

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUSTIN ODELL LANGFORD,
Appellant,
vs.
BARBARA K. CEGAVSKE,
Respondent.

No. 82590-COA

FILED

MAR 17 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Justin Odell Langford appeals from a district court order dismissing a complaint in a civil action. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Langford, who is incarcerated, initiated the underlying action against respondent Barbara K. Cegavske, the current Secretary of State of Nevada. In relevant part, Langford alleged that Cegavske violated her oath of office and his constitutional rights by failing to provide him a copy of Senate Bill 2 from 1957—which enacted the Nevada Revised Statutes (NRS)—and instead directing him to the Research Division of the Legislative Counsel Bureau (LCB). Langford further alleged that the LCB produces inaccurate records and that if Cegavske had produced a true and correct copy of the bill as requested, it would have been revealed that the bill lacks an enacting clause as required under article 4, section 23 of the Nevada Constitution, which he contends would render the NRS and his criminal conviction invalid. Cegavske filed a motion to dismiss Langford's first amended complaint on multiple grounds, including that he lacks standing to maintain the action. The district court agreed and, over Langford's opposition, dismissed the complaint. This appeal followed.

We review an order dismissing a complaint for failure to state a claim de novo. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). Our review is rigorous, with all alleged facts in the complaint presumed true and all inferences drawn in favor of the plaintiff. *Id.* Dismissal for failure to state a claim is appropriate “only if it appears beyond a doubt that [the plaintiff] could prove no set of facts, which, if true, would entitle [the plaintiff] to relief.” *Id.* at 228, 181 P.3d at 672. A plaintiff’s lack of standing “justifies dismissal of the complaint for failure to state a claim.” *Shoen v. SAC Holding Corp.*, 122 Nev. 621, 634, 137 P.3d 1171, 1180 (2006), *abrogated on other grounds by Chur v. Eighth Judicial Dist. Court*, 136 Nev. 68, 458 P.3d 336 (2020).

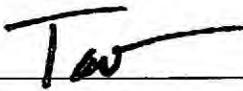
To establish standing, a plaintiff must show the occurrence of an injury that is “special,” “peculiar,” or “personal” to him and not merely a generalized grievance shared by all members of the public. *Schwartz v. Lopez*, 132 Nev. 732, 743, 382 P.3d 886, 894 (2016). Accordingly, to the extent Langford argues generally that Cegavske is failing to properly maintain legislative records, that is merely a generalized grievance and cannot give rise to standing. *See id.* Moreover, to the extent Langford contends that he suffered personal harm from Cegavske’s alleged failure to provide him a true and correct copy of S.B. 2, we disagree. He does not allege that he has been unable to procure a copy of the bill by other means, and although he distrusts the LCB’s records and believes the actual bill lacks an enacting clause, we note that both our supreme court and this court have previously rejected materially similar arguments from Langford concerning the supposed invalidity of the NRS. *See, e.g., Langford v. State*, Nos. 75825, 76075, 2019 WL 1440980, at *4 (Nev. Mar. 29, 2019) (Order of Affirmance) (explaining that “[t]he actual laws of Nevada are contained in

the Statutes of Nevada” such that the failure to include enacting language in the NRS themselves is irrelevant); *Langford v. Baker*, No. 83032-COA, 2021 WL 5370074, at *1 (Nev. Ct. App. Nov. 17, 2021) (Order of Affirmance) (citing *Langford*, Nos. 75825, 76075, 2019 WL 1440980, and rejecting his arguments). And contrary to Langford’s speculations in this matter, S.B. 2—as set forth in the Statutes of Nevada—does in fact contain a proper enacting clause. 1957 Nev. Stat., ch. 2, §§ 1-9, at 1-4.

In light of the foregoing, the district court appropriately dismissed the action for lack of standing, *see Shoen*, 122 Nev. at 634, 137 P.3d at 1180, and we therefore

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jim C. Shirley, District Judge
Justin Odell Langford
Attorney General/Carson City
Clerk of the Court/Court Administrator

¹Insofar as Langford raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.