

No. 23-186

**In the Supreme Court of the United States**

NEVADA DEPARTMENT OF CORRECTIONS, ET. AL.,

*Petitioners,*

v.

PHILIP ROY GALANTI,

*Respondent.*

**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

Pursuant to Supreme Court Rule 39.1, Respondent Philip Roy Galanti requests leave to file the accompanying Brief in Opposition to the Petition for Writ of Certiorari *in forma pauperis*, which excuses booklet printing under Rule 33.1. Respondent was allowed to proceed *in forma pauperis* in the U.S. Court of Appeals for the Ninth Circuit and was appointed undersigned pro bono counsel. A copy of the order of appointment and the order granting leave to proceed *in forma pauperis* is appended. Therefore, under Rule 39.1, Respondent has not attached the affidavit otherwise required.

Dated: October 19, 2023

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LEAH SPERO

*Counsel of Record*

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

JUL 15 2022

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

PHILIP ROY GALANTI,

Plaintiff-Appellant,

v.

NEVADA DEPARTMENT OF  
CORRECTIONS; et al.,

Defendants-Appellees.

No. 20-17332  
PRO BONO

D.C. No.  
2:19-cv-01044-GMN-EJY  
District of Nevada,  
Las Vegas

ORDER

Pursuant to this court's June 27, 2022 order, Leah Spero, Esq., Stephen Tollafield, Esq., Gary A. Watt, Esq., and the University of Hastings College of Law, are hereby appointed to represent appellant for purposes of this appeal only. The Clerk will amend the docket to reflect that Leah Spero, Esq., Spero Law Office, 255 Kansas Street, Suite 340, San Francisco, CA 94103, Email: [leah@sperolegal.com](mailto:leah@sperolegal.com); Stephen Tollafield, Esq., U.C. Hastings College of the Law, 200 McAllister Street, San Francisco, CA 94102, Email: [Tollafie@uchastings.edu](mailto:Tollafie@uchastings.edu); and Gary A. Watt, Esq., Hanson Bridgett LLP, 425 Market Street, 26th Floor, San Francisco, CA 94105, Email: [GWatt@hansonbridgett.com](mailto:GWatt@hansonbridgett.com), are pro bono counsel of record for appellant.

Within 30 days after the date of this order, appellant shall, and appellees may, complete and submit the Ninth Circuit Mediation Questionnaire. *See* 9th Cir.

R. 3-4. The Clerk shall transmit the Mediation Questionnaire to counsel with this order. Counsel shall return it according to the instructions contained in the Mediation Questionnaire.

Supplemental or replacement briefing will proceed as follows: the opening brief is due September 16, 2022; the answering brief is due November 18, 2022; and the optional reply brief is due January 20, 2023.

This appeal will be calendared for oral argument during the month of March 2023.

In addition to any other issues the parties address in their briefs, the parties are directed to address: (1) whether Plaintiff has a liberty interest in a reduction of his maximum sentence due to completing a vocational course and obtaining a high school diploma, pursuant to Nev. Rev. Stat. § 209.4465; and (2) whether Nev. Rev. Stat. § 209.4465(8) applies to Plaintiff and if so, whether it affects Plaintiff's eligibility under Nev. Rev. Stat. § 209.4465(7) for a reduction of his maximum sentence.

Appellant is encouraged to file replacement briefing rather than supplemental briefing. Appellees are directed to file a replacement or supplemental brief, or notify the court in writing that appellees stand on the previously filed answering brief.

Both parties shall state on the cover pages of the briefs whether they are replacement briefs or supplemental briefs. If a replacement brief is filed, the Clerk will strike the previously tendered brief.

The parties may file replacement or supplemental excerpts of record. If replacement excerpts of record are filed, the Clerk will strike the previously tendered excerpts. The absence of replacement excerpts of record will be treated as a joinder in the previously submitted excerpts.

**Counsel are advised this appeal has been expedited and extensions of time for briefing will not be granted absent a showing of extraordinary and compelling circumstances. Appellate ECF requests for streamlined or automatic extensions of time will not be granted, and any such relief must be requested in a written motion pursuant to Ninth Circuit Rule 31-2.2(b).**

The Clerk will serve this order on appellant, as well as on all counsel.

If appellant objects to the court's appointment of counsel in this appeal, appellant shall file a written objection within 14 days after the date of this order.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Katie de la Serna  
Deputy Clerk  
Ninth Circuit Rule 27-7

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

APR 7 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

PHILIP ROY GALANTI,

Plaintiff-Appellant,

v.

NEVADA DEPARTMENT OF  
CORRECTIONS; et al.,

Defendants-Appellees.

No. 20-17332

D.C. No.

2:19-cv-01044-GMN-EJY

District of Nevada,

Las Vegas

ORDER

The motion to proceed in forma pauperis (Docket Entry No. 6) is granted.

The Clerk will amend the docket to reflect this status.

The motion for an extension of time to file the opening brief (Docket Entry No. 7) is granted. The opening brief is due June 7, 2021. The answering brief is due July 7, 2021. The optional reply brief is due within 21 days after service of the answering brief.

Because appellant is proceeding without counsel, appellant is not required to file excerpts of record. *See* 9th Cir. R. 30-1.3. If appellant does not file excerpts of record, appellees “must file Supplemental Excerpts of Record that contain all of the documents that are cited in the pro se opening brief or otherwise required by Rule 30-1.4, as well as the documents that are cited in the answering brief.” *See id.*

FOR THE COURT:

Lisa B. Fitzgerald  
Interim Appellate Commissioner  
Ninth Circuit Rule 27-7