


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALFRED P. CENTOFANTI,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
JAMES DZURENDA; JAMES GREG
COX; BRIAN WILLIAMS; DWIGHT
NEVEN; ROMEO ARANAS; JAKE
MURPHY; CYNTHIA SABLIXA; DR.
JOYCE CHANG; DR. ROBERT
HOLMES; A. MONALWG; GREGORY
BRYAN; DR. GREGORY LEAKS; L.
STEWART; TITO BUENOCAMINO;
AND MARIE FE,
Respondents.

No. 83873-COA

FILED

MAR 17 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Alfred P. Centofanti appeals from an order of the district court denying a “motion to compel access to the High Desert State Prison law library” and later-filed supplements, which the district court construed as a request for a preliminary injunction. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

In his motion and supplements, Centofanti sought an order directing the Nevada Department of Corrections (NDOC) to grant him physical access to the law library and additional assistance from trained legal researchers. Centofanti contended that physical access to the law library had been denied to inmates as a result of the COVID-19 pandemic, he had suffered delays in receiving legal research materials, and the

materials he received were not adequate. Centofanti therefore asserted that the NDOC legal research policy was insufficient to permit him to conduct meaningful research and that the NDOC violated his right to access the courts.

Respondents opposed Centofanti's motion and acknowledged that physical access to the prison law library was not permitted to inmates due to the promotion of social distancing and limiting cross-contamination as part of the COVID-19 pandemic policies enacted by the NDOC. As a result of the pandemic, the NDOC instead put into place the following law library policies. Inmates were permitted to place requests for law library materials. NDOC law library staff received the requests, conducted legal research pursuant to those requests, and provided responses to the inmates based on their requests. NDOC staff also helped with requests for legal copy work and in e-filing for cases in federal court. The NDOC also worked to add additional persons capable of conducting legal research but was impacted by issues stemming from the pandemic.

The district court construed Centofanti's motion as a request for a preliminary injunction and conducted a hearing concerning the motion. The district court reviewed the information submitted concerning the NDOC law library and legal research policies, and it ultimately concluded that Centofanti was not entitled to relief.

"The decision to grant or deny a preliminary injunction is within the sound discretion of the trial court, and that discretion will not be disturbed absent abuse." *S.O.C., Inc. v. Mirage Casino-Hotel*, 117 Nev. 403, 407, 23 P.3d 243, 246 (2001). "A party seeking the issuance of a preliminary injunction bears the burden of establishing (1) a likelihood of success on the

merits; and (2) a reasonable probability that the non-moving party's conduct, if allowed to continue, will cause irreparable harm for which compensatory damage is an inadequate remedy." *Id.* at 408, 23 P.3d at 246. While we review the district court's factual findings for substantial evidence, we review questions of law de novo. *Id.* at 407, 23 P.3d at 246.

"The First Amendment guarantees a prisoner . . . a right of meaningful access to the courts." *Jones v. Williams*, 791 F.3d 1023, 1035 (9th Cir. 2015). "[W]hen a prison regulation impinges on inmates' constitutional rights," including the First Amendment right to meaningful access to the courts, "the regulation is valid if it is reasonably related to legitimate penological interests." *Turner v. Safley*, 482 U.S. 78, 89 (1987). To determine if a regulation meets this standard, courts must assess the following factors: (1) the existence of a valid rational connection between the regulation and the proffered government interest; (2) whether there are alternative means for inmates to exercise the affected right; (3) whether an accommodation would negatively impact guards, other inmates, or the allocation of prison resources; and, (4) whether there are any alternatives that would not infringe on legitimate penological interests. *Id.* at 89-90.

Regarding the first *Turner* factor, respondents acknowledged that there was a policy to limit physical access to the prison law library and that inmates had to conduct legal research through requests made to law library staff due to the safety concerns stemming from the COVID-19 pandemic. Promoting safety is a legitimate concern for a correctional facility, *Angel v. Cruse*, 130 Nev. 220, 227, 321 P.3d 895, 900 (2014), and the district court found that the limitation on physical access to the law library and the legal research policy at issue are rationally related to that interest.

Substantial evidence supports the district court's factual findings, and we conclude that the district court did not abuse its discretion by deciding that the relevant policies were rationally related to the safety concerns stemming from the pandemic.

Regarding the second *Turner* factor, respondents contended that the legal research policy provided an adequate means for Centofanti to exercise his right to access the courts. “[P]rison law libraries and legal assistance programs are not ends in themselves, but only the means for ensuring a reasonably adequate opportunity to present claimed violations of fundamental constitutional rights to the courts.” *Lewis v. Casey*, 518 U.S. 343, 351 (1996) (quotation marks omitted). Moreover, the NDOC does not have to ensure that a prison inmate is able to “litigate effectively once in court,” *id.* at 354 (emphasis omitted), and there is no guarantee to a particular method of conducting legal research, “but rather [to] the conferral of a capability—the capability of bringing contemplated challenges to sentences or conditions of confinement before the courts,” *id.* at 356. And delays in receiving legal research materials are “not of constitutional significance” if such delays “are the product of prison regulations reasonably related to legitimate penological interests.” *Id.* at 362.

As explained previously, pursuant to the legal research policy in place due to the COVID-19 pandemic, the law library staff accepted research requests and conducted research pursuant to those requests. The district court made the following findings. The relevant legal research policy provided sufficient means for Centofanti to exercise his right to access the courts. Any delay Centofanti experienced in receiving his requested legal materials did not amount to one of constitutional significance because

the delays were caused by the NDOC's policies put in place due to the legitimate safety issues stemming from the COVID-19 pandemic. Centofanti's complaints concerning physical access to the law library and with the legal research program amounted to an assertion that the NDOC had to help him to litigate his claims effectively, and he was not entitled to relief based upon such complaints. In light of the above, the law library and legal research policies at issue in this matter reasonably accommodated Centofanti's right to access the courts, and his assertions did not rise to a violation of his First Amendment rights. Substantial evidence supports the district court's factual findings, and we conclude that the district court did not abuse its discretion by deciding that the NDOC provided sufficient means for Centofanti to exercise his First Amendment right to access the courts.

Regarding the third *Turner* factor, respondents asserted that an accommodation of Centofanti's request for physical access to the law library or for additional help from legally trained researchers would have negative impacts on other inmates and correctional staff. The negative impacts included safety issues due to the COVID-19 pandemic and scheduling issues that could hamper the law library staff's ability to provide legal research to other inmates. Due to the negative impacts highlighted by respondents, the district court found that Centofanti's request for physical access to the law library or additional help from legally trained researchers was not appropriate. Substantial evidence supports the district court's factual findings, and we conclude that the district court did not abuse its discretion by deciding that Centofanti's requested accommodation would cause negative impacts to other inmates and correctional staff.

Regarding the fourth *Turner* factor, respondents asserted that Centofanti's requests for physical access to the law library or additional help from legally trained researchers would infringe on the NDOC's legitimate interests in the safety of prison inmates and correctional staff. Again, respondents contended that they could not safely accommodate Centofanti's request for physical access or additional assistance from legally trained researchers due to safety issues stemming from the COVID-19 pandemic. The district court found that the information presented concerning this issue was sufficient to demonstrate that Centofanti's suggested alternatives to the law library and legal research policies put into place due to the COVID-19 pandemic would infringe upon the NDOC's legitimate interests in safety. Substantial evidence supports the district court's factual findings, and we conclude that the district court did not abuse its discretion by deciding that Centofanti's request could infringe on the legitimate interest in the safety of other inmates and correctional staff.

For the foregoing reasons, the NDOC's policies with respect to the law library and legal research were reasonably related to legitimate penological interests. Because the relevant policies were reasonably related to legitimate penological interests, Centofanti did not demonstrate a reasonable probability of success on the merits. Therefore, we conclude that the district court did not abuse its discretion by denying Centofanti's request for a preliminary injunction.

Finally, Centofanti argues that the district court erred by denying injunctive relief without conducting an evidentiary hearing. However, Centofanti has not shown that an evidentiary hearing was warranted because, even when the allegations at issue are viewed in a light

most favorable to him, Centofanti's assertions are insufficient to establish that the NDOC violated his right to access the courts. As a result, Centofanti has not demonstrated that the district court abused its discretion by denying his motion without conducting an evidentiary hearing, and we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Dept. 17
Alfred P. Centofanti, III
Attorney General/Carson City
Eighth District Court Clerk

¹To the extent Centofanti raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given our disposition of this appeal.