

need proof of filing return.

In The Supreme Court of Nev

Gene Allen Pro se

No. 72929

Appellant

leave to file

State of Nevada

N. B. A. P. '28 (k)

Appellee

FILED

MAY 09 2017

Brief of The Appellant

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

Comes now the above named request further

review of a judgement order being denied, Motion

to modify His P.S.I., Caseworkers N.D.A.C. O.M.D.

managerial file as I-File, type 4, Islander, D.O.B.,

12-29-56, British National, due to abuse

and gender discrimination of ethnicity. All

motions denied, within the 8th J.D.C. Dep. 9

by the honorable, Judge Jennifer Taglietti, on

April, 6th of 2017, regarding states opp's

RECEIVED
MAY 09 2017
ELIZABETH A. BROWN
CLERK OF SUPREME COURT

1 (1), if we allow you to change your, P.S.I. the

2 flood gate's will open, (2) the records P.S.I.

3 once transmitted to the director of prison, n.

4 D.O.C. James Dezaranda, none of these claims

5 have merit. There are countless cases P.S.I.

6 have been updated changed. n. A.S. 176.555, P.S.I.

7 records are confidential, 10th Cir. R. 11.3.(D).

8 (E), 9th Cir. Rule 27.13, D.C. Cir. 47.1.

9 The appellant pleading is to be held to

10 a less stringent standard than practice-

11 ing attorneys, see Parham v. Marshall, 126

12 F.3d 454.

13 His Parole Hearing Proceedings

14 Are at a demishing capacity he has
15 now spent 17 years in D.D.C., with, 364
days, C.C.D.C., post sentencing credit,

1 to be reinstated, on:

2 April, 28th, 2011, High Risk, S.O., Vic. Age 16.

3 April, 30th, 2014, Mod Risk, S.O., Vic. Age 16.

4 April, 12th, 2017, Mod Risk, S.O., Lewdness
5 w/A minor, problem; the B.P.C. "Flip Floped"
6 added an aggravating factor age 8 years old

7 as a result of, Dec. No. 44, Case No. 3:14-cv-
8 00510-B.C.J.-V.P.C., with further prejudice.

9 (the Vic. she was 15 years of age), at
10 pre lim. Sept, 17, 2000.

11 Argument

12 B.P.C., complete a S.O. treatment program

13 (1) this is a prison protection is a problem,

14 (2) In house, "Post Miranda" issues have

15 not been resolved, (384 U.S. 436) Mr. Allen

16 signed a guilty plea at trial it turned

17 out to be a "Free For All", my next book, but

18 there is not even a remote possibility to

19 further fact finding to determine the age

20 other than a guilty plea agreement forced

21 at his trial. See Jackson v. Virginia, 443 U.S.
22 307, (1979). A.B. Civ. P. 8(a).

23 Any additional relief this court deems
24 just true and equitable.

25 True and correct under penalty of
perjury, May the 6th, 2017.

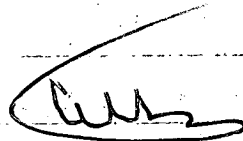
26 Respectfully

27 

Table of Authorities

2	Cases	Page No.
3	Parham v. Marshall, 120 F. 3d 454.	2
4	Miranda v. Az, 384 U.S. 436.	3
5	Jackson v. Virginia, 443 U.S. 307.	3

End



CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Brief of The Appellant 28(k) to the below address(es) on this 6 day of May, 2017, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

nev. Att. Gen. Ste 3900.
555 E. Washington Ave
L.V. Nev. 89101.

Gene Allen # 76542
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Gene Allen In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding D/A filed in District Court Case No. _____ does not contain the social security number of any person.

Dated this _____ day of _____, 20____.

In Pro Se

Correct deficiencies : N.R.A.P. 14.
No. 72929.

1 ASTA

Electronically Filed
04/18/2017

Thomas J. Hemin
CLERK OF THE COURT

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9
10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 GENE A. ALLEN,

14 Defendant(s),

Case No: 01C177427

Dept No: IX

15
16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Gene Allen

19 2. Judge: Jennifer Togliatti

20 3. Appellant(s): Gene Allen

21 Counsel:

22 Gene Allen #76542
23 1200 Prison Rd.
24 Lovelock, NV 89419

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700 See Whitman v. Whitman, 113 S.Ct. 2941.

5. Appellant(s)'s Attorney Licensed in Nevada: ~~N/A~~ Pro se.
Permission Granted: ~~N/A~~ (107 Nev 809).

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Appellant Represented by Appointed Counsel In District Court: ~~Yes~~ no.

7. Appellant Represented by Appointed Counsel On Appeal: ~~N/A~~ no.

8. Appellant Granted Leave to Proceed in Forma Pauperis: ~~N/A~~ yes.

9. Date Commenced in District Court: August 10, 2001

10. Brief Description of the Nature of the Action: ~~Criminal~~ Civil.

Type of Judgment or Order Being Appealed: ~~Unknown~~ Denial.
20 Nev. 159.

11. Previous Appeal: ~~Yes~~ N/A.

Supreme Court Docket Number(s): 41274, 42969, 43599, 44180, 44597, 44991, 45220, 45368, 45447, 45643, 46035, 46666, 47311, 47501, 48289, 49167, 49612, 50188, 50477, 50809, 51219, 51353, 51675, 51940, 52984, 53246, 53428, 53429, 53732, 53911, 54132, 54302, 55013, 55574, 55828, 55677, 56586, 57925, 57990, 58038, 58426, 58427, 58807, 59173, 60890, 61311, 72586

12. Child Custody or Visitation: N/A (140 F. 3d 210).

Dated This 18 day of April 2017.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Gene Allen True and correct under penalty of
perjury, 28 U.S.C. 1740: [Signature] 5-4-17.

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Chief Judge Gonzalez ID. NUMBER: 010177427

INSTITUTION: 8th J.D.C. UNIT #: Dept. 9

GRIEVANCE #: A.N.S. GRIEVANCE LEVEL: 0140

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 12

In the 8th J.D.C. Mr. Allen's Mo. 2-10-17
to file a successive H/C, will exhaust, Dec.
70, 3:14CV00510 RCL-VPC, P.3. Lin. 15 as order,
either mo. are not, (materially related), but no
response. Use certified mail if need be, 2ugel
99 Nev. 100, (Mo to Modify P.S.I., and T.R.O.),
Mr. Allen, N.S.C., No. 72019, Judge Cherry must
return to 8th J.D.C., to correct, 070542, for
N.D.O.C., case workers managerial file type, 4,
Islander, D.O.B. 12-29-50, (9th Cir. R. 27.3 (a)(b),
and (Mo to Seal), (9th Cir. R. 27.13), the, N.S.C.
previously ruled, Mr. Allen could not be sanc-
tioned 634 days, stat. time for exercising
his constitutional rights access to the court
to be reinstated. See Bond 154 F.3d 958, true
and correct under penalty of perjury ~~ALL~~

(3-20-17) 28 U.S.C. 1740.
Original: Attached to Grievance
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS
SECOND LEVEL GRIEVANCE

NAME: Gene Allen I.D. NUMBER: 70542

INSTITUTION: L.C.C., N.D.O.C. UNIT: 4A-53

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 45398, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 4-17-17

WHY DISAGREE: to insure safety Im leaving love-
lock and should be seclueded as P.G., because
im an S.C. again Classification meets
once a month (the remedy is clear).
(93 Sct 1756), (94 Sct 2903)

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 4/18/17

SECOND LEVEL RESPONSE: _____

_____ GRIEVANCE UPHELD _____ GRIEVANCE DENIED _____ ISSUE NOT GRIEVABLE PER AR 740

SIGNATURE: _____ TITLE: _____ DATE: _____

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

INMATE SIGNATURE: _____ DATE: _____

THIS ENDS THE FORMAL GRIEVANCE PROCESS

- Original: To inmate when complete, or attached to formal grievance
- Canary: To Grievance Coordinator
- Pink: Inmate's receipt when formal grievance filed
- Gold: Inmate's initial receipt

RECEIVED

APR 18 2017

LOVELOCK CORRECTIONAL
CENTER
GRIEVANCES

NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCE

NAME: Gene A. H. Allen I.D. NUMBER: 70542

INSTITUTION: L.C.C., N.D.C.C. UNIT: 4A-53

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063044107, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 3-17-17

WHY DISAGREE: I stand corrected 1/2 any way but N.D.C.C. must draft out line just what legal or personal mail is, vast confusion between State and U.S. gov. agencies, Staff, C/Os, inmates can me of the tier (no mail rapiest).

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 4-17-17
4/17/17

FIRST LEVEL RESPONSE: _____

____ GRIEVANCE UPHELD ____ GRIEVANCE DENIED ____ ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: _____ TITLE: _____ DATE: _____

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

____ INMATE AGREES ____ INMATE DISAGREES

INMATE SIGNATURE: _____ DATE: _____

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

- Original: To inmate when complete, or attached to formal grievance
- Canary: To Grievance Coordinator
- Pink: Inmate's receipt when formal grievance filed
- Gold: Inmate's initial receipt

RECEIVED

APR 18 2017

LOVELOCK CORRECTIONAL
CENTER
GRIEVANCES

NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCE

NAME: Gene Allen I.D. NUMBER: 76542

INSTITUTION: L.C.C. N.D.C.C. UNIT: 4A-53

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063045747, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 4-17-17

WHY DISAGREE: I just received an order from the Federal Public Defd cv- case 3:14-cv-00510-ACJ-VPC he is not receiveing my mail (Exhibit) attached and have gotten mail legal open, See AC.L.U. 796 F. 3d 636.

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 4/18/17

FIRST LEVEL RESPONSE: _____

GRIEVANCE UPHELD GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: _____ TITLE: _____ DATE: _____

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

INMATE AGREES INMATE DISAGREES

INMATE SIGNATURE: _____ DATE: _____

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

- Original: To inmate when complete, or attached to formal grievance
- Canary: To Grievance Coordinator
- Pink: Inmate's receipt when formal grievance filed
- Gold: Inmate's initial receipt

RECEIVED

APR 18 2017

LOVELOCK CORRECTIONAL
CENTER
GRIEVANCES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing MOTION FOR ORDER DIRECTING CLERK TO ISSUE PRESENTENCE INVESTIGATION REPORT TO DEFENDANT to the below address(es) on this 28th day of April, 2017, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCPS 5(b):

Steven B. Welton
Clark County District Attorney
200 Lewis Ave
Las Vegas, Nevada 89155

Attorney For Plaintiff

K. Plett 1030
STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101-1068

Gene Allen # 70542
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

British Consulate-General
2029 Century Park East, Suite 1350
Los Angeles, CA 90067

Defendant In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding MOTION FOR ORDER DIRECTING CLERK TO ISSUE PRESENTENCE INVESTIGATION REPORT TO DEFENDANT does not contain the social security number of any person.

Dated this 28 day of April, 2017.

Gene Allen

Defendant In Pro Se

1 RENE L. VALLADARES
 Federal Public Defender
 2 Nevada State Bar No. 11479
 RYAN NORWOOD
 3 Assistant Federal Public Defender
 4 New Hampshire State Bar No. 15604
 411 E. Bonneville, Ste. 250
 5 Las Vegas, Nevada 89101
 (702) 388-6577
 6 (702) 388-5819 (fax)
 7 ryan_norwood@fd.org
 8 Attorney for Petitioner Gene A. Allen

9 UNITED STATES DISTRICT COURT
 10 DISTRICT OF NEVADA
 11

12 GENE A. ALLEN,
 13 Petitioner,
 14 v.
 15 JAMES G. COX,
 16 Respondents.

Case No. 3:14-cv-00510-RCJ-VPC

**EX PARTE RESPONSE TO MARCH 8,
 2017 ORDER**

17
 18 The Petitioner, Gene Allen, by and through his counsel of record, Ryan
 19 Norwood, hereby files this response to the Court's March 8, 2017 Order. This motion
 20 is supported by the attached declaration of counsel. This response is properly filed
 21 and considered ex parte because it discusses confidential communication between the
 22 petitioner and his counsel, and involves issues regarding their attorney-client
 23 relations that the Court is requested to resolve.

24 ///

25 ///

26 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DATED this 21st day of April, 2017.

Respectfully submitted,
RENE L. VALLADARES
Federal Public Defender

/s/ Ryan Norwood
RYAN NORWOOD
Assistant Federal Public Defender

9.