

Docket as of April 3, 1996 11:26 pm

Web PACER (v2.3)

U.S. District Court**U.S. District for the Northern District of California (S.F.)****CIVIL DOCKET FOR CASE #: 90-CV-2335****Rhinehart v. Gomez, et al**

Filed: 08/15/90
Assigned to: Judge Vaughn R. Walker
Jury demand: Defendant
Referred to: Mag. Judge Wayne D. Brazil
Demand: \$0,000
Nature of Suit: 550
Lead Docket: None
Jurisdiction: US Defendant
Dkt# in other court: None
Cause: 42:1983 Civil Rights Act

MICHEAL RHINEHART
Plaintiff

Micheal Rhinehart
C-39412
[COR LD NTC] [PRO SE]
PBSP
Pelican Bay State Prison
P O Box 7500
Crescent City, CA 95532

v.

CHARLES D. MARSHALL, Warden
defendant

Paul D. Gifford
[COR LD NTC]
Bruce M. Slavin, Deputy
Attorney Gen.
[COR LD NTC]
Azar Bolandgray
[term 10/31/95]
[COR LD NTC]
CA State Atty General's Office
50 Fremont St Ste 300
San Francisco, CA 94105-2239

JAMES GOMEZ, Dir Dept of Corr
defendant

Bruce M. Slavin, Deputy
Attorney Gen.
(See above)
[COR LD NTC]
Azar Bolandgray
[term 10/31/95]

(See above)
[COR LD NTC]

DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
8/15/90	1	COMPLAINT (no process) (dt) [Entry date 08/24/90]
8/15/90	1	In forma pauperis Affidavit (dt) [Entry date 08/24/90]
11/21/90	2	LETTER dated 11/18/90 from Micheal Rhinehart re status of case (ha) [Entry date 12/20/90]
12/12/90	3	ORDER by Judge Marilyn H. Patel: plaintiff have 45 days to amend complaint after receipt of order; if plaintiff does not amend, the court will then grant plaintiff leave to proceed in forma pauperis and will clerk to issue summons (cc: all counsel) (ha) [Entry date 12/20/90]
12/9/91	4	ORDER by Judge Thelton E. Henderson Case reassigned to Judge Barbara A. Caulfield (Date Entered: 12/9/91) (cc: all counsel) (gba)
5/29/92	5	LETTER dated 5/18/92 from Micheal Rhinehart re: status (ml) [Entry date 06/02/92]
11/16/92	6	ORDER by Judge Barbara A. Caulfield consolidating cases 3:90-cv-2335 with member cases 3:92-cv-240 (Date Entered: 11/17/92) (cc: all counsel) (ml) [Entry date 11/17/92]
11/16/92	7	ORDER by Judge Barbara A. Caulfield granting affidavit In forma pauperis [1-1] for issuance of summons, order and complaint by U.S. Marshal. Copy of order to plaintiff by certified mail Defendants to file special report within thirty days; plaintiff to respond within twenty days (Date Entered: 11/17/92) (cc: all counsel and writ clerk) (ml) [Entry date 11/17/92]
11/17/92	--	SUMMONS issued as to defendants (ml)
12/30/92	8	LETTER dated 12/27/92 from Micheal Rhinehart re defendant's report (mcl) [Entry date 01/06/93]
1/14/93	9	LETTER dated 1/11/93 from Micheal Rhinehart requesting default as to defendants (ml) [Entry date 01/15/93]

1/15/93 10 SPECIAL REPORT by defendant Charles D. Marshall, defendant James Rowland (ml) [Entry date 01/19/93]

1/15/93 10 MOTION with memorandum in support by defendant for summary judgment in favor of defendants before Judge Barbara A. Caulfield (ml) [Entry date 01/19/93]

1/15/93 11 DECLARATION by Azar Bolandgray on behalf of defendant re motion for summary judgment in favor of defendants before Judge Barbara A. Caulfield [10-1] (ml) [Entry date 01/19/93]

1/15/93 -- RECEIVED Order (defendant) re: [10-1] (ml) [Entry date 01/19/93]

2/3/93 12 ANSWER by defendants to complaint [1-1]; jury demand (ml) [Entry date 02/04/93]

2/8/93 13 RESPONSE by plaintiff Micheal Rhinehart re special report [10-1] (ml)

2/8/93 14 DECLARATION by Michael Rhinehart on behalf of plaintiff Micheal Rhinehart re response [13-1] (ml)

4/21/93 15 LETTER dated 4/18/93 from Micheal Rhinehart re: status of case (ml) [Entry date 04/27/93]

4/22/93 16 LETTER dated 4/22/93 from writ clerk to Micheal Rhinehart re: status of case (ml) [Entry date 04/27/93]

1/6/94 17 LETTER from Micheal Rhinehart re: status of case [3:90-cv-02335] (ml) [Entry date 01/11/94]

2/14/94 18 MOTION before Judge Barbara A. Caulfield by plaintiff for discovery order [3:90-cv-02335] (ml) [Entry date 02/18/94]

3/23/94 19 RETURN OF SERVICE executed upon defendant Charles D. Marshall, defendant James Rowland on 1/14/93 and 12/4/92 of summons, complaint and order [3:90-cv-02335] (ml) [Entry date 03/28/94]

3/24/94 20 MOTION before Judge Barbara A. Caulfield by plaintiff for access to the prison law library [3:90-cv-02335] (ml) [Entry date 03/28/94]

4/11/94 21 LETTER dated 4/6/94 from Micheal Rhinehart re: status of pending motion [3:90-cv-02335] (ml) [Entry date 04/18/94]

5/4/94 22 LETTER dated 5/1/94 from Micheal Rhinehart re: pending motions [3:90-cv-02335] (ml) [Entry date 05/09/94]

5/11/94 23 LETTER dated 5/9/94 from writ clerk to Micheal Rhinehart [3:90-cv-02335] (ml) [Entry date 05/13/94]

7/5/94 24 ORDER by Judge Barbara A. Caulfield denying motion for access to the prison law library [20-1], partially granting motion for discovery, see order for details [18-1], denying

motion for summary judgment re: segregation; granting summary judgment in favor of defendants re: exercise [10-1] (Date Entered: 7/7/94) (cc: all counsel) [3:90-cv-02335] (ml) [Entry date 07/07/94]

9/6/94 25 EX-PARTE APPLICATION before Judge Barbara A. Caulfield by defendant to extend time to file motion [3:90-cv-02335] (ml) [Entry date 09/13/94]

9/6/94 26 DECLARATION by Azar A. Bolandgray on behalf of defendant re motion to extend time to file motion [25-1] [3:90-cv-02335] (ml) [Entry date 09/13/94]

9/7/94 31 ORDER by Judge Barbara A. Caulfield granting motion to extend time to file motion [25-1] (Date Entered: 9/19/94) (cc: all counsel) [3:90-cv-02335] (ml) [Entry date 09/19/94]

9/12/94 27 MOTION before Judge Barbara A. Caulfield by defendant for summary judgment in favor of defendants with Notice set for [3:90-cv-02335] (ml) [Entry date 09/14/94]

9/12/94 28 MEMORANDUM by defendant in support of motion for summary judgment in favor of defendants [27-1] [3:90-cv-02335] (ml) [Entry date 09/14/94]

9/12/94 29 DECLARATION by Azar Bolandgray on behalf of defendant re motion for summary judgment in favor of defendants [27-1] [3:90-cv-02335] (ml) [Entry date 09/14/94]

9/12/94 30 REQUEST by defendant for in camera review of confidential documents [3:90-cv-02335] (ml) [Entry date 09/14/94]

9/23/94 32 ORDER by Assignment Committee referring to Judge Vaughn R. Walker the motion for summary judgment in favor of defendants [27-1] Case reassigned to Judge Vaughn R. Walker () (cc: all counsel) [3:90-cv-02335] (ml) [Entry date 09/28/94]

9/30/94 33 RESPONSE by Plaintiff Micheal Rhinehart re request [30-1] [3:90-cv-02335] (th) [Entry date 10/03/94]

10/4/94 34 NOTICE of hearing by defendant Charles D. Marshall setting motion for summary judgment in favor of defendants [27-1] ; hearing set for 10:30 11/4/94 [3:90-cv-02335] (th) [Entry date 10/05/94]

11/1/94 35 ORDER by Judge Vaughn R. Walker that the motion for summary judgment in favor of defendants [27-1] is submitted on the papers, without oral argument. (Date Entered: 11/3/94) (cc: all counsel) [3:90-cv-02335] (th) [Entry date 11/03/94]

12/19/94 36 DECLARATION by Ras Adisa Gamba Oluwa on behalf of Plaintiff Micheal Rhinehart [3:90-cv-02335] (th) [Entry date 12/21/94]

12/23/94 37 EX-PARTE APPLICATION before Judge Vaughn R. Walker by Plaintiff Micheal Rhinehart for order for greater access to law library [3:90-cv-02335] (th) [Entry date 01/03/95]

3/20/95 -- REFERRAL: referring to special master for findings and conclusions to Mag. Judge Wayne D. Brazil [3:90-cv-02335] (wh)

3/20/95 38 ORDER by Judge Vaughn R. Walker denying motion for order for greater access to law library [37-1]. Modifying the briefing schedule, plaintiffs opposition to defendants motion due by 4/14/95. referring matter to a magistrate judge (Date Entered: 3/24/95) (cc: all counsel) [3:90-cv-02335] (th) [Entry date 03/24/95]

3/29/95 39 NOTICE by defendant Charles D. Marshall of change of address [3:90-cv-02335] (th) [Entry date 04/04/95]

4/14/95 40 OPPOSITION by Plaintiff Micheal Rhinehart to motion for summary judgment in favor of defendants [27-1] [3:90-cv-02335] (th) [Entry date 04/19/95]

4/27/95 41 Ex Parte REQUEST by defendant for extension of time in which to file reply. [3:90-cv-02335] (pg) [Entry date 05/01/95]

4/27/95 42 DECLARATION by Azar A. Bolandgray on behalf of defendant re request [41-1] [3:90-cv-02335] (pg) [Entry date 05/01/95]

4/27/95 -- RECEIVED proposed order re extension submitted by defendant [3:90-cv-02335] (pg) [Entry date 05/01/95]

5/4/95 44 ORDER by Judge Vaughn R. Walker granting request extending time to file reply [41-1] (Date Entered: 5/9/95) (cc: all counsel) [3:90-cv-02335] (th) [Entry date 05/09/95]

5/5/95 43 REPLY by defendant Charles D. Marshall, defendant James Gomez to response to motion for summary judgment in favor of defendants [27-1] [3:90-cv-02335] (th) [Entry date 05/08/95]

5/22/95 45 ORDER by Mag. Judge Wayne D. Brazil sealing in camera review documents (Date Entered: 5/25/95) (cc: all counsel) [3:90-cv-02335] (th) [Entry date 05/25/95]

6/15/95 46 ORDER by Mag. Judge Wayne D. Brazil for leave to file supplemental papers re: summary judgment (Date Entered: 6/19/95) (cc: all counsel) [3:90-cv-02335] (ml) [Entry date 06/19/95]

6/16/95 47 REPORT RE REPORT AND RECOMMENDATION to Mag. Judge Wayne D. Brazil concerning motion for summary judgment [27-1] (see order) (cc: all counsel) [3:90-cv-02335] (ab) [Entry date 06/23/95]

6/28/95 48 RESPONSE by Plaintiff re report and recommendation motion REPORT AND RECOMMENDATION [47-1] [3:90-cv-02335] (mb) [Entry date 07/03/95]

7/6/95 49 EX-PARTE APPLICATION before Judge Vaughn R. Walker by defendant to extend time to file pleading [3:90-cv-02335]

(ml) [Entry date 07/07/95]

7/6/95 50 DECLARATION by Bruce Slavin on behalf of defendant re motion to extend time to file pleading [49-1] [3:90-cv-02335] (ml) [Entry date 07/07/95]

7/7/95 51 ORDER by Mag. Judge Wayne D. Brazil granting motion to extend time to file pleading [49-1] to 8/3/95(Date Entered: 7/17/95) (cc: all counsel) [3:90-cv-02335] (ml) [Entry date 07/17/95]

7/10/95 52 ORDER by Judge Vaughn R. Walker extending time to file pleading to 8/3/95 (Date Entered: 7/17/95) (cc: all counsel) [3:90-cv-02335] (ml) [Entry date 07/17/95]

8/2/95 53 RESPONSE by defendant re 6/15/95 order [46-2] [3:90-cv-02335] (ml) [Entry date 08/03/95]

8/7/95 54 MOTION before Judge Vaughn R. Walker by Plaintiff for appointment of counsel [3:90-cv-02335] (ml) [Entry date 08/08/95]

8/8/95 55 REPORT AND RECOMMENDATION to Judge Vaughn R. Walker concerning motion for summary judgment [27-1] (cc: all counsel) [3:90-cv-02335] (ml) [Entry date 08/14/95]

8/31/95 56 OBJECTIONS by Plaintiff of proposed recommendations REPORT AND RECOMMENDATION [55-1] [3:90-cv-02335] (lg) [Entry date 09/05/95]

9/29/95 57 MOTION before Judge Vaughn R. Walker by Plaintiff for conference telephone calls [3:90-cv-02335] (llm) [Entry date 10/02/95]

10/17/95 58 ORDER by Judge Vaughn R. Walker dismissing without prejudice for lack of jurisdiction, and terminating case ; appeal filing ddl 11/20/95 (Date Entered: 10/20/95) (cc: all counsel) [3:90-cv-02335] (llm) [Entry date 10/20/95]

10/27/95 59 NOTICE OF APPEAL by Plaintiff Micheal Rhinehart from Dist. Court decision order [58-3] Fee Status Unpaid [3:90-cv-02335] (llm)

10/31/95 60 ATTORNEY SUBSTITUTION: terminating attorney Azar Bolandgray for James Gomez, attorney Azar Bolandgray for Charles D. Marshall as counsel for by defendant and substituting attorney Bruce M. Slavin [3:90-cv-02335] (llm)

11/6/95 61 NOTICE of Acknowledgment by Plaintiff Micheal Rhinehart of Notice of Appeal and Certificate of Record. [3:90-cv-02335] (llm)

11/17/95 -- NOTIFICATION by Circuit Court of Appellate Docket Number 95-17156 [3:90-cv-02335] (llm)

12/20/95 62 ORDER by Judge Vaughn R. Walker: Appeal is not taken in good faith. (Date Entered: 12/21/95) (cc: all counsel) [3:90-cv-02335] (llm) [Entry date 12/21/95]

2/26/96 63 CERTIFIED COPY of USCA Order: DISMISSING the appeal [59-1]
[3:90-cv-02335] (11m) [Entry date 02/27/96]

2/27/96 64 CLERK's letter spreading the mandate to counsel. re appeal
[59-1] [3:90-cv-02335] (11m)

4/1/96 65 AFFIDAVIT of Michael Rhinehart in support of motion to
proceed in forma pauperis on appeal. [3:90-cv-02335] (11m)
[Entry date 04/02/96]

4/3/96 66 LETTER dated 3/31/96 from Micheal Rhinehart re refiling
complaint. [3:90-cv-02335] (11m)

Case Flags:
TERMED
CONSOL
R/R

END OF DOCKET: 3:90cv2335

PACER Service Center			
Transaction Receipt			
06/16/2005 14:40:51			
PACER Login:	hs0328	Client Code:	
Description:	docket report	Search Criteria:	3:90cv02335
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