

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,) No. 94195-5
)
 Respondent,)
)
 vs.) MOTION FOR LEAVE
) TO FILE REPLY. IN
) THE ALTERNATIVE, MOTION
 LUIS A. AVILA) TO STRIKE ANSWER
)
 Petitioner.)
 _____)

I. IDENTITY OF MOVING PARTY

The Petitioner, Luis A. Avila, requests the relief designated in Section II below.

II. STATEMENT OF RELIEF SOUGHT

The Petitioner, Luis A. Avila, moves the Court for permission to file a Reply. In the alternative, Petitioner requests that this Court enter an order striking the Response to Petition for Review. This motion is brought pursuant to RAP 7.3, RAP 13.4 and RAP 13.7.

III. FACTS RELEVANT TO MOTION

On June 5, 2017, Avila received the Response to Petition for Review ("Answer"). The Answer raises several new issues

that were not raised in the Petition for Review ("Petition"). On July 10, 2017, the Clerk denied Petitioner's Motion for Continuance; finding a Reply was not warranted. RAP 13.4(d); RAP 13.7. The Clerk did not rule on the extraordinary circumstance discussed in the request for an extension of time. Petitioner received notice of the ruling on July 18, 2017. Avila now seeks modification.

IV. GROUNDS FOR RELIEF AND ARGUMENT

RAP 1.2(a) directs this Court to liberally interpret the rules "to promote justice and facilitate the decision of cases on the merits." This authority includes performing "all acts necessary or appropriate to secure the fair and orderly review of the case." RAP 7.3.

The grounds for relief are sufficiently set forth in the Motion to Modify filed contemporaneously with the instant motion, and are hereby incorporated by reference.

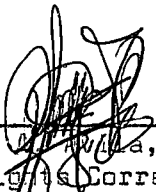
In the Alternative, Petitioner requests that this Court enter an order striking those portions of the Response to Petition for Review that are non-responsive to the issue presented in the Petition.

V. CONCLUSION

Based on the foregoing, Avila moves this Court for permission to file a Reply. In the alternative, Petitioner


moves this Court for an Order Striking Response to Petition
for Review.

Respectfully submitted this 10 day of August, 2017.

X 

Luis A. Avila, #369547
Airway Heights Corrections Center
P.O. Box 2049
Airway Heights, WA 99001-2049

I, Luis A. Avila, declare under the penalty of perjury
under the laws of the state of Washington that on this
11 day of August, 2017, I deposited a true copy of
the document to which this certificate is attached into
the United States Mail, postage pre-paid, addressed to
Benjamin C. Nichols, Asotin County Prosecutor's Office,
P.O. Box 220, Asotin, WA 99042.

X 

Luis A. Avila