

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Barry Harris v. Alessia Moore, et al.

Case No. 2:23-cv-01801-CDS-EJY (D. Nev. Jan. 8, 2026) · No. 2:23-cv-01801-CDS-EJY · Decided January 8, 2026

SUMMARY

The United States District Court for the District of Nevada denied Barry Harris’s motion for sanctions under Federal Rule of Civil Procedure 11. The court found no sanctionable conduct concerning an erroneous conviction entry, declarations regarding mental health coursework, or disclosure of medical information, and also found no basis for sanctions under 28 U.S.C. § 1927 or the court’s inherent authority. Defendants were ordered to correct the incorrect conviction reference in the plaintiff’s Information Summary.

OPINION

Harris

PER CURIAM.

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * * 4 BARRY HARRIS, Case No. 2:23-cv-01801-CDS-EJY 5 Plaintiff,

ORDER

6 v. 7 ALESSIA MOORE, et al., 8 Defendants. 9 10 Pending before the Court is Plaintiff’s Motion for Sanctions. ECF No. 41. The Court 11 considered the Motion, the Opposition (ECF No. 44), and the Reply (ECF No. 48). 12 I. Background 13 Plaintiff seeks sanctions arising from Defendants’ submission of declarations and 14 information filed with the Court in response to Plaintiff’s Motion for Temporary Restraining Order 15 (“TRO Motion,”) and Motion for Preliminary Injunction (“Preliminary Injunction Motion”)1 found 16 respectively at ECF Nos. 29 and 30. The information to which Plaintiff points appears to include an 17 error regarding the conviction that led to his incarceration, an alleged error regarding his 18 participation in mental health treatment, and what is described as a violation of the Hippocratic Oath 19 and HIPAA. ECF No. 41. Plaintiff states he is moving for sanctions under Rule 11 of the Federal 20 Rules of Civil Procedure. 21 Defendants respond that the error with respect to Plaintiff’s conviction probably dates back 22 to a historical transcription, which has not been revisited over the years Plaintiff has been at High 23 Desert State Prison (“HDSP”). The erroneous information, appearing in a few lines of the 25 pages 24 of Plaintiff’s Offender Information Summary (the “Information Summary”), was first entered in 25 2019 and was at no time reviewed for any purpose related to this litigation. The error was not cited 26 or relied upon by Defendants. 27 1 Defendants further

discuss Brittany Corder's Declaration that details Plaintiff's refusal to 2 participate in anger and aggression coursework, not an overall failure to participate in mental health 3 treatment. Finally, Defendants respond to Plaintiff's allegations regarding disclosure of medical 4 information explaining that Plaintiff raised the medical issues in his TRO Motion (ECF No. 29 at 5, 5 15) to which Defendants responded. 6 Plaintiff filed a Reply; however, the information and arguments therein repeat what is stated 7 in his moving papers. 8 II. Discussion 9 Federal Rule of Civil Procedure 11(b) states, in pertinent part, that by presenting or 10 submitting any filing to a court, "an attorney ... certifies that to the best of the person's knowledge, 11 information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is not 12 being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly 13 increase the cost of litigation; ... [and] (3) the factual contentions have evidentiary support or, if 14 specifically so identified, will likely have evidentiary support after a reasonable opportunity for 15 further investigation or discovery" Fed. R. Civ. P. 11(b)(1), (3). "An "improper purpose" under 16 Rule 11(b)(1) may be found where there is no legal or factual basis for a claim. Huettig & Schromm,

17 Inc. v. Landscape Contractors, 790 F.2d 1421, 1427 (9th Cir. 1986). 18 Under Rule 11, counsel has an affirmative duty to investigate facts before filing a document 19 with the Court (Rachel v. Banana Republic, Inc., 831 F.2d 1503, 1508 (9th Cir. 1987)); however, to 20 determine if counsel's inquiry was adequate, the Court applies a standard of "objective 21 reasonableness under the circumstances." Hudson v. Moore Business Forms, Inc., 836 F.2d 1156, 22 1159 (9th Cir. 1987). 23 The Court finds no basis for sanctions with respect to the misrepresentation regarding 24 Plaintiff's conviction. The evidence shows that Plaintiff has a 25 page Information Summary that 25 goes back a minimum of six years. Plaintiff filed a TRO Motion to which Defendants responded. 26 ECF Nos. 29, 32. One exhibit to Defendants' response is the Information Summary. Plaintiff's 27 convictions are listed on one page of the Information Summary. ECF No. 32-1 at 7. On that page, 1 TRO Motion or Preliminary Injunction Motion. ECF No. 32. Nonetheless, Plaintiff's Reply in 2 support of his Motions cited to the error claiming nefarious conduct by Defendants. ECF No. 33 at 3 7. 4 Defendants admit that the conviction, as transcribed, is wrong—Plaintiff was convicted of 5 First Degree Kidnapping with Substantial Bodily Harm, not Kidnapping of a Minor as stated in the 6 Information Summary. A staff member entered this information incorrectly in January 2019, and 7 the error has carried forward with no reason to fact check the entry. Indeed, the gravamen of 8 Plaintiff's Motions concerned classification hearings and institutional tasks not implicated by his 9 convictions. Plaintiff presents no evidence that Defendants acted with an improper motive or other 10 wrongful bases when the Information Summary was submitted to the Court. 11 The Court further finds Plaintiff's accusation that Ms. Corder's Declaration contains false 12 information is simply wrong. Here, Plaintiff claims that Ms. Corder falsely represented Plaintiff 13 "never completed any phase of Mental Health." However, Ms. Corder's Declaration addresses 14 Plaintiff's failure to complete

the anger and aggression step down coursework not “any phase of 15 Mental Health.” ECF No. 32-2. Plaintiff does not refute the actual representations in Ms. Corder’s 16 Declaration. Thus, Plaintiff fails to establish a bases for Rule 11 sanctions. 17 Finally, Plaintiff raises issues with Mr. Vandebusch’s alleged disclosure of sensitive 18 medical information without Plaintiff’s consent. Plaintiff does not allege that what Mr. 19 Vandebusch stated or referenced was false or otherwise without a basis in fact. Moreover, a review 20 of Plaintiff’s TRO Motion shows he put medical issues before the Court (ECF No. 29 at 5, 15) and 21 Defendants responded to Plaintiff’s claims. ECF No. 32 at 3, 6-7. The Court finds no violation of

22 Rule 11 by Defendants or their counsel based on the content of Mr. Vandebusch’s Declaration or

23 any documents attendant thereto. 24 The central purpose of Rule 11 is to deter baseless filings before district court and streamline 25 administration and procedure of the federal courts. *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 26 393 (1990). In the Ninth Circuit, “Rule 11 is an extraordinary remedy, one to be exercised with 27 extreme caution.” *Operating Engineers Pension Trust v. A-C Company*, 859 F.2d 1336, 1345 (9th 1 insufficient to support the award of sanctions under Rule 11.” *Coltrade Int’l, Inc. v. United States*, 2 973 F.2d 128, 131 (2d Cir. 1992). “[G]eneral findings, without greater specificity, are an insufficient 3 basis for [a court’s] imposition of sanctions under Rule 11.” *Id.* at 132. 4 Here, there are no facts supporting conduct warranting Rule 11 sanctions. The Court will 5 not impose sanctions for good faith errors such as the one appearing in Plaintiff’s Information 6 Summary as there is nothing to suggest this was the result of unreasonable conduct by counsel or 7 his clients. Rather, there was an error by an unknown person made years ago that was not reviewed 8 because the information was not relied upon for any purpose before the Court. Further, the Court 9 finds no error and no refutation of the facts stated in Ms. Corder’s Declaration. Finally, Plaintiff 10 does not allege what Mr. Vandebusch stated or referenced in his Declaration was false or otherwise 11 without a basis in fact. A review of Plaintiff’s TRO Motion shows Plaintiff put his medical issues 12 before the Court. ECF No. 29 at 5, 15. Defendants responded to Plaintiff’s claims and did not 13 disclose information Plaintiff had not already disclosed. ECF No. 32 at 3, 6-7.2 14 The Court finds no violation of Rule 11 or any other reason to impose sanctions against 15 Defendants or their counsel based on the error in the Information Summary, the content of Ms. 16 Corder’s Declaration, or information referenced and statements made in Mr. Vandebusch’s 17 Declaration.3 18 19 20 21 2 Under 28 U.S.C. § 1927 “Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be 22 required by the court to satisfy personally the excess costs, expenses and attorney’s fees reasonably incurred because of such conduct.” Plaintiff does not raise this statute as a basis for his sanctions; however, Defendants reference § 1927 23 and, thus, for sake of completeness, the Court finds the factual allegations and responses thereto provide no evidence of “subjective bad faith” most ordinarily demonstrated

“when an attorney knowingly or recklessly raises a frivolous 24 argument, or argues a meritorious claim for the purpose of harassing an opponent.” B.K.B. v. Maui Police Department, 276 F.3d 1091, 1107 (9th Cir. 2002) (quoting In re Keegan Mgmt. Co., 78 F.3d 431, 436 (9th Cir. 1996)). Indeed, 25 Plaintiff offers no evidence that defense counsel or Defendants acted with subjective bad faith. Therefore, sanctions under 28 U.S.C. § 1927 are not appropriate here. 26 Similar to § 1927, the Court’s exercise of inherent authority requires a finding of willful disobedience to a court order or bad faith, vexatiousness, wanton or oppressive conduct. Roadway Express, Inc. v. Piper, 447 U.S. 752. 766 27 (1980). Plaintiff offers no evidence in support of such conduct and the Court review of the facts belie these conclusions. 3 Plaintiff’s Motion states that Alessia Moore committed perjury on November 4, 2025 citing a document Bates 1 III. 2 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff’s Motion for Sanctions 3 (ECF No. 41) is DENIED. 4 IT IS FURTHER ORDERED that Defendants must correct the incorrect reference to 5 Plaintiff’s conviction in the Information Summary to avoid future errors. 6 Dated this 8th day of January 2026. 7 8

ELAYNA J. YOUCHAH

9 UNITED STATES MAGISTRATE JUDGE

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