: 2006-31-78341

NEVADA DEPARTMENT OF CORRECTIONS
SECOND LEVEL GRIEVANCE

NAME: McMahon, Johnny E. I.D. NUMBER: 1022589

INSTITUTION: LCC UNIT: 1-A 29-A

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 2006-31-78341 ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Johnny E. McMahon DATE: 5-16-2025

WHY DISAGREE: The A.R. 614.01, 3 is inoperable and moot as the reason is that I was medically assigned off of this facility in 2009 by a medical physician and sent to NNCC and assigned to the facility by Dr. Getney and was there for 12 years. The complaint revolves around the fact that NNCC warden, Perry

GRIEVANCE COORDINATOR SIGNATURE: J. Chandler DATE: 5-20-2025

SECOND LEVEL RESPONSE: _____

DOC

3094

____ GRIEVANCE UPHeld ____ GRIEVANCE DENIED ____ ISSUE NOT GRIEVABLE PER AR 740

SIGNATURE: _____ TITLE: _____ DATE: _____

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

INMATE SIGNATURE: _____ DATE: 05/28/2025

THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

RECEIVED

RECEIVED

JUN 05 2025

MAY 20 2025

LOVELOCK CORRECTIONAL CENTER - GRIEVANCES
LOVELOCK CORRECTIONAL CENTER - GRIEVANCES

DOC 3094 (12/01)

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: McMahon, Johnny E. I.D. NUMBER: 1022589INSTITUTION: LCC UNIT #: 1-A 29-A

GRIEVANCE #: _____ GRIEVANCE LEVEL: _____

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

Russell, retaliated against me for being litigious and
prevailing against him in a civil rights writ of Mandamus.
This discriminatory act to override medical and transfer
me off NNCC is the sole issue, not some barrier free
institution as NNCC is the only medical Flatyard in the
NDCC according to the courts. Again, my complaint is I
should have never been discriminated against by warden
Russell for exercising my first amendment rights to redress
grievances and relocated to LCC. I am requesting to be
sent back to NNCC as a warden does not have the power
and authority to override a doctors order and this form
of retaliation will not pass scrutiny in the courts. See
medical file and orders by doctor. Thank you

RECEIVED

RECEIVED

Original:
Pink:Attached to Grievance
Inmate's Copy

JUN 06 2025

MAY 20 2025

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCESLOVELOCK CORRECTIONAL
CENTER - GRIEVANCES



Nevada Department of Corrections

Improper Grievance Memo

TO: Inmate: McMahon, Johnny NDOC# 1022589
 FROM: Daniel Collier AWP (L.C.C.)
 DATE: May 20, 2025
 RE: Improper Grievance # 2006-31-78341 RJD [1] 2ND

The attached grievance is being returned to you for the following reason(s):

This grievance may NOT proceed to the next level Per AR 740.03,5 due to the following:

- ☐ Non-grievable issue.
 - ☐ State and federal court decision.
 - ☐ State, federal, and local laws and regulations.
 - ☐ Parole Board decision.
 - ☐ Lacks standing.
- ☐ Untimely submission.
- ☐ Abuse of Inmate Grievance Procedure.
 - ☐ Any language, writing or illustration deemed to be obscene, profane, or derogatory.
 - ☐ A threat of serious bodily injury to a specific individual.
 - ☐ Specific claims or incidents previously filed by the same inmate.

After correcting the deficiencies(s) listed below; you may re-submit your grievance at the same level.

- ☒ Other; specify: AR 740.09. 4 "A First Level Grievance that does not comply with procedural guidelines shall be returned to the inmate, with instructions using Form DOC-3098." **You have received a response at the Informal Level, so the next level is the First Level. This is not at the Second Level. You have also not submitted your Informal response.**
- ☒ Other; specify: Per AR 740.04.2(F) "The claim or requested remedy changes or is modified from one level to another." **You have changed Remedy with each grievance submission. When resubmitting include Original Second Level Grievance and DOC 3098. Please correct and re-submit within 5 days of receipt of this memo.**

Failure to re-submit grievance through the prescribed timeframe shall constitute abandonment.

CCS Banuelos 5/28/2025
 Witness Signature Date

Inmate Signature

RECEIVED Date

cc: Original – Inmate
 Copy - Grievance File

JUN 06 2025

LOVELOCK CORRECTIONAL
 CENTER - GRIEVANCE
 DOC-3098 (01/17)

NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCE

NAME: McMahon, Johnny E. I.D. NUMBER: 1022589

INSTITUTION: LCC UNIT: 1-A 29-A

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 2006-31-78341, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 5-29-2025

WHY DISAGREE: I am not challenging a barrier free institution matter to be transferred back to NVCC. My complaint stems from being retaliated against by Warden Perry Russell and transferred to LCC. I was medically assigned to NVCC by the doctor at LCC in 2009, and at NVCC by Dr. Getney. A Warden

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 5-30-2025

FIRST LEVEL RESPONSE: _____

DOC
3098

____ GRIEVANCE UPHeld ____ GRIEVANCE DENIED ____ ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: _____ TITLE: _____ DATE: _____

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

____ INMATE AGREES X INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 6-04-2025

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

RECEIVED

RECEIVED

MAY 29 2025

JUN 06 2025

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: McMahon, Johnny E. I.D. NUMBER: 1022589

INSTITUTION: LCC UNIT #: 1-A 29-A

GRIEVANCE #: 2006-31-78341 GRIEVANCE LEVEL: First

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

cannot override a medical doctors order and the
degree of retaliation by Warden Perry Russell is not
based upon legitimate penalogical interests, it's based
upon McMahon prevailing in a civil rights petition and
being labeled as litigious. The attached exhibits reflect
and support McMahon busting Warden Russell for lying
claiming he received permission from the Fire Marshall
to bolt windows and McMahon preparing another civil
rights complaint as such I was retaliated against and
transferred to LCC. I am requesting now to be transferred
back to NVCC. (See attached exhibits) Thank you.

RECEIVED

RECEIVED

Original: Attached to Grievance
Pink: Inmate's Copy

JUN 06 2025

MAY 30 2025

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES



Nevada Department of Corrections

Improper Grievance Memo

TO: Inmate: McMahon, Johnny NDOC# 1022589
 FROM: Daniel Collier, AWP (L.C.C.) *AC*
 DATE: May 30, 2025
 RE: Improper Grievance # 2006-31-78341 RJD [2] 1ST

The attached grievance is being returned to you for the following reason(s):

This grievance may NOT proceed to the next level Per AR 740.03,5 due to the following:

- ☐ Non-grievable issue.
 - ☐ State and federal court decision.
 - ☐ State, federal and local laws and regulations.
 - ☐ Parole Board decision.
 - ☐ Lacks standing.
- ☐ Untimely submission.
- ☐ Abuse of Inmate Grievance Procedure.
 - ☐ More than one (1) grievance per week, Monday through Sunday.
 - ☐ More than two (2) unfounded, frivolous or vexatious grievances per month.

After correcting the deficiencies(s) listed below; you may re-submit your grievance at the same level.

- ☒ You must submit with all previously submitted documents for this grievance you are missing your Informal Grievance, DOC 3098 and Second Level Grievance, that was rejected.
- ☒ Other; specify: AR 740.04.3(A), "Return the original improper grievance with a Form DOC-3098, Improper Grievance Memorandum, noting the specific violation." **Please attach Improper Notification DOC 3098 and Original Second Level that was rejected.**
- ☒ Other; specify: AR 740.09. 4 "A First Level Grievance that does not comply with procedural guidelines shall be returned to the inmate, with instructions using Form DOC-3098." **When submitting a First Level Grievance include the original Informal Grievance and response. When resubmitting include all of the following: Original Informal Grievance, Informal Response, Second Level Grievance, DOC 3098, Original First Level Grievance and 2ND DOC 3098. Please correct and re-submit within 5 days of receipt of this memo.**

Failure to re-submit grievance through the prescribed timeframe shall constitute abandonment.

Joe Dando
 Witness Signature

06/04/2025
 Date

 Inmate Signature

RECEIVED

Date
 JUN 06 2025

cc: Original – Inmate
 Copy - Grievance File

LOVELOCK CORRECTIONAL
 CENTER - GRIEVANCES

NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCENAME: McMahon, Johnny E. I.D. NUMBER: 1022589
INSTITUTION: LCC UNIT: 1-A 29-AI REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 2006-31-78341, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Johnny E. McMahon DATE: 6-04-2025WHY DISAGREE: I am not challenging a barrier free institution matter to be transferred back to NNCC. My complaint stems from being retaliated against by Warden Perry Russell and transferred to LCC. I was medically assigned to NNCC by the doctor at LCC and in 2009 again by Dr. Getney at NNCC. A wardenGRIEVANCE COORDINATOR SIGNATURE: D. Church DATE: 6-6-2025

FIRST LEVEL RESPONSE: _____

DOC
3098

____ GRIEVANCE UPHeld ____ GRIEVANCE DENIED ____ ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: _____ TITLE: _____ DATE: _____

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

____ INMATE AGREES X INMATE DISAGREESINMATE SIGNATURE: Johnny E. McMahon DATE: 6-11-2025

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

RECEIVED

JUN 06 2025

DOVELOCK CORRECTIONAL CENTER

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORMNAME: McMahon, Johnny E. I.D. NUMBER: 1022589INSTITUTION: LCC UNIT #: 1-A 28-AGRIEVANCE #: 2006-31-78341 GRIEVANCE LEVEL: FirstGRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

cannot override a medical doctors order and the
degree of retaliation by Warden Perry Russell is not
based upon legitimate penological interests, its based
upon McMahon prevailing in a civil rights petition and
being labeled as litigious. The attached exhibits reflect
and support McMahon hosting Warden Russell for lying
claiming he received permission from the Fire Marshall
to bolt windows, and McMahon preparing another civil
rights complaint, as such I was retaliated against and
transferred to LCC. I am requesting now to be transferred
back to NVCC. (See attached exhibits), Thank you

RECEIVED

Original: Attached to Grievance
Pink: Inmate's Copy

JUN 06 2005

LOVELL CORRECTIONAL
CENTER - GRIEVANCES



Nevada Department of Corrections

Improper Grievance Memo

TO: Inmate: McMahon, Johnny NDOC# ~~102289~~ 1022589
 FROM: Daniel Collier, AWP (L.C.C.) *DC*
 DATE: June 6, 2025
 RE: Improper Grievance # 2006-31-78341 RJD [3] 1ST

The attached grievance is being returned to you for the following reason(s):

This grievance may NOT proceed to the next level Per AR 740.03,5 due to the following:

- ☐ Non-grievable issue.
 - ☐ State and federal court decision.
 - ☐ State, federal and local laws and regulations.
 - ☐ Parole Board decision.
 - ☐ Lacks standing.
- ☐ Untimely submission.
- ☐ Abuse of Inmate Grievance Procedure.
 - ☐ Any language, writing or illustration is deemed to be obscene, profane or derogatory.
 - ☐ A threat of serious bodily injury to a specific individual.
 - ☐ Specific claims or incidents previously filed by the same inmate.
 - ☐ More than one (1) grievance per week, Monday through Sunday.

After correcting the deficiencies(s) listed below; you may re-submit your grievance at the same level.

- ☐ Grievance contains more than one (1) appropriate issue. Only 1 issue is allowed per grievance.
- ☐ No factual harm/loss noted and/or no remedy requested.
- ☒ Other; specify: AR 740.08.5 states, "all documentation and factual allegations available to the inmate must be submitted at this level with the grievance" i.e. **When submitting a First Level grievance include Informal Grievance and response must be included. When resubmitting include all previously submitted documents including Original First Level Grievance and DOC 3098. Please correct and re-submit within 5 days of receipt of this memo.**

Failure to re-submit grievance through the prescribed timeframe shall constitute abandonment.

Jose Bando
 Witness Signature

6/11/2025
 Date

Inmate Signature

Date

cc: Original – Inmate Copy - Grievance File

Case No:

Pursuant to NRS 239B.030, the undersigned affirms that this document does not contain social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR COUNTY OF PERSHING

JOHNNY E. McMAHON,
Petitioner,

VS.

NEVADA DEPT. OF CORRECTIONS
DIRECTOR, JAMES DREZENDA,
NORTHERN NEVADA CORRECTIONAL
CENTER, WARDEN PERRY RUSSELL,
LOVELOCK CORRECTIONAL CENTER,
WARDEN NETHANJAH BREITENBACH,
REAL PARTY IN INTEREST.

Respondents.

MOTION FOR CHANGE OF
VENUE TO REMAND CASE
BACK TO COURT OF ORIGIN
FIRST JUDICIAL DIST. COURT
AND ORDER PETITIONER
TRANSPORTED BACK TO
NNCC FOR CAUSE.

COMES NOW, McMahon, Petitioner, Pro se, in the above captioned Motion for Change of Venue to Remand Case back to Court of Origin First Judicial Dist. Court and Order Petitioner Transported Back to NNCC for Cause, moves this Honorable Court to GRANT the Motion, Based upon the foregoing facts.

STATEMENT OF CASE/FACTS

Based upon McMahon prevailing in a Writ of Mandamus in the

First Judicial District Court, the court obtained jurisdiction over McMahon and the case to review compliance of the Order, as well as any form of retribution, against the prevailing party, by State Respondents. Whereas, a court retains jurisdiction of a case until the Judgment Order is satisfied to the discretion of the court and any adverse activity subsequent of an Order could result in sanctions, including contempt of court.

All courts reserve the right to review their Orders for strict compliance and should retaliation be brought against the prevailing party the court possesses the power and authority to address subsequent matters directly or indirectly relating to the courts order or conditions, (Citations omitted).

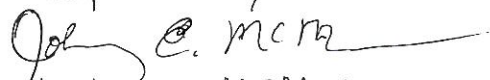
Whereas, the First Judicial District Court, being the court of origin, has the jurisdictional power and authority to review the instant petition to determine if subsequent restraints or retribution was imposed based up the courts Order or in any way relation back to the courts Order.

Accordingly, the Motion for Change of Venue to Remand Case back to Court of Origin First Judicial Dist. Court and Order Petitioner Transported Back to NNCC for Cause should be GRANTED.

IT IS SO PRAYED.

Dated: 2 day of July , 2025.

Respectfully submitted,

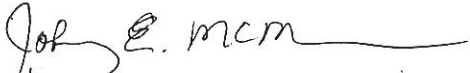
 Johnny E. McMahon

Pro se

VERIFICATION/AFFIRMATION NRS 239B.030

McMahon declares under penalty of perjury that the following and foregoing statements, evidence and pleading is true and accurate to the best of his ability and possesses First-hand knowledge of the truth and accuracy of the events and that no documents contain the social security number of anyone.

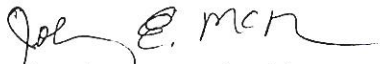
Dated: 2 day of July , 2025.


Johnny E. McMahon

CERTIFICATE OF SERVICE

McMahon declares that a true and correct copy of Motion for Change of Venue to Remand Case Back to Court of Origin First Judicial Dist. Court and Order Petitioner Transported Back to NNCC for Cause, was placed in the U.S. mail postage pre-paid on 2 day of July , 2025 to:

Aaron Ford
Attorney General
State of Nevada
100 N. Carson St.
Carson City, NV 89701


Johnny E. McMahon
Pro se

Case No:

Pursuant to NRS 239B.030, the undersigned affirms that this document does not contain social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR COUNTY OF PERSHING

JOHNNY E. McMAHON,
Petitioner,

VS.

NEVADA DEPT. OF CORRECTIONS

DIRECTOR, JAMES DREZENDA, 144.

NORTHERN NEVADA CORRECTIONAL

CENTER, WARDEN PERRY RUSSELL,

LOVELOCK CORRECTIONAL CENTER,

WARDEN NETHANJAH BREITENBACH,

REAL PARTY IN INTEREST.

Respondents.

MOTION FOR COURT TO
RECUSE SUA SPONTE
FOR CAUSE PURSUANT
TO 28 U.S.C. § 455(a) and

COMES NOW, McMahon, Petitioner, Pro se, in the above captioned Motion for Court to Recuse Sua Sponte for Cause, moves this Honorable Court to GRANT the Motion. Based upon the foregoing facts, documents and evidence on file with the NDOC and Clerk of the Court.

STATEMENT OF CASE/FACTS

1. Outside investigations have been requested for the U.S. Attorney General's Office for Nevada to secure evidence and affidavits to prove that Judge Jim C. Shirley, District Judge, Eleventh Judicial District Court of Pershing County, Nevada, an ex-prosecutor has failed to grant relief to any pro se petitioner in an extraordinary writ of habeas corpus or relief in civil rights claims.
2. Based upon foregoing underlying issues, which have resulted in judicial bias and prejudice by Judge Shirley, against McMahon and similarly situated pro se petitioners at LCC a complaint has been filed.
3. Outside investigations will secure affidavits and evidence to support that the nexus of the judicial bias and prejudice is based upon Judge Shirley's ex-wife and LCC inmate Maxamillion Cisneros and Mrs Shirley engaging in an intimate relationship over a (2) two year period from 2018-2020 while Mrs Shirley was an English teacher and Cisneros a student and education dept. worker. Numerous inmates are prepared to draft affidavits of first-hand knowledge witnessing this illicit affair which was central to Judge Shirley's divorce from Mrs. Shirley and ongoing judicial bias against LCC pro se petitioners. It is additionally alleged that Spanish teacher, Ms. Lyons was also engaged in affairs with students.

4. Judicial bias under this pretext is a constitutional structural error and places the onus on the court to recuse sua sponte for cause.
5. McMahon has filed pro se extraordinary writs on (2) two separate occasions in 2022 and 2024. McMahon additionally motioned the court to certify the question as to subject-matter jurisdiction and the States legal standing. On the first occasion McMahon appeared before the court to argue Title III Jurisdiction and the States campaign of lies over the past 16 years asserting ad nauseum that the Clark County District Attorney's Office is in possession of a valid arrest warrant of 2005 for McMahon and that a Probable Cause Gerstein Hearing was conducted within the 48 hour period between Dec. 12-14, 2005, which is belied by the record of the Clerk of the Court. On Dec. 16, 2011 DDA's Colleen Brown and Glen O'Brien paraded bogus documents before ex-prosecutor judge, David Barker, who failed to inspect the Declaration of Warrant/ Summons. However, this court inspected the bogus document and declared that it had no legal force and affect and was not signed by a judge. However, this court stopped short of physically inspecting the States uttered cut & paste, TCR document which contains the forged signature of magistrate Karen Bennett-Haron affixed to the legal document, which was introduced by the State DDA's to allege that a timely Gerstein Hearing was conducted and

5. Cont: that a rebooking process occurred, which is belied by the exculpatory TCR documents of the States and the original issued to McMahon as both TCR documents have the identical time dates stamped and no warrant number exists of NCLC/Scope data. This ruse by the Clark County District Attorney's Office has succeeded in the denial of every petition and motion by the courts to protect the Clark County District Attorney's Office from committing fraud upon the court. Whereas, this reviewing court as opposed to Ordering the Clerk of the Court to produce the requisite evidence to prove legal standing transferred the case back to the Eighth Judicial District Court in a change of Venue for the court to address NRS 34.610 et seq. giving the State an out to invoke inapplicable AEDPA provisions as opposed to proving subject-matter jurisdiction. In the second filing of an extraordinary writ based upon the Clark County District Attorney's Office manipulating the Clerk of the Court to change the named respondents and place the case in a dept. whereby an ex-prosecutor jurist will allow the State to draft the court order an invoke inapplicable AEDPA provisions. As such this Jurisdictional Claim has been kicked back and forth the courts absent certifying the question as mandate by law and controlling authority. The second filing of the extraordinary writ was again transferred back to the 8th Judicial Dist. Court in a change of venue, even though the petitioner challenged the order as the court of origin is the Las Vegas Township Justice Court. The remand was filed on April 23, 2025 and to date McMahon has yet to receive confirmation of the case number,

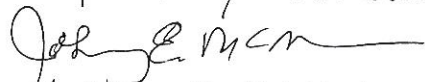
5. Cont: What dept. or judge the case is assigned to and if the corresponding motions for Court to Unseal Record and Order Clerk of Court to Produce the Arrest Warrant and Court Minutes of a Gernstein Hearing being conducted as well as accompanying subpoenas duces tecum for the State Respondents to produce the requisite evidence to prove legal standing. Again, this court again failed to Order the Clerk of the Court to produce the requisite documents to prove subject-matter jurisdiction. As such this courts Order has yet to be complied with and McMahon can and will continue to collaterally attack his conviction and sentence in perpetuity under the "Savings Clause" of FRCP Rule 60, fixed upon the court.

Accordingly, based upon the aforementioned grounds of judicial bias and prejudiced alleged McMahon requests this court GRANT Motion for Court to Recuse Sua Sponte For Cause Pursuant to 28 U.S.C. §§ 455(a) and 144.

IT IS SO PRAYED.

Dated: 2 day of July, 2025.

Respectfully submitted,


Johnny E. McMahon
Pro se

AFFIDAVIT OF JOHNNY EDWARD McMAHON

STATE OF NEVADA

CITY OF LOVELOCK



SS!

I, Johnny Edward McMahon, the undersigned, do hereby swear under penalty of perjury that the assertions in this affidavit are true and correct as follows:

1. That your affiant states that District Court Judge, Jim C. Shirley, of the Eleventh Judicial District Court was bias and prejudice against Mr. McMahon based upon underlying extrajudicial issues regarding an alleged illicit affair between an LCC inmate, Maximiliano Cisneros and Mrs Jim Shirley, which was central to their divorce and resulted in the innate overt bias against Mr. McMahon and similarly situated Pro se petitioners filing petitions in the 11th Judicial Dist. Court from 2018 to this date.
2. Based upon this overt prejudice against Mr. McMahon and similarly situated pro se inmate petitioners at LCC the mere appearance of judicial bias meets the low bar test for Judge Shirley to recuse sua sponte for cause.
3. District Court Judge Shirley has steadfastly refused, as a reviewing court to certify the question as to subject-matter jurisdiction and determining by Ordering the production of the requisite evidence if the Las Vegas Township Justice Court or the Eighth Judicial District Court, including his court, possesses legal standing to prosecute, hear and adjudicate any petition until Title III Jurisdiction is proven to exist.

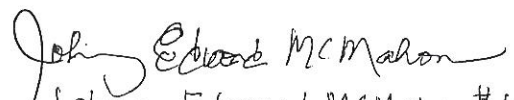
4. Affiant further avers that, based upon the foregoing allegations, that until the U.S. Attorney General's office of Nevada has completed their investigation into State RICO Act Violations and Judicial bias that Mr. McMahon's petition be transferred to a neutral independent impartial court for adjudication.

Further Your Affiant Sayeth Naught.

VERIFICATION UNDER PENALTY OF PERJURY

I, Johnny Edward McMahon, do verify under the penalty of perjury that the above and foregoing affidavit is true and correct and is stated to the best of my knowledge, and is made without benefit of a notary pursuant to NRS 208.165 and 28 U.S.C. § 1746 as I am an illegally incarcerated person falsely imprisoned.

Dated this 2 day of July, 2025.


Johnny Edward McMahon #1022589
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

VERIFICATION/AFFIRMATION NRS 239B.030

McMahon declares under penalty of perjury that the following and foregoing statements, evidence and pleading is true and accurate to the best of his ability and possesses first-hand knowledge of the truth and accuracy of the events and that no documents contain the social security number of anyone.

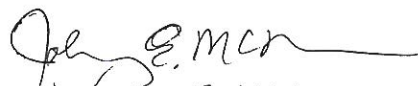
Dated: 2 day of July, 2025.


Johnny E. McMahon

CERTIFICATE OF SERVICE

McMahon declares that a true and correct copy of Motion for Court to Recuse Sua Sponte for Cause Pursuant to 28 U.S.C. §§ 455(a) and 144, was placed in the U.S. mail postage pre-paid on 2 day of July, 2025 to:

Aaron Ford
Attorney General
State of Nevada
100 N. Carson St.
Carson City, NV 89701


Johnny E. McMahon
Pro se