

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFRED P. CENTOFANTI, III,

Appellant,

VS

THE STATE OF NEVADA,

Respondent

No.: 78193-COA

DCNO.: 01-C-172534

FILED

OCT 29 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *D. Richards*
DEPUTY CLERK

Motion for Leave to file Amended Petition for Rehearing and other Relief
(Second Request)

COMES NOW Appellant Alfred Centofanti ("Centofanti") in pro per, and hereby makes his second request for leave to file his Amended Petition for Rehearing and other relief for the reasons set forth in the attached Memorandum of Points and Authorities.

Dated this 22nd day of October 2020,

APL
Alfred Centofanti #85237

Appellant in Pro Per

Memorandum of Points and Authorities

ON Sept. 7, 2020, Centofanti mailed for filing both his Petition for Rehearing and a Motion for Leave to Amend the Petition after being allowed access to the HDSP law library.

ON October 22, 2020, Centofanti was informed verbally (during a legal call with counsel in another matter) that on or about October 14, 2020, the Nevada Supreme Court entered an

1 Order granting Centofanti until October 28, 2020 to file an Amended
2 Petition and denying relief as to access to the HOSP law library.

3 Since Sept 7, 2020 Centofanti has been denied access to the HOSP
4 law library. Apparently Centofanti is also being denied timely
5 delivery of legal mail from the Nevada Supreme Court, without
6 timely notice of applicable deadlines and Orders of the Court,
7 Centofanti cannot meet the deadlines. Without access to the materials
8 needed to Amend his Petition for Rehearing, the computerized research
9 system only available at the HOSP law library, the Respondents are
10 violating his federal and state rights to access to the courts and are
11 benefiting unfairly in not being required to answer for same, and in the
12 litigation of the issues raised in the Petition for Rehearing.

13 Centofanti therefore requests additional time beyond the present
14 deadline of October 28, 2020 to Amend his Petition for Rehearing as
15 due to circumstances beyond his control (denied access / delayed mail)
16 he will be unable to comply.

17 Additionally, for this Court's further consideration is the following:

18 • 10 cells (up to 20 inmates) are allowed out of their cells at a time
19 twice a day for 1 hour periods

20 • approximately 20-30 inmates + staff (officers and non-officers) allowed
21 to work in the kitchen

22 • approximately 100+ inmates allowed to work at Prison Industries

23 • inmate workers also allowed in laundry, canteen and other jobs along
24 side officers and free staff (chapel, infirmary, etc).

25 So why are NDOC (Southern Director Brian Williams) and HOSP
26 personnel (Warden Calvin Johnson, assignees) being allowed to deny access
27 to the law library? HOSP inmates are brought to the infirmary and put
28 in holding cells of 15-20 inmates, but no law library appointments.

Therefore, there is NO reason the law library cannot be operational or modified and not simply shut down until some indeterminate time in the future.

Relief sought?

An Order granting Centofanti access to the HDSP law library and a deadline of filing an Amended Petition for Habeas corpus after access is granted.

This can be accomplished through counsel for Respondents / NDOC, the Nevada Attorney General's office by phone or emails with his clients.

Alternatively, have the AG's office submit a plan or opposition as to access for consideration on the merits and a ruling. Otherwise the denial of access continues to happen, preventing Centofanti from his right to litigate, and evades review by this Court. At this point, denial of access from the initial request in June, to the present (over four months), should the NDOC (Respondents) be required to provide an alternative, counsel, to assist Centofanti?

To deny Centofanti access to the courts through a prison law library is to deny his 5th & 14th Amendment Rights to Due Process, Equal Protection and those enumerated in *Bovens v. Smith* 430 U.S. 817 (1977) and *Lewis v. Casey*, 518 U.S. 343 (1996) and their progeny, as to supplement his Five (5) requests for review with researched, Shepardized authority.

This Court is therefore asked to consider the necessity of granting both access and extending deadlines to give Orders any meaning and to protect Centofanti's rights and others similarly situated.

Dated this 22nd day of October, 2020

APC

Alfred Centofanti # 85237

Appellant in Pro Per / HDSP / P.O. BOX 650 Indian Springs, NV 89070

Certificate of Service

The clerk is requested to electronically serve this motion in compliance with prior rulings of this court authorizing same.

October 22, 2020

Supreme Court of Nevada

Office of the Clerk

201 S. Carson St., Suite 201

Carson City, NV 89701

Re: Centofanti v. Nevada
No. 179193-CA

Dear Clerk:

I am submitting a Motion to request an extension of the deadline of October 28, 2020 set by the Nevada Supreme Court by way of an Order filed October 14, 2020 that I have yet to receive.

Please file the motion prior to the October 28, 2020 deadline and serve electronically on counsel for Respondents as done and ordered previously with prior motions.

Can I please be provided a file stamped copy of the motion and a docket sheet?

Thank you.

APL

RECEIVED
CENTOFANTI # 85237

OFFICE OF THE CLERK
P.O. BOX 650

SPRINGS, NV 89070
DEPUTY CLERK

Appellant in Pro Per