

1 Gilbert Jay Palioffa # 46244
2 By State Prison
3 P.O. Box 1989
4 Elko, Nevada 89301

FILED

MAY 30 2013

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IN THE SUPREME COURT OF THE STATE
OF NEVADA

* * * * *

9 GILBERT JAY PALIOFFA,)
10)
11 Petitioner,)
12)
13 -vs-)
14)
15 THE STATE OF NEVADA et al.,)
16)
17 Respondents.)

Case No. CF-111054
Supreme Court No. 63205

**MOTION TO EXTEND PRISON
COPYWORK LIMIT**

COMES NOW, Petitioner, Gilbert Jay Palioffa, in pro se,
and submits his Motion to Extend Prison Copywork Limit, moving
the Court to order the Nevada Department of Corrections ("NDOC")
to extend his copywork limit for the narrow purposes of the
instant habeas corpus proceedings.

This motion is based upon NDOC Administrative Regulation
("AR") 722; all papers and documents on file herein; and the
following points and authorities.

POINTS AND AUTHORITIES

Petitioner is an indigent prisoner, as demonstrated by the
Motion for Leave to Proceed In Forma Pauperis on record herein.
NDOC AR 722.12(4) allows Petitioner to accrue a \$100.00 debt
against his account towards legal copywork which, once reached,
prohibits him from accumulating any further indebtedness for

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1 such copywork. "Exceptions to this rule would be a court order
2 received directly from the courts..." Id. The AR therefore
3 gives this Court authority to issue an order allowing Petitioner
4 to exceed his copywork limit.

5 Petitioner has reached or exceeded the \$100.00 limit of AR
6 722.12. As such, NDOC has prohibited him at this time from
7 receiving any further legal copywork in the instant proceeding
8 unless the Court issues an order allowing him to do so.

9 Petitioner's grounds have merit. As such, he is entitled
10 to relief in the instant habeas proceedings; however, he
11 requires copywork services in order to litigate his instant
12 petition. In addition to his originals of all pleadings,
13 motions and other documents in this case, he will need copies to
14 serve upon Respondents per FRCP 5, LR 5-1 and LR 7-2.
15 Additionally, he will require a copy of same for his own
16 records. See e.g. Gluth v. Kangas 951 F.2d 1504, 1510 (9th Cir.
17 1991) (a reasonable amount of copywork for prisoners is found in
18 that required to file, serve opponents and maintain copy for
19 inmate's records).

20 Petitioner does not herein seek a blanket order for
21 unlimited copywork, but seeks only a reasonable allowance of
22 copywork for documents relevant to the instant proceeding,
23 including, but not limited to, supplemented/amended pleadings,
24 motions, responses, replies, notices, etc. Id.

25 As Petitioner's liberty is at the heart of these
26 proceedings, he should be provided an extension of his copywork
27 limitation in order to render him reasonably capable of fairly
28 litigating this habeas action.

CONCLUSION

For the reasons set forth above, the Court should direct the NDOC to extend Petitioner's copywork limitations towards the allowance of receiving copies of documents pertinent to the instant habeas proceedings.

Dated this 22 day of May, 20 13.

Gilbert J. Palotta # 40244

P.O. Box 1989

Ely, Nevada 89301

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing to the below address on this 22 day of May, 20 13, by placing same in the hands of prison law library staff for posting in the U.S. Mail:

Office of the Attorney General
100 N. Carson Street
Carson City, NV 89701-4711

Attorney For Respondents

Gilbert J. Palotta

Petitioner In Pro Se