

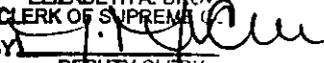
IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS KEITH KIEREN, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 85442

**FILED**

JUL 07 2025

ELIZABETH A. BROOKS  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order dismissing a petition for a writ of mandamus. First Judicial District Court, Carson City; James Todd Russell, Judge.

Dennis Kieren is an inmate housed in the Nevada Department of Corrections (NDOC). While imprisoned at Lovelock Correctional Facility, Kieren attempted to have a document notarized for a power of attorney in California. The library denied him notary services because he did not have an ID with a signature. *Kieren v. Feil*, No. 68341, 2016 WL 4082463 (Nev. July 28, 2016) (Order of Reversal and Remand). Kieren filed a writ petition in the Eleventh Judicial District Court, but the court denied the petition after concluding the claim should have been raised in a civil rights action. *Kieren*, 2016 WL 4082463, at 1. This court reversed and remanded for an evidentiary hearing because the district court did not address whether it was feasible to provide Kieren with a signature-compliant identification, or whether any alternative method for notarization was appropriate. *Kieren*, 2016 WL 4082463, at 3.

Before such an evidentiary hearing could occur, Kieren was transferred to the Northern Nevada Correctional Center (NNCC). He again requested notary services and was refused because he lacked adequate ID. Kieren then filed the instant writ petition in the First Judicial District

Court. He sought to compel NDOC to provide him with a means of identifying himself to a notary that would allow him to receive services, and to make a policy change to allow other inmates to obtain notary services. NDOC subsequently provided an officer to vouch for Kieren's identity, and Kieren's documents were notarized. Kieren continued to challenge the alleged underlying policy regarding identification because it remained unchanged. NDOC filed a motion to dismiss for mootness. The district court granted NDOC's motion to dismiss. This appeal followed, with Kieren arguing the case is not moot as a matter of voluntary cessation.

Mootness is a question of law this court reviews de novo. *Martinez-Hernandez v. State*, 132 Nev. 623, 625, 380 P.3d 861, 863 (2016). "The question of mootness is one of justiciability." *Personhood Nev. v. Bristol*, 126 Nev. 599, 603, 245 P.3d 572, 574 (2010). "[A] controversy must be present through all stages of the proceeding and even though a case may present a live controversy at its beginning, subsequent events may render the case moot." *Id.* (internal citations omitted). "In a moot case, a plaintiff no longer suffers a redressable 'actual injury.'" *Prison Legal News v. Fed. Bureau of Prisons*, 944 F.3d 868, 880 (10th Cir. 2019) (quoting *Ind. v. Colo. Dep't of Corrs.*, 801 F.3d 1209, 1213 (10th Cir. 2015)). Generally, this court will not hear a moot case. *Valdez-Jimenez v. Eighth Jud. Dist. Ct.*, 136 Nev. 155, 158, 460 P.3d 976, 981 (2020) (citing *Personhood Nev.*, 126 Nev. at 602, 245 P.3d at 574)).

Nevada has not explicitly adopted the voluntary cessation exception to mootness, but even if we recognized the voluntary cessation exception, it does not apply here. The purpose of the voluntary cessation exception is to prevent parties from changing their behavior during litigation to avoid legal consequence. *Rosemere Neighborhood Ass'n v.*

*United States Env't Prot. Agency*, 581 F.3d 1169, 1173, (9th Cir. 2009). To demonstrate whether wrongful behavior could be reasonably expected to recur, the party alleging mootness “must do more than offer ‘a mere informal promise or assurance . . . that the challenged practice will cease’ or ‘announce[ ] . . . an intention to change.’” *Prison Legal News*, 944 F.3d at 881 (quoting *Rio Grande Silvery Minnow*, 601 F.3d 1096, 1118 (10th Cir. 2010)). Kieren was provided with an alternative opportunity to request identification by a credible witness via kite when his notary request had been denied as a result of his expired PI license. Thus, the challenged behavior of not providing a means of identification to prisoners seeking notary services will not be expected to recur. Kieren received notary services, and no exception to mootness applies, and we conclude Kieren’s as applied challenge is moot.

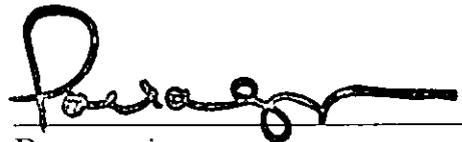
We now turn to Kieren’s demand that NDOC change its policies to accommodate notarization and conclude it is also moot. Kieren specifically sought an order from the court allowing “any inmate to apply for and receive a notarization [sic].” NDOC’s policy, however, allows for just that. NDOC’s policies already require “[a]ll institutions and facilities [to] have a sufficient number of notaries to ensure timely notarization of any legal instruments otherwise requiring a notarized signature.” Specifically, at NNCC, “[i]nmates who need notary services are to notify a law clerk in the Law Library. Law clerks will coordinate with the Law Library Supervisor a time and place for the notary to be done.” Since these policies already exist, a live controversy does not exist, and the request is moot.

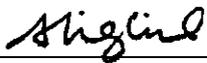
We are sensitive to the predicament inmates face. Inmates may not have adequate ID to satisfy a notary, and lack the means to procure a new ID, or visit an alternate notary. But here, NDOC has provided Kieren,

and other inmates, with a means of identifying themselves to obtain notary services, and Kieren has received his requested relief. Because no justiciable controversy remains, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Herndon

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. James Todd Russell, District Judge  
Greenberg Traurig, LLP/Las Vegas  
Attorney General/Carson City  
Attorney General/Las Vegas  
Carson City Clerk