

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

RECEIVED
JUN 06 2017
OFFICE OF THE SECRETARY

Administrative Proceeding
File No. 3-17210
Appeal of Initial Decision

RESPONDENT'S MOTION
FOR RECONSIDERATION
AND
MOTION TO EXTEND TIME
TO RE-FILE
RESPONDENT'S BRIEF
PURSUANT TO RULE 161

-----X

In the Matter of

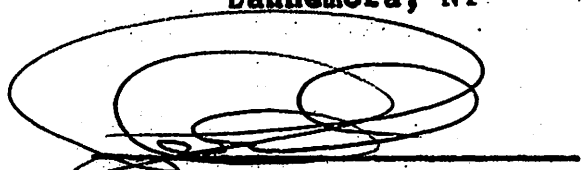
PAUL LEON WHITE II,

Respondent.

-----X

I, Paul Leon White II, Respondent, proceeding Pro Se, submit this Motion For Reconsideration ("RECONSIDERATION MOTION") of the Honorable Court's EXTENSION ORDER dated May 22, 2017, which was received by Respondent on May 26, 2017 and Respondent's Motion to Extend Time to Re-File Respondent's Brief, pursuant to Rule 161 ("EXTENSION MOTION").

Dated: May 31, 2017
Dannemora, NY



Paul Leon White II
Respondent Pro Se

████████████████████
P.O. Box ██████
Dannemora, NY ████████████████████

1. As the Honorable Court is fully aware, commencing in February 2016, the [REDACTED] - Annex ([REDACTED]) Law Library Supervisor on Duty ("LLS") began denying to provide indigent Paul White ("Respondent") with sufficient quantities of plain white 8 1/2" X 11" paper ("PAPER") and carbon paper ("CARBON PAPER"), for the purpose of preparing legal documents, regarding active legal cases, in which Respondent is involved.

2. [REDACTED] LLS' refusal to provide Respondent with sufficient amounts of PAPER and CARBON PAPER is a violation of Federal Law, established by the United States Supreme Court in *Bounds v. Smith*, 430 U.S. 817, 97 S.Ct. 1491 (U.S.S.C. [NC] 1977) and its progeny.

3. In *Bounds*, Honorable United States Supreme Court Justice Mr. Marshall wrote the opinion of the Court, holding:

"It is indisputable that indigent inmates must be provided at state expense with paper and pen to draft legal documents with notarial services to authorize them, and with stamps to mail them."

4. [REDACTED] LLS' refusal to provide Respondent with sufficient amounts of PAPER and CARBON PAPER is a further violation of Administrative Law, established by the Department of Corrections and Community Supervision ("DOCCS") Directive #4483(III)(H) states:

"The facility shall supply reasonable quantities of plain white paper, carbon paper, legal size envelopes, large manila envelopes and black ink pens to inmates requesting same for preparation of legal papers."

"Any inmate requesting an unusual quantity of such supplies may be required to provide verification of the scope of his or her legal research or legal writing activities to demonstrate the need for the quantity requested."

5. In conformity of DOGGS Directive #4483(III)(H), although Respondent does not believe that his request to be provided fifty(50) sheets of PAPER and eight(8) sheets of CARBON PAPER per request constitutes an "unusual quantity", he provided LLS with verification of the scope of Respondent's legal writing activities to demonstrate the need for the quantity requested, in three(3) separate written communications: March 10, 2017; April 12, 2017; and April 18, 2017, which were personally delivered by Respondent to the LLS.

6. On May 14, 2017, Respondent was transferred from Housing Unit ("HU") 10-2 to HU 9-1 and was able to obtain sufficient quantities of "supplies", consisting of several hundred sheets of PAPER and a couple of dozen sheets of CARBON PAPER.

7. On May 22, 2017, [REDACTED] Correction Officer J. Forrette ("CO FORRETTE"), harassed and retaliated against Respondent, based upon filing the afore-described COMPLAINTS, by aggressively searching Respondent's cube and personal items, under the guise of seeking contraband, which was not found.

8. CO FORRETTE seized all of Respondent's PAPER and CARBON PAPER, leaving Respondent with an "Appropriate amount of Law Library materials left in inmate Whites cube" (see EXHIBIT A).

9. The "Appropriate amount" consisted of approximately ten(10) sheets of PAPER and a few sheets of CARBON PAPER, which Respondent utilized that evening to prepare legal documents for Respondent's active cases.

10. On May 23, 2017, the next day after the afore-described retaliatory and harassing search, Respondent attended the CCF Law Library and requested sufficient quantities (i.e. 50 sheets of PAPER and 8 sheets of CARBON PAPER) to prepare legal documents.

11. The LLS refused to provide Respondent with any PAPER or CARBON PAPER.

12. On May 24, 2017, Respondent requested the LLS to provide him with the afore-described "sufficient quantities" of PAPER and CARBON PAPER.

13. The LLS only provided Respondent with two(2) sheets of PAPER and one(1) sheet of CARBON PAPER.

14. On May 25, 2017, Respondent requested the LLS to provide him with the afore-described "sufficient quantities" of PAPER and CARBON PAPER.

15. The LLS only provided Respondent with two(2) sheets of PAPER and one(1) sheet of CARBON PAPER.

16. On May 26, 2017, Respondent requested the LLS to provide him with the afore-described "sufficient quantities" of PAPER and CARBON PAPER.

17. The LLS only provided Respondent with two(2) sheets of PAPER and one(1) sheet of CARBON PAPER.

18. Therefore, Respondent is only being supplied a maximum of six(6) sheets of PAPER and three(3) sheets of CARBON PAPER per week.

19. Pursuant to the Honorable Court's EXTENSION ORDER, dated May 22, 2017, Respondent was ordered to re-write and submit Respondent's Brief to conform to Rule 450, which limits a Respondent's Brief to 14,000 words or thirty(30) pages.

20. Due to the fact that Respondent must completely re-write Respondent's Brief to consolidate it into thirty(30) pages, rather than the sixty-eight(68) pages, previously submitted, will require an Extension of Time, of at least five(5) to seven(7) weeks, based upon the following:

A. The ████ LLS is only providing Respondent with a maximum of six(6) sheets of PAPER per week,

B. Respondent is required to furnish: one(1) original and two(2) copies (i.e. Three(3) total copies including Respondent's copy), pursuant to Administrative Law Judge James E. Grime's previous Decision and Order, and thereby, Respondent must utilize approximately 132 sheets of PAPER (i.e. 120 pages plus 10% error),

C. Based upon a five(5) day business work week, not including any holidays, Respondent requires a minimum of a five(5) week Extension of Time to re-file Respondent's Brief but may require up to seven(7) weeks, depending on how often Respondent is permitted to attend the CCF Law Library.

20. Based upon the afore-described facts and circumstances, Respondent respectfully requests that the Honorable Court reconsider accepting Respondent's originally filed Respondent's Brief, containing sixty-eight(68) pages, rather than thirty(30) pages as defined in Rule 450.

21. In the event that the Honorable Court denies Respondent's request for Reconsideration, Respondent respectfully requests that the Honorable Court grant Respondent at least five(5) weeks to re-write and submit Respondent's Brief, with leave for Respondent to make a future Motion for Extension of Time, depending on the "sufficient quantities" of PAPER.

CERTIFICATE OF SERVICE

**Administrative Proceeding
File No. 3-17210
Appeal of Initial Decision**

I, Paul White, Respondent, proceeding Pro se, hereby certify that on May 31, 2017, I served the following document:

**RESPONDENT'S MOTION FOR RECONSIDERATION AND
MOTION TO EXTEND TIME TO RE-FILE RESPONDENT'S BRIEF**

by placing an original or true copy of same in a wrapper addressed to the persons listed below. I personally deposited the addressed wrappers, into a mail receptacle at [REDACTED] [REDACTED] [REDACTED] [REDACTED] with a signed AUTHORIZED ADVANCE REQUEST affixed thereon, for the [REDACTED] Correspondence Department to affix sufficient First Class postage thereon, and deposit same into a mail receptacle under the exclusive care and custody of the United States Postal Service.

The wrappers were addressed to the following persons:

**Brent Fields, Secretary
Office of Secretary
U.S. S.E.C.
100 F. Street, N.E.
Washington, DC 20549-2557
(Original and 1 copy)**

**Jack Kauffman Esq.
U.S. S.E.C.
200 Vesey Street, Suite 400
New York, NY 10282
(1 copy)**

**Dated: May 31, 2017
Dannemora, NY**


**Paul Leon White II
Respondent, Pro Se**

NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

RECEIVED
JUN 06 2017
OFFICE OF THE SECRETARY

CELL FRISK/CONTRABAND RECEIPT

Original - Inmate
Copy - DSS

Date: 5-22-17 Frisk Start Time: 6:30pm Frisk End Time: 7:10pm

Inmate Name: White DIN: [REDACTED] CELL/CUBE/ROOM: 9-1-11B

Officer Conducting Search: J. Forrette ON File J. Jonette
Print Name Legibly Badge # Signature

ITEMS CONFISCATED OR DAMAGED	WHERE FOUND	DISPOSITION OF ITEMS LISTED
Excessive Law Library Material	Under Bed	Returned to Law Lib.
(White Paper, Carbon paper Envelopes Etc.)	JF	JF

NO CONTRABAND FOUND NO PROPERTY DAMAGED DURING SEARCH

NOTICE TO INMATE: YOU MAY WRITE TO THE DEPUTY SUPERINTENDENT FOR SECURITY WITHIN 7 DAYS OF THIS RECEIPT REGARDING THE CONFISCATION OR DISPOSITION OF THESE ITEMS.

NOTE: DURING THIS CELL FRISK, MY INITIALS BELOW INDICATE THAT THE CELL INTEGRITY CHECK HAS BEEN COMPLETED AS FOLLOWS:

FLOORS: JF SINK/TOILET: N/A
 AIR VENT: N/A WINDOW CHECKED/INTACT: N/A
 CEILING: N/A WALLS: JF
 BARS: N/A MISC: JF

IN ADDITION: THE FOLLOWING ITEMS WERE CHECKED FOR COMPLIANCE:
 PROPERTY LIMITS (No more than 4 bags of property): JF
 PHOTOGRAPH/PICTURE COMPLIANCE (No nudes visible from the front of cell. All photos/pictures confined in the appropriate 2' x 4' section.) JF
 INMATE ID MATCHES CURRENT APPEARANCE (Checked ID to inmate's current appearance, if the inmate was present for the search.) JF

Comments: Appropriate amount of Law Library materials left in inmate White's cube.

EXHIBIT A