

Federal Court Enters Judgment for Plaintiffs in Decade-Long Constitutional Challenge to Nevada's Retroactive Lifetime-Supervision Restrictions

Does v. Laxalt, No. 2:15-cv-01638-RFB-DJA (D. Nev.)

On August 14, 2026, following a seven-day bench trial, United States District Judge Richard F. Boulware, II entered judgment awarding \$245,000 in compensatory damages — with individual awards of up to \$100,000 — to ten plaintiffs represented by the Law Offices of Gary A. Modafferi, LLC and co-counsel Robert M. Draskovich and Allen Lichtenstein.

The judgment is the culmination of litigation the firm commenced in 2015 on behalf of a group of anonymous plaintiffs against whom the State of Nevada retroactively enforced movement and residency restrictions enacted in 2007 — restrictions that did not exist when the plaintiffs were convicted and that barred them from living within 1,000 feet, or knowingly being within 500 feet, of broad categories of everyday places.

In September 2020, the Court held that this retroactive enforcement violated the Ex Post Facto Clause of the United States Constitution and entered a permanent injunction prohibiting the State from enforcing the restrictions against persons whose offenses predated the 2007 law. That injunction remains in force today. The August 2026 judgment went further, holding individual state officials accountable in damages for the years in which the unconstitutional restrictions were imposed.

The case reflects a Constitutional principle that is crucial, the government may not reach back in time to increase punishment for conduct already judged. The Constitution's guarantee against retroactive punishment does not depend on the popularity of those who invoke it — it protects everyone, or it protects no one.

Case results depend on the unique facts and circumstances of each matter and do not guarantee or predict a similar result in any other case.