

Docket as of March 14, 1996 8:05 pm

Web PACER (v2.4)

U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 92-CV-1305
Dilley v. Calipatria St Prison, et al

Filed: 08/28/92
Assigned to: Judge Judith N. Keep
Jury demand: Defendant
Referred to: Magistrate Barry T. Moskowitz
Demand: \$0,000
Nature of Suit: 550
Lead Docket: None
Jurisdiction: Federal Question
Dkt# in other court: None
Cause: 42:1983 Civil Rights Act

DANIEL DILLEY
plaintiff

Timothy B Taylor
[COR LD NTC]
Sheppard, Mullin, Richter and
Hampton
501 West Broadway
19th Floor
San Diego, CA 92101-0150
338-6500

Daniel Dilley
[term 04/21/93]
[COR LD NTC] [PRO SE]
LSP
Lancaster Prison
44750 60th Street West
Lancaster, CA 93536-7620

v.

CALIPATRIA STATE PRISON
defendant
[term 01/27/93]

Robert B Shaw, Dpty Atty
General
[term 01/27/93]
237-7329
[COR LD NTC]
Darrell Lee Lepkowsky
[term 01/27/93]
645-2295
[COR LD NTC]

State of California
Office of the Attorney General
110 West A Street
Suite 1100
San Diego, CA 92186-5266
645-2001

Daniel E Lungren, Attorney
General
[term 01/27/93]
[COR LD NTC]
George Williamson, Assistant
Atty Gen
[term 01/27/93]
[COR LD NTC]
Office of the Attorney General
State of California
PO Box 85266
San Diego, CA 92186-5266
645-2001

BRYANT S GUNN, Warden
defendant

Robert B Shaw, Dpty Atty
General
(See above)
[COR LD NTC]
Darrell Lee Lepkowsky
(See above)
[COR LD NTC]

Daniel E Lungren, Attorney
General
(See above)
[COR LD NTC]
George Williamson, Assistant
Atty Gen
(See above)
[COR LD NTC]

- BUTLER, Seargent
defendant

Robert B Shaw, Dpty Atty
General
(See above)
[COR LD NTC]
Darrell Lee Lepkowsky
(See above)
[COR LD NTC]

Daniel E Lungren, Attorney
General
(See above)
[COR LD NTC]
George Williamson, Assistant
Atty Gen
(See above)
[COR LD NTC]

=====

B SCHELKE
defendant

Darrell Lee Lepkowsky
645-2295
[COR LD NTC]

State of California
Office of the Attorney General
110 West A Street
Suite 1100
San Diego, CA 92186-5266
645-2001

NORMA WELLS
defendant

Darrell Lee Lepkowsky
(See above)
[COR LD NTC]

DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
8/28/92	1	Complaint Filed; Summons(es) issued on 8/31/92 (referred to Magistrate Barry T. Moskowitz) Receipt No/Amt of Fee: ifp (mm) [Entry date 08/31/92]
8/28/92	2	Petition for TRO by plaintiff Daniel Dilley (mm) [Entry date 08/31/92]
8/28/92	3	Motion by plaintiff Daniel Dilley to proceed in forma pauperis (mm) [Entry date 08/31/92]
8/28/92	4	Declaration by plaintiff Daniel Dilley re motion to proceed in forma pauperis [3-1] (mm) [Entry date 08/31/92]
8/28/92	5	Declaration by plaintiff Daniel Dilley re motion to proceed in forma pauperis [3-1] (mm) [Entry date 08/31/92]
8/28/92	6	Order by Judge Judith N. Keep granting motion to proceed in forma pauperis [3-1] (cc: all counsel) (mm) [Entry date 08/31/92]
9/1/92	7	Order by Judge Judith N. Keep denying mot for tro and preliminary injunction (cc: all counsel) (lmm) [Entry date 09/04/92]
9/10/92	8	Letter to court from plaintiff Daniel Dilley (lmm) [Entry date 09/11/92]
9/10/92	9	Motion by plaintiff Daniel Dilley for temporary injunction [motion(s) referred to Judge Judith N. Keep], t/w stmt of facts in support of mot, memo of law, and a inmate/parolee appeal form (lmm) [Entry date 09/11/92]
9/10/92	10	Order by Judge Judith N. Keep denying motion for

temporary injunction [9-1] (cc: all counsel) (lmm)
[Entry date 09/11/92]

10/30/92 11 Return of Service executed upon defendant Calipatria St
Prison, defendant Bryant S Gunn, defendant - Butler on
10/26/92, t/w orig sms, and acknowledgements of receipt of
sms and cmp (lmm)

11/3/92 12 Motion by plaintiff Daniel Dilley for appointment of
counsel and granting of co-counsel status [motion(s)
referred to Judge Judith N. Keep] t/w stmt of facts, memo
of law, and verif of serv (lmm) [Entry date 11/09/92]

11/5/92 13 Return of Service executed upon defendant Calipatria St
Prison, defendant Bryant S Gunn, defendant - Butler on
10/30/92, by USM of sms and cmp (lmm) [Entry date 11/09/92]

11/9/92 14 Answer to cmp by defendant Calipatria St Prison, defendant
Bryant Gunn, defendant - Butler, t/w decl of serv (lmm)
[Entry date 11/10/92]

11/9/92 14 Demand for jury trial by defendant Calipatria St Prison,
defendant Bryant S Gunn, defendant - Butler (lmm)
[Entry date 11/10/92]

11/18/92 15 Notice and Order by Magistrate Barry T. Moskowitz ;
E.N.E. Conference set for 3:30 11/23/92 (cc: all counsel)
(lmm)

11/23/92 16 Minutes: Enter Order by Magistrate Barry T. Moskowitz ;
E.N.E. Conference held; E.N.E. Conf recessed to 10:00
1/12/93; pla granted leave to file amd cmp on or before
12/23/92; ENE recessed until after filing of amd cmp;
discovery may go forward at this time Court Reporter: (lmm)
[Entry date 11/25/92]

12/15/92 18 Notice of Motion by defendant Calipatria St Prison to
dismiss 1st amd cmp [motion(s) referred to Judge Judith
N. Keep] 3/1/93, at 10:30 am (lmm) [Entry date 12/21/92]

12/15/92 19 Memorandum of points and authorities by defendant
Calipatria St Prison in support of motion to dismiss 1st
amd cmp [18-1] 3/1/93, at 10:30 am, t/w decl of serv (lmm)
[Entry date 12/21/92]

12/15/92 17 Notice of Motion Hearing by defendant Calipatria St Prison
[motion(s) referred to Judge Judith N. Keep] motion to
dismiss 1st amd cmp set for 10:30 3/1/93 (lmm)
[Entry date 12/21/92]

12/21/92 21 Answer by defendant Bryant S Gunn to 1st amd cmp; and jury
demand, t/w decl of serv (lmm) [Entry date 01/11/93]

12/23/92 20 1st Amended complaint for relief under 42 USC 1983 [1-1];
adding B Schelke, Norma Wells (lmm) [Entry date 01/11/93]

1/5/93 22 Petition for tro by plaintiff Daniel Dilley (lmm)
[Entry date 01/11/93]

1/8/93 23 Order by Judge Judith N. Keep denying petition for tro

[22-1] (cc: all counsel) (lmm) [Entry date 01/11/93]
[Edit date 03/09/93]

1/8/93 23 Order by Judge Judith N. Keep pla's 3rd request for tro denied, pla's request to enjoin dfts from "double-celling" him w/other inmates is denied; (cc: all counsel) (lmm) [Entry date 02/09/93]

1/12/93 24 Minutes: Enter Order by Magistrate Barry T. Moskowitz ; E.N.E. Conf held; case not settled; Settlement conference to be held 4:00 6/2/93 ; Case Management held Court Reporter: (lmm) [Entry date 01/20/93]

1/13/93 25 Pla's 1st Amended complaint for relief under 42 USC 1983 [1-1] OK TO FILE JUDGE KEEP'S Chambers (lmm) [Entry date 01/20/93]

1/21/93 26 Case Management Order Regulating Discovery and Other Pretrial proceedings by Magistrate Barry T. Moskowitz ; Discovery shall be completed by all ptys on or before 4/28/93; Proposed Final Pretrial Conf orders shall be prepared, served and lodged w/the Clerk on or before 6/21/93; Final Pretrial conf shall be held 10:30 6/28/93 before Judge Keep; Mandatory Settlement conference shall be conducted on 4:00 6/2/93 (cc: all counsel) (lmm) [Entry date 01/22/93]

1/27/93 27 Stipulation of voluntary dismissal of dft Calipatria State Prison (lmm) [Entry date 01/29/93]

1/27/93 28 Order by Judge Judith N. Keep terminating party Calipatria St Prison (cc: all counsel) (lmm) [Entry date 01/29/93]

2/1/93 29 Request by defendant Bryant S Gunn, defendant - Butler, defendant B Schelke, defendant Norma Wells for: leave to take the deposition of pla, a person confined in prison, t/w decl of serv (lmm) [Entry date 02/02/93]

2/1/93 29 Order by Magistrate Barry T. Moskowitz granting request for leave to take the deposition of pla, a person confined in prison [29-1] (cc: all counsel) (lmm) [Entry date 02/02/93]

2/2/93 31 Motion by plaintiff Daniel Dilley for summary judgment [motion(s) referred to Judge Judith N. Keep] 3/29/93, at 10:30 am (lmm) [Entry date 02/08/93]

2/2/93 32 Memorandum by plaintiff Daniel Dilley in support of motion for summary judgment [31-1] 3/29/93, at 10:30 am, part one (lmm) [Entry date 02/08/93]

2/2/93 33 Statement of material facts by plaintiff Daniel Dilley in support of motion hearing [30-1], in support of memorandum [32-1], in support of motion for summary judgment [31-1], t/w decl of serv (lmm) [Entry date 02/08/93]

2/2/93 34 Memorandum by plaintiff Daniel Dilley in support of motion for summary judgment [31-1], before Judge Judith N. Keep 3/29/93, at 10:30 am, part two (lmm) [Entry date 02/08/93]

2/2/93 35 Answer by defendant Bryant S Gunn to 1st amd cmp; and jury demand, t/w decl of serv (lmm) [Entry date 02/08/93]

2/2/93 36 Petition for osc by plaintiff Daniel Dilley, t/w prf of serv (lmm) [Entry date 02/08/93]

2/2/93 37 Order by Judge Judith N. Keep denying petition [36-1]; pla's request that this crt order dfts to provide legal assistance is denied (cc: all counsel) (lmm) [Entry date 02/08/93]

2/3/93 30 Notice of Motion Hearing for s/j by plaintiff Daniel Dilley before Judge Judith N. Keep, 3/29/93, at 10:30 am OK PER CRT (lmm) [Entry date 02/08/93] [Edit date 02/08/93]

2/12/93 38 Minutes: Enter Order by Magistrate Barry T. Moskowitz ; Status conf shall be held 4:00 3/12/93; Mr. Dilley shall appear by telephone (cc: all counsel)1 (lmm) [Entry date 02/19/93]

2/24/93 39 Petition for rehearing on order by plaintiff Daniel Dilley, pla's pet for order to show cause, t/w decl of serv (lmm)

2/24/93 40 Order by Judge Judith N. Keep denying petition [39-1], it is hereby ordered that pla's request for reconsideration is denied; additionally, the crt will not consider additional mots for reconsideration or rehrq on this issue (cc: all counsel) (lmm)

3/2/93 41 Notice of Motion Hearing by plaintiff Daniel Dilley to join ptys (lmm) [Entry date 03/05/93]

3/2/93 42 Motion by plaintiff Daniel Dilley to join ptys [motion(s) referred to Judge Judith N. Keep] 5/10/93, at 10:30 am (lmm) [Entry date 03/05/93]

3/2/93 43 Declaration by plaintiff Daniel Dilley in support of mot to join ptys [41-1], [42-1], t/w decl of serv (lmm) [Entry date 03/05/93]

3/2/93 44 Order by Judge Judith N. Keep setting motion to join ptys [42-1] at 10:30 5/10/93 (cc: all counsel) (lmm) [Entry date 03/05/93]

3/12/93 46 Minutes: Enter Order by Magistrate Barry T. Moskowitz ; Discovery conf held 4:00 3/12/93, dft Gunn shall ans interrogatory 1c and 2a; dft Gunn's objection to interrogatory 7d is sustained; dft shall provide the square footage of pla cell; interrogatory 1c and 2a and the square footage of pla's cell shall be answered w/in 20 days; pla may take depositions if he chooses; pla is to consider procedures under Rule 31 of the FRCP if he so desires; pla may take depositions orally if he desires; the time to make mot to amd the pleadings is extended to 4/2/93; a further Discovery hrg will be held 4:00 5/13/93 Court Reporter: (lmm) [Entry date 03/17/93]

3/15/93 45 Memo of P/A's in Opposition by defendant Bryant S Gunn to

pla's motion for summary judgment [31-1], t/w decl of svc and exhibit (lmm)

3/17/93 47 Order by Judge Judith N. Keep setting motion to join ptys [42-1] at 10:30 4/19/93; at this time the court clarifies that pla's mot to join ptys is set for hrg on 4/19/93, at 10:30 am (cc: all counsel) (lmm) [Entry date 03/18/93]

3/17/93 48 Order by Judge Judith N. Keep denying the request for telephonic conf; the court will make an oral ruling; because pla will not be present, there will be no oral argument at the hrg and the ruling will solely be based on the papers; the court will send the transcript of the oral ruling to pla (cc: all counsel) (lmm) [Entry date 03/22/93]

3/22/93 49 Letter to court from plaintiff Daniel Dilley re hrg date and time of mot for sum jgm (lmm) [Entry date 03/23/93]

3/29/93 50 Minutes: Enter Order by Judge Judith N. Keep denying in part the motion for summary judgment [31-1] granting in part the motion for summary judgment [31-1]; the court appoints Magistrate Judge Moskowitz as Special Master to conduct a conf w/the pla and defense counsel and submit to the court a plan for expanding library access at the Calipatria State Prison; counsel for the dft to submit proposed order; the court orders a transcript prepared Court Reporter: Renee Green (lmm)

3/29/93 52 Minutes: Enter Order by Magistrate Barry T. Moskowitz ; Further Status conf set for 3:30 4/15/93 (lmm) [Entry date 04/02/93]

3/31/93 51 Order by Judge Judith N. Keep the court finds that the access to the law library facilities at Calipatria State Prison are not constitutionally adequate, and therefor grants pla's mot for sum jgm on this issue; pla's mot for sum jgm on each of the remaining issues is denied; the court appoints Magistrate Judge Moskowitz as Special Master to recommend how the law library facilities at Calipatria State Prison may be expanded to meet constitutional standards (cc: all counsel) (lmm) [Entry date 04/01/93]

4/1/93 -- Transcript filed of pla's mot for sum jgm before Judge Judith N. Keep (lmm) [Entry date 04/02/93]

4/2/93 53 Letter to court from State Attny General's office (lmm) [Entry date 04/06/93]

4/14/93 54 Order by Judge Judith N. Keep finding the motion to join ptys [42-1] denied as moot. (cc: all counsel) (lmm) [Entry date 04/15/93]

4/15/93 55 Minutes: Enter Order by Magistrate Barry T. Moskowitz ; Status conf held 3:30 4/15/93; Special Master hrg to be held at Calipatria State Prison on 5/3/93 (lmm) [Entry date 04/16/93]

4/21/93 56 Order by Judge Judith N. Keep withdrawing attorney Daniel Dilley for Daniel Dilley and substituting attorney Timothy B Taylor in connection w/the preparation of a plan to

provide prisoners better access to the library at Calipatria State Prison t/w decl of svc (cc: all counsel) (lmm) [Entry date 04/22/93]

4/23/93 57 Answer to 1st amd cmp by defendant B Schelke, defendant Norma Wells (lmm) [Entry date 04/26/93]

4/23/93 57 Demand for jury trial by defendant B Schelke, defendant Norma Wells, t/w decl of svc (lmm) [Entry date 04/26/93]

4/26/93 58 Amended Answer to 1st amd cmp by defendant B Schelke, defendant Norma Wells; and jury demand, t/w decl of svc (lmm)

4/26/93 59 Notice of Motion and Motion by defendants for summary judgment [motion(s) referred to Judge Judith N. Keep] 5/24/93, at 10:30 am (lmm)

4/26/93 60 Memorandum of points and authorities by defendant in support of motion for summary judgment [59-1] 5/24/93, at 10:30 am, t/w decl of svc and exh(s) (lmm)

5/3/93 62 Minutes: Enter Order by Magistrate Barry T. Moskowitz ; Hrg held; witnesses sworn; Status conf set for 4:00 5/13/93 ; Discovery set for 4:00 5/13/93, copy to Mr. Dilley (counsel notified by phone) Court Reporter: BTM93-1;O-E 2; O-E; 3;O-E (lmm) [Entry date 05/07/93]

5/5/93 61 Application by plaintiff Daniel Dilley for order to show cause, t/w decl of svc (lmm) [Entry date 05/06/93]

5/11/93 63 Order by Judge Judith N. Keep denying application [61-1], it is hereby ordered that pla's request for an order to show cause why dft should not provide pla w/assistance from a person trained in the law and more library access is denied (cc: all counsel) (lmm) [Entry date 05/12/93]

5/12/93 64 Opposition and reply by plaintiff Daniel Dilley to dfts motion for summary judgment [59-1], t/w decl of svc OK TO FILE PER ROBYN (lmm) [Entry date 05/13/93]

5/14/93 65 Letter to court from counsel Darrell Lepkowsky for defendants re declaration (lmm) [Entry date 05/17/93]

5/17/93 66 Reply by defendants to pla's opposition to motion for summary judgment [59-1], t/w decl of svc (lmm) [Entry date 05/18/93]

5/24/93 67 Minutes: Enter Order by Judge Judith N. Keep denying in part the motion for summary judgment [59-1] and granting in part the motion for summary judgment [59-1]; court orders counsel for the dft to submit proposed order; court orders preparation of a transcript for the pla Court Reporter: Renee Green (lmm) [Entry date 05/27/93]

5/26/93 -- Transcript filed of pla's mot for sum jgm before the Honorable Judith N. Keep on 5/24/93; transcribed by Ad Hoc Reporting (lmm) [Entry date 05/27/93]

5/31/93 -- Transcript filed of court trial, Volume I, before Judge Keep, on 4/29/94, Peggy Schuerger, Ad Hoc Reporting. (sh)

[Entry date 06/06/94]

6/2/93 68 Minutes: Enter Order by Magistrate Barry T. Moskowitz ; Settlement conference held; further settlement conf to be held 10:00 7/20/93, or at the request of the ptys; all ptys or their representative who have authority to discuss, consider and/or into binding settlement, in addition to the attnys participating in the litigation, shall be present at the conf; this is a case where settlement is a possibility; therefore, a pty or representative of dft w/authority to discuss, consider, and/or enter into a binding settlement must be present on 7/20/93 (lmm) [Entry date 06/04/93]

6/4/93 69 Order by Judge Judith N. Keep dft Gunn's mot for sum jgm as to the clms under cnt 2 are denied; should additional evidence be adduced re those clms, dft Gunn may seek to renew his mot; the oral rulings of the court on 3/29/93 and 5/24/93, are incorporated by reference; a transcript of the oral proceedings shall be provided to pla by the court (cc: all counsel) (lmm) [Entry date 06/07/93]

6/7/93 -- Transcript filed of pla's mot for sum jgm before the Honorable Judith N. Keep on 5/24/93, transcribed by Ad Hoc Reporting (lmm)

6/7/93 70 Revised Order Regulating Pretrial Proceedings by Magistrate Barry T. Moskowitz Proposed Final Pretrial orders shall be prepared, served and lodged w/the Clerk on or before 8/31/93; Final Pretrial conf set 10:30 9/7/93 before the Honorable Judith N. Keep; pretrial conf set for 6/28/93 is vacated (cc: all counsel) (lmm)

6/11/93 71 Notice of appeal by plaintiff Daniel Dilley from Dist. Court decision Receipt No/Amt of Fee: ifp [69-1] (km)

6/14/93 72 Notice by defendants of filing a proposal of the California Department of Corrections and Bryan Gunn re the Inmate Law Library Facilities at Calipatria State Prison, t/w exh(s) and decl of svc (lmm) [Entry date 06/15/93]

6/15/93 73 Minutes: Enter Order by Magistrate Barry T. Moskowitz the date and time of the Settlement conference on 7/20/93 is vacated and reset for 2:00 8/11/93 due to unavailability of Dept of Corrections representative (lmm) [Entry date 06/18/93]

6/17/93 -- Record on Appeal sent to Circuit Court [71-1] (km)

6/30/93 74 Objections by plaintiff Daniel Dilley to pre-trial order filed 6/7/93 [70-2], t/w prf svc (lmm)

7/1/93 75 Order by Judge Judith N. Keep, on 6/11/93, pla filed a ntc of appeal w/a request that the proceedings relating to cnt 2 be stayed pending appeal; this court denies pla's request for a stay of proceedings relating to cnt 2 (cc: all counsel) (lmm)

7/1/93 76 Response by plaintiff Daniel Dilley to dfts' proposal re Inmate Law Library Facilities at Calipatria State Prison, t/w decl of svc (lmm) [Entry date 07/02/93]

7/7/93 77 Notification by Circuit Court of Appellate Docket Number [71-1] 93-55902 (lmm) [Entry date 07/08/93]

8/2/93 78 Reply by defendant Calipatria St Prison, defendant Bryant S Gunn, defendant Butler, defendant B Schelke, defendant Norma Wells to pla's response to dfts' proposal re inmate law library facilities at Calipatria State Prison [76-1], t/w exh(s) and decl of svc (lmm) [Entry date 08/03/93]

8/9/93 79 Minutes: Enter Order by Magistrate Barry T. Moskowitz In court hrg held 8/9/93; court to issue report (lmm) [Entry date 08/12/93]

8/11/93 80 Minutes: Enter Order by Magistrate Barry T. Moskowitz ; Settlement conference held 2:00 8/11/93; further settlement conf to be held at the request of ptys (lmm) [Entry date 08/12/93]

8/23/93 81 Memorandum of Contentions of Fact and Law by defendants, t/w decl of svc (lmm) [Entry date 08/24/93]

8/25/93 82 Memorandum of Contentions of Fact and Law by plaintiff Daniel Dilley, t/w prf of svc (lmm) [Entry date 08/30/93]

9/7/93 83 Minutes: Enter Order by Judge Judith N. Keep ; Pretrial conf continued to 2:00 10/25/93 Court Reporter: Renee Green (lmm) [Entry date 09/08/93]

9/10/93 84 Report and Recommendation by Magistrate Barry T. Moskowitz t/w exhibits (cc: counsel) (ms) [Entry date 09/17/93]

9/22/93 86 Order to show cause: that the ptys show case why the Report of Magistrate Moskowitz should not be adopted, modified, or rejected by the district court Judge Judith N. Keep; it is further ordered that such objection to the report must be submitted to this court w/in ten days of the issuance of this order to show cause, after which time this court shall make its ruling (cc: all counsel) (lmm) [Entry date 09/30/93]

9/23/93 85 Objections by defendant Calipatria St Prison, defendant Bryant S Gunn, defendant - Butler, defendant B Schelke, defendant Norma Wells to report & recommendation [84-1], t/w exh and decl of svc (lmm) [Entry date 09/27/93]

9/27/93 87 Reply by volunteer attnys for plaintiff Daniel Dilley to dfts' objections to report and recommendation of US Magistrate Judge/Special Master [85-1], t/w decl of svc (lmm) [Entry date 09/30/93]

10/13/93 88 Order by Judge Judith N. Keep specifically requesting that Judge Moskowitz respond to the dft's objections that one, the proceedings at Calipatria State Prison on 5/3/93, should not be considered a "hrng" because counsel for the dft did not receive adequate ntc of the nature of the proceeding; and two, that Judge Moskowitz's findings should only apply to the library in Facility C of the prison rather than to all the libraries in the different

facilitates prison (cc: all counsel) (lmm)
[Entry date 10/15/93]

10/25/93 89 Minutes: Enter Order by Judge Judith N. Keep ; Pretrial
conf held and continued to 2:00 1/18/94 Court Reporter:
Renee Green (lmm) [Entry date 10/26/93]

11/2/93 -- Mailed Original Clerk's record on appeal to USCA [71-1] in
3 vols and 2 trans. (km)

11/19/93 90 Response of Special Master Magistrate Judge Barry Ted
Moskowitz to objections of dfts, t/w exh(s) (lmm)
[Entry date 11/22/93]

11/22/93 -- Transcript filed of pre-trial conf before the Honorable
Judith N Keep on 10/25/93; Court Recorder Renee Green;
transcription srvc Ad Hoc Reporting (lmm)

11/22/93 91 Notice of Motion by defendant for jury trial [motion(s)
referred to Judge Judith N. Keep] 1/18/94, at 2:00 pm, t/w
decl of srvc (lmm) [Entry date 11/26/93]

12/2/93 92 Notice by defendants of change of address of the San Diego
Office of the Attny General of California; 110 West A
Street, Suite 1100, San Diego, CA 92101; P O Box 85266,
San Diego, CA 92186-5266; telephone 645-2296, t/w decl of
srvc (lmm) [Entry date 12/08/93]

12/2/93 93 Memo in Opposition by plaintiff Daniel Dilley to dfts
motion for jury trial [91-1], t/w prf of srvc (lmm)
[Entry date 12/08/93]

12/7/93 94 Order by Judge Judith N. Keep that the recommendations
contained w/in Magistrate Moskowitz's Report be adopted in
their entirety forthwith (cc: all counsel) (lmm)
[Entry date 12/15/93]

12/28/93 95 Notice of appeal by defendant Calipatria St Prison,
defendant Bryant S Gunn, defendant - Butler from Dist.
Court decision Receipt No/Amt of Fee: not yet paid [94-1]
(km) [Edit date 01/04/94]

1/4/94 -- Mailed Amended Docket Fee Notification to USCA [95-1] (cc:
all counsel) (km)

1/10/94 96 Transcript Designation and Ordering Form for dates: none
[95-1] (km)

1/13/94 97 Notice of Motion and Motion by defendants to stay 12/3/93
order pending appeal [motion(s) referred to Judge Judith
N. Keep] 3/7/94, at 10:30 am (lmm)

1/13/94 98 Memorandum of points and authorities by defendant in
support of motion to stay 12/3/93 order pending appeal
[97-1], 3/7/94, at 10:30 am, t/w exh(s) and decl of srvc
(lmm)

1/18/94 99 Minutes: Enter Order by Judge Judith N. Keep denying
motion for jury trial [91-1]; court orders dfts' mot denied;
court to issue order; Pretrial Conf held; Four day Court

Trial set for 9:00 4/26/94; pla's request for further discovery referred to Magistrate Judge Moskowitz; court orders defense counsel to issue writ for pla's presence (cc: Judge Moskowitz) Court Reporter: Renee Green (lmm)

1/20/94 100 Opposition by plaintiff Daniel Dilley to dft's motion to stay 12/3/93 order pending appeal [97-1], t/w decl of srvc (lmm) [Entry date 01/21/94]

1/24/94 101 Order by Judge Judith N. Keep it is ordered that the dfts' mot for a jury trial is denied and that this matter shall be heard in a bench trial (cc: all counsel) (lmm)

1/27/94 102 Transcript Designation and Ordering Form for dates: 3/29/93, 5/3/93, 8/9/93 [95-1] (km)

2/3/94 -- Record on Appeal sent to Circuit Court [95-1] (km)

2/3/94 -- Notification by Circuit Court of Appellate Docket Number [95-1] 94-55133 (km)

2/8/94 103 Opposition by plaintiff Daniel Dilley to dft's motion to stay 12/3/93 order pending appeal [97-1], t/w exh(s) and decl of srvc (lmm) [Entry date 02/09/94]

2/9/94 104 Minutes: Enter Order by Magistrate Barry T. Moskowitz in chambers by telephone, pla seeks production of the Calapatria incident log book recording incidents of violence at Calapatria State Prison; pla seeks to use this document to demonstrate that incidents of violence have increased greatly after the institution exceeds its designed inmate capacity; the discovery cutoff has passed; while pla may not obtain this document as part of discovery, he may obtain it at trial by subpoena; pla has chosen to call live witnesses to prove the above fact of increased violence from overcrowding; in an effort to eliminate the necessity of calling certain witnesses, he has offered to prove the fact by introduction of the log; he may serve a trial subpoena for the log under Rule 45, FRCP; if not quashed the document shall be produced in court on 4/26/94 at 9 am, or as otherwise ordered by trial judge; dft has stip to accept service of the subpoena by mail to counsel, Mr Parker, w/out prej to a mot to quash based on the substance of the subpoena (cc: all counsel) (lmm) [Entry date 02/11/94]

2/9/94 105 Minutes: Enter Order by Magistrate Barry T. Moskowitz Status conf held; this court will hold an evidentiary hrg as to compliance w/the court's order filed 12/7/93, on 5/31/94, at 10:00 am, unless such has been stayed or vacated (lmm) [Entry date 02/11/94]

2/17/94 -- Transcript filed of status conf held 8/9/93 before the Honorable Barry Ted Moskowitz; transcribed by Echo Reporting (lmm)

2/17/94 -- Transcript filed of hrg held at the Calipatria State Prison on 5/3/93, before the Honorable Barry Ted Moskowitz; transcribed by Echo Reporting (lmm)

2/22/94 106 Letter from court to pla Daniel Dilley (lmm)
[Entry date 02/23/94]

2/24/94 107 Opposition by defendant Bryant S Gunn, defendant Butler,
defendant B Schelke, defendant Norma Wells to request for
protective discovery order, t/w exh(s) and decl of srvc (lmm)

3/2/94 108 Order by Judge Judith N. Keep the USM is to serve the
pla's witness subpoenas in the above-referenced case; all
costs of this service shall be advanced by the USA; the pla
is responsible for any witness or mileage fees (cc: all
counsel) (lmm) [Entry date 03/03/94]

3/2/94 109 Motion by plaintiff Daniel Dilley to supplement request
for stay order based upon appellate [motion(s) referred
to Judge Judith N. Keep] 3/7/94, at 10:30 am, t/w exh(s)
and decl of srvc (lmm) [Entry date 03/03/94]

3/7/94 110 Minutes: Enter Order by Judge Judith N. Keep denying
motion to stay 12/3/93 order pending appeal [97-1]; pla's
counsel to submit order w/in five days Court
Reporter: Renee Green (lmm) [Entry date 03/09/94]

3/11/94 -- Transcript filed of mot hrg before the Honorable Judith N
Keep on 3/7/94; Court Recorder Renee Green (lmm)
[Entry date 03/14/94]

3/15/94 111 Order by Judge Judith N. Keep denying mot to stay
enforcement of order pending appeal; the oral ruling made
on the reocrd at the hrg of this matter is hereby
incorporated into this order (cc: all counsel) (lmm)
[Entry date 03/18/94]

3/29/94 -- Mailed Certificate of Record Transmitted to USCA [95-1]
(cc: all counsel) (km)

4/5/94 112 Opposition by defendant Bryant S Gunn, defendant - Butler,
defendant B Schelke, defendant Norma Wells to request to
supplement the exh list contained in the pretrial order,
t/w decl of srvc (lmm) [Entry date 04/06/94]

4/7/94 115 Minutes: Enter Order by Magistrate Barry T. Moskowitz
Status Conf held; pty's to prepare order re explanations if
any to be raised for non-compliance by prison library (lmm)
[Entry date 04/08/94]

4/7/94 116 Proof of service by plaintiff Daniel Dilley of: witness
subpoena upon Ms Anita Peterson on 3/29/94, t/w original
subpoena (lmm) [Entry date 04/08/94]

4/7/94 117 Proof of service by plaintiff Daniel Dilley of: witness
subpoena served on Mr H Rippetoe on 3/29/94; t/w original
subpoena (lmm) [Entry date 04/08/94]

4/7/94 118 Proof of service by plaintiff Daniel Dilley of: witness
supboena upon Mr M Lane on 3/29/94; t/w original supboena
(lmm) [Entry date 04/08/94]

4/7/94 119 Proof of service by plaintiff Daniel Dilley of: witness
subpoena upon Mr S Wagner on 3/29/94; t/w original subpoena

and copy of order filed 3/2/94 (lmm) [Entry date 04/08/94]

4/7/94 120 Notice by plaintiff Daniel Dilley to counsel for dfts of intent to offer statements as exceptions to the Hearsay Rule, t/w decl of srvc (lmm) [Entry date 04/11/94]

4/8/94 113 Application and Order for Writ of Habeas Corpus Ad Testificandum, t/w decl of srvc (lmm)

4/8/94 113 Order by Judge Judith N. Keep granting application for writ of habeas corpus ad testificandum re dft Daniel Dilley [113-1] (cc: all counsel) (lmm)

4/8/94 114 Order by Judge Judith N. Keep that the pla Daniel Dilley be produced to attend proceedings in this case; it is further ordered that Daniel Dilley be housed at the MCC, San Diego, CA; t/w decl of srvc (cc: all counsel) (lmm)

4/13/94 121 Order re Status Conf by Magistrate Barry T. Moskowitz the Court orders that in the event dfts do not intend to be in complete compliance w/this Court's order dated 12/15/93 by the time of the Court's visit to Calipatria State Prison on 5/31/94, the dfts are to provide a list of areas that will not be in compliance and the reasons therefor to counsel for Mr. Dilley no later than ten days before the date of the Court's visit (cc: all counsel) (lmm)

4/14/94 122 Minutes: Enter Order by Judge Judith N. Keep the court orders the Court Trial presently scheduled for 4/26/94, re-set for 9:00 4/29/94 (lmm) [Entry date 04/15/94]

4/18/94 123 Designation of Experts by defendant Bryant S Gunn, defendant Butler, defendant B Schelke, defendant Norma Wells, t/w decl of srvc (lmm) [Entry date 04/19/94]

4/18/94 124 Motion by defendant Bryant S Gunn, defendant Butler, defendant B Schelke, defendant Norma Wells in limine [motion(s) referred to Judge Judith N. Keep] 4/29/94, at 9:00 am, t/w decl of srvc and exh (lmm) [Entry date 04/19/94]

4/18/94 125 Notice to counsel of dfts by plaintiff Daniel Dilley of intent to offer statements as exceptions to the Hearsay Rule, t/w decl of srvc (lmm) [Entry date 04/19/94]

4/18/94 126 Plaintiff Daniel Dilley's designated excerpts from ans to interrogatory requests; t/w decl of srvc (lmm) [Entry date 04/20/94]

4/18/94 127 Brief Filed by plaintiff Daniel Dilley on foreseeable evidentiary matter of using state regulations as evidence of public attitude on decency and civilized standards, t/w exh and decl of srvc (lmm) [Entry date 04/20/94]

4/18/94 128 Plaintiffs Proposed findings of fact and conclusions of law, t/w decl of srvc (lmm) [Entry date 04/20/94]

4/19/94 129 Trial briefs submitted by defendant Bryant S Gunn, defendant Butler, defendant B Schelke, defendant Norma Wells, t/w decl of srvc (lmm) [Entry date 04/20/94]

4/21/94 130 Defendant's Proposed Findings of fact and conclusions of law, t/w decl of srvc (lmm) [Entry date 04/22/94]

4/29/94 -- Court Trial Began, first day, received exh(s); continued to 5/3/94, 9 am; Court Recorder Renee Green (lmm) [Entry date 05/02/94]

4/29/94 -- Court Trial Begins 4/29/94, opening stmts made; witnesses swore; exh(s) marked and admitted; 5/3/94 dft's mot for jgm granted; counsel for dft to submit proposed jgm w/in five days; court orders preparation of transcript; court orders mandate filed; exh(s) returned to ptys pursuant to court's instruction; (exh lists attached) (lmm) [Entry date 05/05/94]

5/3/94 131 Certified copy of judgment from USCA affirming in part and dismissing in part the decision of the District Court [71-1]; it is now here ordered and adjudged by this Court, that the jgm of the said District Court in this cause be, and hereby is affirmed in part and dismd in part; filed and entered 3/30/94 (cc: all counsel) (lmm) [Entry date 05/05/94]

5/10/94 -- Partial Transcript filed of court trial (ruling of the court) before the Honorable Judith N Keep on 5/3/94; Court Recorder Renee (lmm)

5/13/94 132 Minutes: Enter Order by Magistrate Barry T. Moskowitz dft shall submit to the court and serve on pla on or before 5/20/94, a report on what efforts have been made to comply w/the report and recommendation of Magistrate Moskowitz concerning the prison law library filed 9/10/93; pla may reply to dft's report on or before 5/27/94 (cc: all counsel) (lmm) [Entry date 05/16/94]

5/16/94 133 Judgment: by Judge Judith N. Keep: It is ordered and adjudged that judgment be entered for dft. (cc: all counsel) (ms) [Entry date 05/23/94]

5/19/94 134 Preliminary report by dfts Bryant S Gunn, Butler, B Schelke, Norma Wells on the status of compliance with the order of the court of 12/15/93, regarding law library access at CSP t/w exhibits and proof of service (ms) [Entry date 05/23/94]

5/24/94 136 Order by Judge Judith N. Keep, the pla has requested under 28 USC 1915 copies of the following transcripts, the 10/25/93, pretrial conf, the 1/18/94, pretrial conf, and his trial before me; I find that the pla in the above-referenced matter has satisfied the requirements for ifp status and therefore grant his request (cc: all counsel) (lmm) [Entry date 05/27/94]

5/24/94 137 Response by plaintiff Daniel Dilley to dfts' preliminary report dated 5/19/94; t/w decl of srvc (lmm) [Entry date 05/27/94]

5/27/94 135 Judgment by Judge Judith N. Keep based on court own motion

of dft, having directed a verdict for dft; IT IS ORDERED
AND ADJUDGED that the judgment be entered for dft .
terminating case JS6 entered 5/27/94. (cc: all counsel) (sh)

5/31/94 -- Transcript filed of court trial, Volume II, before Judge
Keep, on 5/3/94, Peggy Schuerger, Ad Hoc Reporting (sh)
[Entry date 06/06/94]

5/31/94 -- Transcript filed of Pre-Trial conf before Judge Keep, on
1/18/94, Peggy Schueger, Ad Hoc Reporting. (sh)
[Entry date 06/06/94]

5/31/94 138 Stipulation and Order by Magistrate Barry T. Moskowitz
concerning enhancement of transcript t/w Exhibit A (bk)
[Entry date 06/17/94]

6/29/94 139 Minutes: Enter Order by Magistrate Barry T. Moskowitz
Special master's hrg held re compliance w court order re
prison law library. held at Calipatria St Prison t/w
exhibits Court Reporter: n/a (rc) [Entry date 07/08/94]

8/3/94 140 Report of Special Master Re: Law Library conditions at
Calipatria State Prison by Magistrate Barry T. Moskowitz,
parties shall file obj to the adoption of this report w/in
30 days. (cc: all counsel) (rc)

8/30/94 141 Objections by defendant Bryant S Gunn to report of special
master Re: Law Library conditions at Calipatria State
Prison (rc) [Entry date 08/31/94]

11/9/94 -- Clerk's original record on appeal returned from USCA (km)
[Entry date 11/10/94]

4/28/95 -- Mailed Original Clerk's record on appeal to USCA nine
transcripts only (ms)

5/12/95 -- Mailed Original Clerk's record on appeal to USCA (ms)

10/11/95 -- Received judgement from USCA. Forward to Court Clerk for
calendar. (ms)

10/12/95 142 Notice of Hearing for petition, requisite to filing USCA
mandate set 10:30 10/30/95 (jrb) [Entry date 10/17/95]

10/30/95 143 Minutes of Mandate Hearing [95] Court Reporter: Renee
Green (jrb) [Entry date 11/06/95]

10/30/95 144 Certified copy of judgment from USCA remanding the matter
back to District Court Appeal [95-1] (jrb)
[Entry date 11/06/95]

11/14/95 145 Minutes: Enter Order by Magistrate Barry T. Moskowitz
pursuant to the order of the Honorable Judith N Keep US
District Judge, a Status conf will be held 4:00 11/30/95,
in the chambers of the Honorable Barry T Moskowitz, US
Magistrate Judge (cc: all counsel) Court Reporter: (lmm)
[Entry date 11/20/95]

11/30/95 146 Minutes: Enter Order by Magistrate Barry T. Moskowitz ;
Status conf held and continued to 4:00 12/11/95 (jrb)

[Entry date 12/07/95]

12/15/95 147 Stipulation and Order by Judge Judith N. Keep : vacating [94-1] order, vacating [56-2] order; having read the foregoing stip, and good cause appearing, it is hereby ordered as follows, this court's order entered 12/7/93 adopting the Special Master's Report filed 9/19/93 is vacated; this court's order entered 4/21/93 appointing Timothy B Taylor as counsel of record for Mr Dilley is hereby vacated; this case is hereby ordered dismd terminating case JS6 (deputy clerk) (cc: all counsel) (lmm) [Entry date 12/18/95]

3/13/96 -- Clerk's original record on appeal returned from USCA (ms)

Case Flags:
TERMED

END OF DOCKET: 3:92cv1305

PACER Service Center			
Transaction Receipt			
09/15/2005 08:41:06			
PACER Login:	hs0328	Client Code:	
Description:	docket report	Search Criteria:	3:92cv01305
Billable Pages:	19	Cost:	1.52