

**FILED**

MAR 15 2017

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

In The Supreme Court of Nev.

Gene Allen Pro Se  
Plaintiffs

leave to File

v

01-C177427

State of Nevada

Defendants (Justice, Ron D. Parraquique,)

Habeas Corpus

comes now the petitioner (275 F.3d 1156)

pleading before the honorable high court A

State prisoner must have a fair opportunity

to litigate, Sibron, 20 LED 921, Zugel, 99 Nev

100, Partlow 101 Nev 122, Notice is required to

correct any deficiencies to alter or amend

See Fuentes 92 Sct 1983, D.R.S. 34 200,

D.R.S. 34 185, The Plaintiff never received

**RECEIVED**

MAR 13 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

1 a response on his motion to modify or

2 Correct his P.S.I., as directed, 8th J.D.C.

3 Dept 9, his, mo. to File A Successive H/C

4 2/16/17, the honorable, Elizabeth Gonzalez,

5 Clerk, Dulce Romeo.

6 In the 11th J.D.C. Dept. 1. a Tort Action

7 as to re submit and mailed, 2/7/17, the

8 honorable Jim C. Shirely, Clerk Carol Elerick,

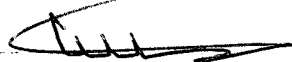
9 Any additional relief this court

10 deems just proper and equitable,

11 132 F2d 445-451.

12 I declare under penalty of perjury  
13 the foregoing is true and correct

28 USC 1740, 18 U.S.C. 1021.



3-9-17

# CIVIL COVER SHEET

JS-44 (Rev. 11/04)

This JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p><b>I. (a) PLAINTIFFS</b>  <u>Gene Allen</u></p> <p><b>(b) County of Residence of First Listed Plaintiff</b> <u>U.K.</u>                  (EXCEPT IN U.S. PLAINTIFF CASES)  <u>AO13-701-404.</u></p> <p><b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b>  <u>Pro Se.</u></p>	<p><b>DEFENDANTS</b>  <u>L.C.C. N.D.O.C.</u></p> <p><b>County of Residence of First Listed Defendant</b> <u>Pershing</u>                  (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p><b>Attorneys (If Known)</b>  <u>A.G. Adam P. Laxalt.</u></p>
--	--

<p><b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input checked="" type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input checked="" type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input checked="" type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input checked="" type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. 1350.

Brief description of cause:  
D.S. Title 3, Chapt - 41.031

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 100,000.00

CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE Cherry

DOCKET NUMBER 72019

DATE \_\_\_\_\_ SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Gene Allen I.D. NUMBER: 70542

INSTITUTION: L.C.C. UNIT #: 4A-53

GRIEVANCE #: Copy GRIEVANCE LEVEL: N/A

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 4

claim (1), injury, F.A. Civ. P. 35 he may request  
a neck X ray by an independent outside  
source or doctor, claim (3), when you leave  
L.C.C. to another institution, you must reclass  
-ify to P.C. to be on a yard, (A Transfer Hearing)  
93 Sct. 1756, 94 Sct. 2903, and claim (4), mail  
if a letter is A.T.S. or not mailed you must  
be notified and if you are under investig-  
ation, Proconier, 416 U.S. 419-20, he is a  
British emigrant and will receive British  
mail, F.C.O., intercepting legal mail without  
notice is (obstruction of justice). (827 F. Supp  
.1492). I File "open" or negative entries must be  
"closed" and expunged, 392 U.S. 40-55, See also,  
AA707 at 11-B, but disclosure of confidential  
information to inmates, can't unring the bell.

Original: Attached to Grievance  
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Gene Allen I.D. NUMBER: 70542

INSTITUTION: L.C.C. UNIT #: 4A-53

GRIEVANCE #: Copy GRIEVANCE LEVEL: N/A

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 4

claim (5) under 28 U.S.C. 1350. Mr. Allen is a  
British National may very well have a A.T.S.,  
T.V.P., Tort since he came to Lovelock, L.C.C. 2004,  
how many time moved, review the mail log  
238 F.3d 182, U.N. Congress, treatment of all  
offenders, Rule 122, Mandela Rule app 1957,  
must have contact with the outside world,  
family friends, inmates from foreign nations  
without censorship, to pursue personal in-  
terest if in (solitary confinement), as here  
must provide daily news, current events  
and the use of a prison library not cart.  
327 U.S. 682. the case workers forced  
Mr. Allen into this situation.

Original: Attached to Grievance  
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Gene Allen I.D. NUMBER: 76542

INSTITUTION: L.C.C. UNIT #: 4A-53

GRIEVANCE #: Copy GRIEVANCE LEVEL: N/A

GRIEVANT'S STATEMENT CONTINUATION: PG. 3 OF 4

claim (6), housing is not grievable, but individualized retaliation by staff is negligence. The new term used for, S.O., is werde by inmates things change, regular inmates will not cell with werde's, (show me your paper work), staff (babe crime) did make an extremely bad call, mix and match, it does not matter there all the same, no. Regardless (campaign of harassment), 677 E 2d 622, administrative segregation is punishment adverse action will prejudice his Parole proceedings, (90 Stat 2532), to transfer under Ade Se will seriously affect his safety.

Original: Attached to Grievance  
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS  
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Gene Allen I.D. NUMBER: 70542

INSTITUTION: L.C.C. UNIT #: 4A-53

GRIEVANCE #: Copy GRIEVANCE LEVEL: n/a

GRIEVANT'S STATEMENT CONTINUATION: PG. 4 OF 4

here we note good time credit, 643 days may not be forfeited for filling poppers in a court of law, extended to solitary confinement without serious misconduct it a major change in conditions of confinement, liberty interest, transfer is discretionary it was for protection only "not transfer" (~~445 S.C. 189~~) the to the benefit of procedure that may be appropriate to insure his safety to go before classification committee to be P.C. before leaving L.C.C., this would be a transfer hearing (93 Sct 1756)(94 Sct 2963)

Original: Attached to Grievance  
Pink: Inmate's Copy

unconstitutional. Summarize briefly the facts supporting each ground. You may attach up to two extra pages stating additional grounds and/or supporting facts. You must raise in this petition all grounds for relief that relate to this conviction. Any grounds not raised in this petition will likely be barred from being litigated in a subsequent action.

## GROUND 2

I allege that my state court conviction and/or sentence are unconstitutional, in violation of my

14th Amendment right to equal protection of the law, based on these facts:

that the State deprive any person of life liberty, without due process of law, F.R.C.P. Rule 11, and, D.R.S. 176.105 at (1), R.B.S., The Federal Courts review was to exhaust, Baldwin, 124 S.Ct. 1347 the unresolved claims could not have been discovered through the exercise of due diligence, D.R.S. 24.726 (1)(a), (b), and will prejudice parole, P.S.I. proceedings, See Pitches v. Davis, 95 S.Ct. 1748, (A Gateway, Innocents claim), 8th I.D.C., 110 Nev 374 supported by the trial court records, as mixed questions of law, County v. State 117 Nev 235, Case (C1F06359X) P.S.I. No. 113230, B.O.P. 70542, D.D.O.S. The 8th I.D.C., C177427, lacked jurisdiction to file a Second Amended Information during plea colloquy proceedings, See Smith v State, 110 Nev 109, (F.R.Civ.P. 8.(a), as we pray the Second amended information be Stricken from Mr. Allen's records, I.D.C., 121 Nev 413, 110 Nev 374.

Exhaustion of state court remedies regarding Ground 2:

Direct Appeal:




CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing to the U.S.S. H/C. to the below address(es) on this 9 day of March, 2017, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

AG.. Adam P. Laxalt  
555 E. Washington  
L.V.. Nev.

89101

  
#  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419  
In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding N/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

LCC LL FORM 26.024