

IN THE SUPREME COURT OF THE STATE OF NEVADA

GILBERT JAY PALIOTTA,
Appellant,
vs.
THE STATE OF NEVADA IN
RELATION TO THE NEVADA
DEPARTMENT OF CORRECTIONS;
AND RENEE BAKER, WARDEN,
Respondents.

No. 66664

FILED

JUN 19 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER REGARDING PRO SE COUNSEL

This is a pro se appeal from a district court order denying appellant's motion for partial summary judgment and granting respondents' motion for summary judgment. Appellant is proceeding without legal representation in this appeal. Having considered the record and the civil pro se appeal statement filed by appellant, this court has determined that the appointment of pro bono counsel to represent appellant would assist this court in reviewing this appeal. By this order, the court expresses no opinion as to the merits of this appeal.

Pro bono counsel is an attorney who provides legal services without charge for the benefit of the public good. The appointment of pro bono counsel provides attorneys with an opportunity to volunteer legal services in furtherance of their professional responsibility and, at the same time, allows financially eligible litigants access to quality legal representation without cost. Counsel will be appointed for purposes of this appeal only and will participate in oral argument. Currently, the Pro Bono Committee of the Appellate Litigation Section of the State Bar of Nevada (Pro Bono Committee), in conjunction with the Legal Aid Center of Southern Nevada, has developed a pro bono appellate program to assist

the public and this court. This case is hereby referred to the program established by the Pro Bono Committee to evaluate whether appellant can benefit from the program.

Accordingly, we direct the clerk of this court to transmit a copy of this order and the attached case summary to the Legal Aid Center of Southern Nevada for financial eligibility screening. If appellant qualifies and does not object to pro bono counsel, the Legal Aid Center in cooperation with the Pro Bono Committee shall locate a volunteer attorney from the program to represent appellant. Once an attorney is located, the attorney shall file a notice of appearance in this court within 60 days from the date of this order. Supplemental briefing and oral argument will be scheduled thereafter. Alternatively, if appellant is not financially eligible or objects to pro bono representation, or if a volunteer attorney cannot be located, the Legal Aid Center of Southern Nevada shall notify this court in writing within 60 days from the date of this order. In such case, oral argument will not be held, and this matter will stand submitted for decision on the appeal statement and record currently before the court. See NRAP 34(f)(3).

It is so ORDERED.

1. J. J. J., C.J.

cc: Gilbert Jay Paliotta
Attorney General/Carson City
White Pine County Clerk
Legal Aid Center of Southern Nevada, Barbara E. Buckley,
Executive Director
Anne. R. Traum, Coordinator, Appellate Litigation Section,
Pro Bono Committee, State Bar of Nevada

No. 66664, Paliotta v. State, Nevada Dept. of Corrections, and Renee Baker, Warden

This is a pro se appeal from a district court order denying plaintiff's motion for partial summary judgment and granting defendants' motion for summary judgment in an inmate litigation (civil rights) matter. Appellant, an inmate at Ely State Prison, is a practitioner of a religion called Thelema. Among other things, appellant asked the facility for permission to consume kosher meals because he claimed doing so would enhance his religious experience, even though Thelema itself does not compel or even contemplate any dietary restrictions. The facility denied appellant's requests, and he filed a complaint for injunctive relief, declaratory relief, nominal damages, and punitive damages under 42 USC § 1983 and the Religious Land Use and Institutionalized Persons Act. The district court granted defendants' request for summary judgment on the grounds that appellant's desire to consume kosher meals was not rooted in his religious beliefs. On appeal, appellant contends that the district court erred.