

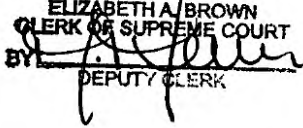
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRYAN PHILLIP BONHAM,
Appellant,
vs.
THE STATE OF NEVADA, EX REL.
BARBARA K. CEGAVSKE,
Respondents.¹

No. 85267-COA

FILED

MAR 30 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Bryan Phillip Bonham appeals from a district court order dismissing his complaint in a civil rights action. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Bonham, who is incarcerated, initiated the underlying action against respondents the State of Nevada and Barbara K. Cegavske, who was the Secretary of State of Nevada at the time. In his original complaint, Bonham alleged that Cegavske violated her oath of office and his constitutional rights by failing to provide him a copy of certain senate bills, including 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) to obtain these materials. Bonham further alleged that it is unclear whether the LCB produces accurate

¹We direct the clerk of this court to amend the caption on this court's docket to conform with the caption on this order.

records and that if Cegavske had produced a true and correct copy of Senate Bill 2 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, and that it embraced more than one subject in violation of Article 4, Section 17 of the Nevada Constitution, which he contends would render the NRS and his criminal conviction invalid. Cegavske filed a motion to dismiss Bonham's action on multiple grounds, including that he lacks standing to maintain his claims. The district court agreed and, over Bonham's opposition, dismissed his case. This appeal followed.

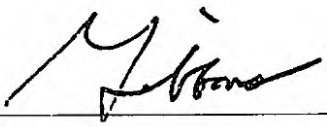
We review an order dismissing a complaint for failure to state a claim de novo. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). Our review is rigorous, with all alleged facts in the complaint presumed true and all inferences drawn in favor of the plaintiff. *Id.* 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 Guzman v. Johnson*, 137 Nev. 126, 132, 483 P.3d 531, 537 (2021), and *Chur v. Eighth Judicial Dist. Court*, 136 Nev. 68, 72, 458 P.3d 336, 340 (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 Bonham 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, insofar as Bonham contends that he suffered personal harm from Cegavske’s alleged failure to provide him with a true and correct copy of the senate bills he requested, we disagree. He does not allege that he has been unable to procure a copy of the bills by other means, and although he distrusts the LCB’s records and believes the actual bills lack an enacting clause or are otherwise constitutionally deficient, we note that both our supreme court and this court have previously rejected materially similar arguments from Bonham, among others, concerning the supposed invalidity of the NRS. *See, e.g., Bonham v. Johnson*, No. 84361-COA, 2022 WL 3572854, at *1 (Nev. Ct. App. Aug. 18, 2022) (Order of Affirmance) (rejecting various challenges to the validity of the NRS, including arguments similar to those Bonham raised in the present case, reasoning that “the Statutes of Nevada contain the laws with the enacting clauses required by the constitution” and that the NRS “simply reproduce those laws as classified, codified, and annotated by the Legislative Counsel”); *Langford v. Cegavske*, No. 82590-COA, 2022 WL 831875, at *1 (Nev. Ct. App. Mar. 17, 2022) (Order of Affirmance) (same); *Langford v. State*, Nos. 75825, 76075, 2019 WL 1440980, at *4 (Nev. Mar. 29, 2019) (Order of Affirmance) (same). And contrary to Bonham’s speculations in this matter, S.B. 2—as set forth in the Statutes of Nevada—does in fact contain a proper enacting clause and does not embrace multiple subjects. 1957 Nev. Stat., ch. 2, §§ 1-9, at 1-4.

In light of the foregoing, we conclude that the district court did not err by dismissing Bonham's action for lack of standing, *see Shoen*, 122 Nev. at 634, 137 P.3d at 1180; *see also Buzz Stew*, 124 Nev. at 227-28, 181 P.3d at 672, and we therefore

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

²Insofar as Bonham 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.

On March 27, 2023, Bonham filed a motion for leave to file a supplemental brief, which appears to include his proposed supplemental brief. Given our disposition of this appeal, we deny Bonham's motion as moot. Nevertheless, we have considered the arguments presented therein, and conclude that they do not present a basis for relief for the reasons stated above.

cc: Hon. Jim C. Shirley, District Judge
Bryan Phillip Bonham
Attorney General/Carson City
Clerk of the Court/Court Administrator