

No: 19A864

Nevada STATE Supreme Court Case no: 76489

IN THE

Supreme Court of THE United STATES

ERIC D. Montoya - Petitioner/Applicant
VS.

STATE OF Nevada, NEVADA Dept. of Corrections, et.al., -
Respondents,

Motion For Application to Extend the Time
to File a Petition For Writ of Certiorari

Comes now, Eric D. Montoya, proper person, Petitioner/
Applicant, herein above Respectfully moves this Honorable Justice
of The United STATES Supreme Court, to Grant the above, Motion
For Application to Extend the Time to File a Petition
For Writ of Certiorari, per United STATES Supreme
Court Rules, Rule 30(3), Rule 21(1), Rule 22(4), Rule
13(5) and Rule 29(5)(a), this motion is based upon
the Following Points and Authorities;

STATEment of Facts

Petitioner has been incarcerated in solitary
confinement and/or close custody segregation since
Oct. 1996 - present within the discretion of The
Nevada Dept. of Corrections (hereinafter "NDOC"),
and in High Desert STATE prison NDOC since

1 Dec. 18, 2018, under administrative segregation
2 status (hereinafter "AD.SEG") pending Inter-state
3 Compact Transfer according to Chief Classification
4 Officer of AD.SEG. Mr. Ka CCHSTTL,
5 "at some point this transfer will happen?"
6 Until this point, Petitioner will remain in
7 segregation (ad.seg.)...

8 With those Facts in place, Petitioner does
9 not have physical access to Law Library, and
10 access that is available is via inmate library
11 staff.

12 Which eliminates any privacy and/or privilege
13 expected and granted by This High Court via
14 14th Amendment Due Process Clause. Petitioner
15 can't make copies, legal copies within NOOC
16 are to be purchased via "inmate account brass
17 slips", from inmate accounts, which requires
18 under current conditions for Petitioner to
19 give another inmate (unknown to Petitioner)
20 Petitioner's account number and signature.

21

22 LEGAL ARGUMENT

23

24 Petitioner being housed in close custody AD.SEG.
25 For many years ~~as~~ outside the scope of NOOC
26 Administrative Regulations SD series under
27 classification and custody criteria, refers this
28 High Court to "DeMallory v. Cullen 855 F.2d

1 442, 447 (7th Cir. 1988) (cell delivery system
2 is adequate only when prisoners have "starter" or
3 "basic" libraries, or "assistance by Trained, skill-
4 ed and independent legal personnel). This current
5 prisons system of unknown inmate library
6 assistants, clearly not independent legal person-
7 al, This is not consistent nor adequate in ac-
8 cordance to the Courts rulings.

9 Which leads into legal access and/or court
10 access under expected privacy and/or ~~privacy~~
11 privilege. See *Cody v. Weber* 256 F.3d 764,
12 768-69 (8th Cir. 2001) (holding allegation that
13 defendants obtained an unfair advantage
14 in ~~defendant~~ defending themselves against cla-
15 ims by reading his legal papers stated a
16 court access claim), *Ex Parte Hull* 61 S.Ct
17 640 (1941) ("striking down regulation permitting
18 prison officials to screen submissions to the
19 Court"). The inmate library assistant is
20 subject to strip search and inspection of ALL
21 legal materials as a security measure that
22 no illegal activity nor messages are being
23 passed between inmates via legal work and/
24 or research. This Court has ruled that "inmate to
25 inmate" legal transaction is NOT Privileged,
26 "*Turner v. Sappley* 107 S.Ct 2254.

27 This prison has civilian Law Library staff
28 that in the past did conduct the legal Business

1 of inmates needs in segregation of research
2 and/or legal copies as needed via inmate
3 account brass slips, This past practice was
4 VERY sufficient and within the scope of
5 privilege and Trust, until the past process
6 was replaced by inmate Library Helpers,
7 whom are NOT paralegals, and NOT author-
8 ized to handle inmate accounts info, and
9 access. Petitioner was told upon inquiring of
10 the past process, "Law Library STAFF (civilian)
11 said it's too far for them to walk 3-4 times
12 a week to the Segregation units, This is
13 easier for them"...

14 15 Conclusion

16
17 The right to File for legal redress in the
18 courts is as valuable to a prisoner as to any
19 other citizen, indeed for a prisoner it is
20 more valuable. The right to File a court action
21 stands in the words of, "Yick Wo v. Hopkins
22 6 S. Ct. 1064 (1886) as his most fundamental
23 political right because preservative of all rights"
24 This statement and holding after 134 years
25 still stands to protect prisoners not as much
26 from administrations of prisons, but from
27 also the arbitrary action of personnel
28 seemingly representing government.

1 Petitioner asks This High Court to
2 grant this "Extension of Time to File
3 The Petition For Writ of Certiorari",
4 to give This Petitioner time to Finish
5 legal research via assistance ~~from~~ from
6 a Paralegal Service (Elite Paralegal Ser-
7 vice) pro-bono, and to add that U.S.
8 postage take time, and hand copying also
9 takes time, Petitioner will not And Cannot
10 give ~~Account~~ Account into to a stranger
11 much other inmate, That is seemingly
12 stupid and insane...

13 DATED 23 of January 2020

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Respectfully Submitted:

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Eric D. Martoya #51498

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P.O. Box 650 (HOSP)

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Indian Springs, NV,

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Petitioner-proper-person

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