

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TIMOTHY H. JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA; NEVADA
DEPARTMENT OF CORRECTIONS;
NDOC DIRECTOR JAMES DZURENDA;
SECRETARY OF STATE CISCO
AGUILAR; GOVERNOR JOE
LOMBARDO; AND THE NEVADA
BOARD OF PRISON
COMMISSIONERS,
Respondents.

No. 90487-COA

FILED

APR 14 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Timothy H. Johnson appeals from a district court order denying a petition for a writ of mandamus. First Judicial District Court, Carson City; Jason Woodbury, Judge.

Johnson, an inmate, filed a petition for a writ of mandamus against respondents, seeking to compel the Nevada Department of Corrections (NDOC) to recognize a new religious group and grant it various religious accommodations, which NDOC had previously denied. According to Johnson, that denial violated his rights under the First Amendment to the United States Constitution, was inconsistent with respondents' duties under NRS Chapter 209, and demonstrated that NDOC had engaged in rulemaking without following the procedure set forth in NRS Chapter 233B.

In their response, respondents argued that mandamus relief was unwarranted since, among other things, Johnson had a plain, speedy, and adequate legal remedy. The district court ultimately agreed with respondents and entered an order denying Johnson's petition. This appeal followed.

A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse or arbitrary or capricious exercise of discretion. NRS 34.160; *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). The petitioner bears the burden of demonstrating that such extraordinary relief is warranted, and such relief is only proper when there is no plain, speedy, and adequate remedy in the ordinary course of the law. *See Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). This court generally reviews a district court's grant or denial of writ relief for an abuse of discretion. *Koller v. State*, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006).

On appeal, Johnson first challenges the denial of his writ petition by arguing that once he exhausted NDOC's administrative grievance procedure, he had no plain, speedy, and adequate legal remedy to challenge the denial of his request for religious accommodations. Insofar as Johnson contends that the denial of the subject request violated his constitutional right to free exercise, he could bring a new civil action to assert a claim for violation of said right under the First Amendment to the United States Constitution or Article 1, Section 4 of the Nevada Constitution. *See* 42 U.S.C. § 1983 (allowing a plaintiff to bring civil rights claims against any person who, under color of any statute, deprives the plaintiff of any rights, privileges, or immunities secured by the United States Constitution); *see also* NRS 41.031 (permitting plaintiffs to bring civil actions against the State and its political subdivisions and employees provided that the requirements to invoke the State's waiver of sovereign immunity are satisfied).¹ Likewise, to the extent that respondents engaged

¹To the extent the district court determined the plain, speedy, and adequate remedy was his ongoing prior lawsuit rather than the filing a new

in administrative rulemaking without complying with NRS Chapter 233B's requirements, Johnson could bring a new civil action for declaratory relief concerning the validity of the regulations at issue. See NRS 233B.110(1) (authorizing the district court to determine the validity of an administrative regulation in an action for declaratory relief, provided that the plaintiff "first requested the agency to pass upon the validity of the regulation in question"). And while Johnson cites to *Segovia v. Eighth Judicial District Court*, 133 Nev. 910, 912, 407 P.3d 783, 785 (2017), for the proposition that courts may grant writ relief despite the availability of a plain, speedy, and adequate legal remedy based on "circumstances reveal[ing] urgency and strong necessity," we are not persuaded that the district court abused its discretion in concluding that the circumstances presented here did not warrant extraordinary relief, *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 679, 818 P.2d 849, 853 (1991) (providing that writ relief is an extraordinary remedy).

Turning to Johnson's assertion that respondents violated various statutes in NRS Chapter 209 by denying his subject request, Johnson does not have a plain, speedy, and adequate legal remedy since the statutes at issue do not give rise to a private right of action. See *Baldonado v. Wynn Las Vegas, LLC*, 124 Nev. 951, 959, 194 P.3d 96, 101 (2008) (providing that the absence of a provision creating a private right of action strongly suggests that the legislature did not intend to create one). However, Johnson does not clearly explain how any of these statutes were

lawsuit, this determination was in error. Nevertheless, any such error was harmless as the ultimate determination that Johnson had a plain, speedy, and adequate remedy and thus writ relief was not warranted was correct. See *Wyeth v. Rowatt*, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010) ("When an error is harmless, reversal is not warranted."); NRCP 61 ("At every stage of the proceeding, the court must disregard all errors and defects that do not affect any party's substantial rights.").

violated under the circumstances presented here or how such violations entitle him to relief independent of his constitutional challenges, and given the lack of cogent argument on this point, we conclude that he has failed to establish the district court abused its discretion by denying the extraordinary relief requested. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (concluding that Nevada's appellate courts need not consider issues unsupported by cogent argument).

Given the foregoing, we conclude that Johnson has not demonstrated that the district court abused its discretion by denying his petition for a writ of mandamus. *See Rosenstein v. Steele*, 103 Nev. 571, 575, 747 P.2d 230, 233 (1987) (recognizing that Nevada's appellate courts will affirm the district court's order if it reached the correct result, even if it did so for a different reason). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

²Insofar as Johnson raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.

cc: Hon. Jason Woodbury, District Judge
Timothy Howard Johnson
Attorney General/Carson City
Carson City Clerk