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2010 OCT -8 P 2:53

Sharon L. Harrison
CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER)
OF THE STATUS OF PERSONS)
WITH IMMIGRATION HOLDS)

Administrative Order: **18-11**

On September 6, 2001, Criminal Presiding Judge Stewart L. Bell issued an Administrative Order entitled "IN RE: STATUS OF PRISONERS WITH UNITED STATES IMMIGRATION HOLDS" in Case Number A439564 (EXHIBIT 1).

The 2001 Administrative Order directed the Clark County District Court Clerks to "review all bail bonds submitted to them prior to accepting and posting to determine whether the prisoner for whom bail is offered is being held on a United States Immigration hold."

The 2001 Administrative Order further directed that the "Clark County District Court Clerks...are ordered to refuse to accept, post or file bail bonds on any prisoner who has a United States Immigration hold unless there is a District Court order which allows it."

Subsequently, on August 26, 2014, Criminal Presiding Judge Douglas Herndon sent a directive to all Eighth Judicial District Court Clerks instructing them to discontinue the practice of reviewing a persons' immigration status prior to accepting bail (EXHBIT 2).

The Eighth Judicial District Court has followed Judge Herndon's directive since 2014; however the 2001 Administrative Order was never formally replaced.

1 To formalize its current policy, the Eighth Judicial District Court rescinds the
2 2001 Administrative Order and reaffirms the policy set forth by Judge Herndon in 2014.

3 I order that the September 6, 2001 Administrative Order entered in Case Number
4 A439564 is vacated.

5 I additionally order that the District Court Clerk shall continue to accept the
6 posting of bail bonds or cash bail without regard for a person's United States
7 immigration status, consistent with the directive issued by Judge Douglas Herndon on
8 August 26, 2014 and current practice of the court.

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11 Entered this 8th day of October, 2018.


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14 By: 
15 Linda Marie Bell
16 Chief Judge
17 Eighth Judicial District Court
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EXHIBIT 1

ORIGINAL

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1 **ORDER**
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

Substituted

CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

AH 9564

Case No.
Dept No.

VII

9
10 IN RE:
11 STATUS OF PRISONERS WITH UNITED
12 STATES IMMIGRATION HOLDS.
13 Defendant.

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15 **ORDER**

16 All sureties and bondsmen doing business with the Clark County District Court are hereby
17 given notice that as of August 23, 2001, no bail bonds or cash bail will be accepted or posted at
18 the Clark County Detention Center, or at the Clark County District Court, for any prisoner who
19 has a hold placed against him, or her, by the United States Department of Immigration and
20 Naturalization unless there is an order from the Court allowing it. Generally, bonds and cash
21 bail posted in those circumstances serve no real purpose since they do not serve to obtain the
22 defendant's release from custody and, once posted, they cannot guarantee the defendant's
23 presence at future appearances. A defendant with an immigration hold can ask for a hearing,
24 and, if he can show to the Court's satisfaction that he is not a flight risk and that, despite his
25 I.N.S. problem, his deportation or assisted voluntary return to his own country is unlikely, the
26 Court will then issue an order allowing him to post bail.

27 Clark County District Court Clerks and Officers of the Clark County Detention Center
28 are ordered to henceforth review all bail bonds submitted to them prior to acceptance and posting

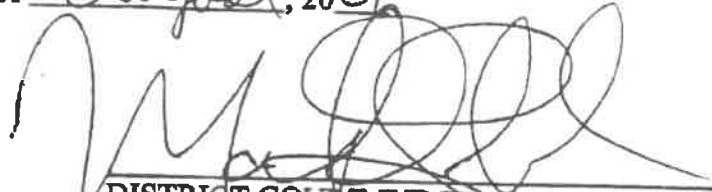
COURT CLERK

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1 to determine whether the prisoner for whom bail is offered is being held on a United States
2 Immigration hold. Clark County District Court Clerks and Officers of the Clark County
3 Detention Center are ordered to refuse to accept, post or file bail bonds on any prisoner who has
4 a United States Immigration hold unless there is a District Court order which allows it.

5 DATED this 31 day of August, 2001

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9 DISTRICT COURT JUDGE

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11 STEWART L. BELL
12 DISTRICT ATTORNEY
13 Nevada Bar #000477

14 BY 
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EXHIBIT 2

From: Herndon, Douglas

Sent: Tuesday, August 26, 2014 3:30 PM

To: All District 8 - Civil-Criminal - Judges; All District 8 - Civil-Criminal - JEAs; All District 8 - Civil-Criminal - Law Clerks; All District 8 - Civil-Criminal - Clerks

Subject: ICE Detainers and Releases to ICE

To all:

Please see the attached press release put out by Metro regarding their decision to no longer detain persons with Federal Immigration Holds.

I am also attaching the Oregon case that apparently prompted, at least in part, this decision.

Please also be advised that our clerk's office has no way of checking for this information when presented with a bail bond. We have no alternative but to take all bail bonds presented to us as long as the bond is for the amount of bail set by the Judge.

Thanks, Doug

*Judge Douglas W. Herndon
Chief Presiding Criminal Judge
Eighth Judicial District Court
Department 3
200 Lewis Avenue
Las Vegas, NV 89155
702-671-4312*