

PRISONER\_CIVIL\_RIGHTS, CLOSED

**U.S. District Court  
Eastern District of California – Live System (Sacramento)  
CIVIL DOCKET FOR CASE #: 2:93-cv-00357-GGH-GGH**

(PC) Torres, et al v. Merced, et al  
Assigned to: Magistrate Judge Gregory G. Hollows  
Referred to: Magistrate Judge Gregory G. Hollows  
Demand: \$0  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/04/1993  
Date Terminated: 02/09/2000  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Nicholas Joseph Torres**

represented by **Paul Wayne Comiskey**  
Prisoner Rights Union  
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**Richard P Herman**  
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**Plaintiff**

**Jimmy Lee O'Brien**

represented by **Paul Wayne Comiskey**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul Turner Persons**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Richard P Herman**  
(See above for address)  
*LEAD ATTORNEY*  
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**Plaintiff**

**Heath Leo Steers**

represented by **Paul Wayne Comiskey**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul Turner Persons**

(See above for address)  
*LEAD ATTORNEY*  
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**Richard P Herman**  
 (See above for address)  
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V.

**Defendant**

**County of Merced**

represented by **Allen R Berrey**  
 Merced County Counsel  
 2222 M Street  
 Merced, CA 95340  
 209-385-7564  
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**Defendant**

**Tom Sawyer**  
*as Sheriff*

represented by **Allen R Berrey**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John Henry Hagar**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
03/04/1993	1	COMPLAINT to Honorable Garland E Burrell; Referred to Magistrate John F Moulds; fee status paid; Receipt # 143384;(old) Modified on 03/08/1993 (Entered: 03/08/1993)
03/04/1993	2	APPLICATION by plaintiffs for TRO and ancillary relief set 3/25/93 at 9:00 before JFM; DECLARATIONS of Nicholas Joseph Torres, Jimmy Lee O'Brien and Heath Leo Steers (old) Modified on 03/08/1993 (Entered: 03/08/1993)
03/09/1993	3	AMENDED APPLICATION by pltf's for TRO and ancillary relief; MEMORANDUM in support; DECLARATIONS of Nicholas J Torres, Jimmy Lee O'Brien and Heath Leo Steers (old) (Entered: 03/10/1993)
03/10/1993	4	PROOF OF SERVICE by facsimile by pltf Nicholas Joseph Torres of application for TRO [2-1], complaint [1-1] (old) (Entered: 03/10/1993)
03/24/1993		LODGED STIPULATION AND ORDER GRANTING application for temporary restraining order and ancillary relief and VACATING hearing date 3/25/93 (old) (Entered: 03/24/1993)

03/25/1993	5	STIPULATION and ORDER by Judge Garland E Burrell GRANTING lodged stipulation granting application for TRO and ancillary relief [0-0]; ORDERING: parties having entered into an agreement pursuant to the application for TRO and ancillary relief, and the relief prayed for having been granted, pltf's application for TRO and ancillary relief [2-1] ORDERED OFF CALENDAR (cc: all counsel) (old) (Entered: 03/25/1993)
03/25/1993	6	MINUTES of TRO hearing before Magistrate John F Moulds: matter ordered OFF CALENDAR; stipulation to be filed (old) (Entered: 03/26/1993)
03/31/1993	7	ANSWER by dfts County of Merced, Tom Sawyer to complaint (old) (Entered: 04/01/1993)
03/31/1993		LODGED stipulation and order re: injunctive relief (old) (Entered: 04/01/1993)
04/16/1993	8	STIPULATION and ORDER by Judge Garland E Burrell GRANTING lodged stipulation for injunctive relief [0-0]; ORDERING: 1) dfts are EJOINED from bedding inmates on the floor; 2) maximum assigned bed capacity at the Main Jail is 182; 3) dfts are ENJOINED from adding beds to the Main Jail in each and every housing unit which exists on the date this stipulation is executed; 4) Sheriff if Merced County is authorized to release inmates from the Merced County Jail whenever the Merced County Jail system, or any specific housing unit therein, is w/i ten percent of being filled; Sheriff shall release inmates or refuse to accept newly-committed inmates whenever all beds in the Main Jail are filled; 5) either party may seek to modify or terminate this stipulation pursuant to standards set forth in RUFO v INMATES OF SUFFOLK COUNTY JAIL (cc: all counsel) (old) (Entered: 04/16/1993)
06/08/1993		LODGED stipulation re: class certification (old) (Entered: 06/11/1993)
06/30/1993	9	STIPULATION and ORDER by Judge Garland E Burrell GRANTING lodged stipulation re: class certification [0-0]; ORDERING: action CERTIFIED as a CLASS ACTION pursuant to FRCP 23 (cc: all counsel) (old) (Entered: 06/30/1993)
02/03/1994	10	MINUTES of 2/3/94 before Magistrate John F Moulds settlement conference requested; Further Status Conference is SET for 5/26/94 at 1:30pm ; scheduling order to issue; settlement Judge will be drawn and parties will contact Judge for date (kb) (Entered: 02/04/1994)
02/16/1994	11	ORDER by Magistrate John F Moulds ORDERING: Defendants may depose plaintiffs, and any party may depose a witness confined in a prison, upon condition that, at least 14 days before such a deposition, the deposing party shall serve all parties with the notice required by Fed R Civ P 30(b)(1); this matter is assigned to the Honorable Gregory G Hollows for a settlement conference, counsel for the parties shall arrange for a settlement conference to be held prior to the further status conference; status conference is SET for 5/26/94 at 1:30pm ; the parties shall submit status reports no later than 7 days before the Status conference (cc: all counsel) (kb) (Entered: 02/16/1994)
02/22/1994	12	MAIL Returned Order [11-1], [11-2] addressed to counsel Paul Wayne Comiskey, Prisoner Rights Union, PO Box 1019, 2308 J Street, Suite C, Sacramento, CA 95812-1019 (kb) (Entered: 02/24/1994)
03/02/1994	13	NOTICE by defendants County of Merced and Tom Sawyer of hearing Settlement conference SET for 4/26/94 at 2:30pm before GGH ( cc: GGH) (old) (Entered: 03/03/1994)
04/26/1994	14	MINUTES of 4/26/94 before Magistrate Gregory G Hollows: case has not settled; Settlement conference is CONTINUED to 5/23/94 at 1:00pm (kb) (Entered: 04/28/1994)
05/05/1994	15	LETTER to court from John Hagar counsel for defendants request that the Court continue for approximately 45 days the status conferences to allow time to completed settlement discussions (kb) (Entered: 05/05/1994)
05/18/1994	16	ORDER by Magistrate John F Moulds ORDERING: Scheduling Conference reset to 8/4/94 at 3:00pm ; parties shall submit in duplicate and serve upon all other

		parties within 7 days preceding the conference status reports that address all matters set forth in this court's 2/16/94 order (cc: all counsel) (old) (Entered: 05/18/1994)
07/26/1994	17	MINUTE ORDER: further status conference in this matter is dropped from calendar 8/4/94 at 3:00pm (cc: all counsel) (kb) (Entered: 07/26/1994)
07/29/1994	18	STIPULATION AND ORDER by Magistrate Judge Gregory G Hollows ORDERING: the parties stipulate to the Honorable Gregory G Hollows as the Judge for all purposes concerning the Final Judgement, Fairness Hearing and for the resolution of law library issues at the conclusion of the experiment period for at least 12 months or until the completion of construction whichever lasts longer ; counsel for the parties will communicate at least every 6 months concerning the status of this experiment; defendants shall pay to plaintiffs' counsel attorney fees in the amount of \$12000 at the time of the filing of the Final Judgment (cc: all counsel) (kb) (Entered: 07/29/1994)
08/05/1994	19	ORDER by Magistrate Judge Gregory G Hollows ORDERING: within 5 days of the filed date of this order defendants shall post copies of this Order with the attached proposed Stipulated Settlement Order as well as the attached Settlement Notice on every floor level of the County of Merced Main Jail and that Sandy Mush Branch Jail facility such that the inmates of said institutions have reading access to the postings; within 5 days of the filed date of this order, counsel for plaintiffs shall serve all named plaintiffs with a copy of this Order and all attachments by mail at the last address of record for each named plaintiff; this matter is scheduled for hearing before the Magistrate Judge Gregory G Hollows on 9/14/94 at 9:00am at which the court shall hear evidence and argument relating to the fairness, reasonableness and adequacy of the settlement (cc: all counsel) (kb) Modified on 08/05/1994 (Entered: 08/05/1994)
04/13/1995	20	ORDER by Magistrate Judge John F. Moulds reassigning case to U.S. Magistrate Judge Gregory G Hollows (cc: all counsel) (old) (Entered: 04/13/1995)
12/09/1999	<u>21</u>	ORDER by Magistrate Judge Gregory G. Hollows ORDERING: The parties to this action are ordered to show cause, within 30 days from the file date of this order, why this action should not be dismissed (cc: all counsel) (old) (Entered: 12/09/1999)
02/09/2000	<u>22</u>	ORDER by Magistrate Judge Gregory G. Hollows ORDERING: the parties to this action were ordered to show cause within 30 days why this action should not be dismissed; no response received CASE DISMISSED (cc: all counsel) (kdc) (Entered: 02/09/2000)
05/26/2009		ACKNOWLEDGEMENT OF RECEIPT of Transmittal from FRC. (Flores, E) (Entered: 05/29/2009)