

CIVIL DOCKET

UNITED STATES DISTRICT COURT

C-70 2497

CLOSING CARD PREPARED

Jury demand date:

C. Form No. 106 Rev.

TITLE OF CASE	ATTORNEYS
JOHN WESLEY CLUTCHETTE	For plaintiff: Silliman & House
VS	130 West Gabilan, Salinas, Ca. 93901
RAYMOND PROCUNIER,	William Bennett Turner, Oscar Williams, 12 Geary St. S. F. Cal. 94108
LOUIS NELSON,	788-8736.
JAMES PARKS &	John Thorne, 510 North Third St. San Jose, Calif.
JOHN DOES NOS. 1 thru 15.	Fay Stender, 5406 Claremont Ave Oakland, Calif. 94618
	Robert Fries,
	Steinhart, Goldberg, Feigenbaum & Lad 1 Post Street
	San Francisco, CA 94104
	415 392 5010
	For defendant:
	Evelle J. Younger, Atty Gen of Cal. 6000 State Building, S. F. Calif.

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
S. 5 mailed 11/20/70	Clerk		11-20-70	79832	1500'	
			NOV 24 1970	CD1-41		1500'
S. 6 mailed 7-31-79	Marshal		7-16-71	84786 (appnd)	500	
			JUL 20 1971	CD2-6		500
basis of Action: Civil Rights	Docket fee					
images \$30,000.00	Witness fees					
Civil Rights Act	Depositions					
Action arose at:						
				Closed	7-31-79	

C-70

AJZ

JOHN WESLEY CLUTCHETTE & GEORGE L. JACKSON vs RAYMOND PORCUNIER, et al

DATE	PROCEEDINGS	Date Order Judgment No
1970		
Nov 20	1. Filed complaint - no process.	
Nov 20	2. Filed Memo in Support of Mo for a TRO and OSC.	
Nov 20	3. Filed ORDER to Show Cause-defts to appear at 10:00 AM 12/4/70.	
Dec 3	4. Filed Suppl Memo of Points & Auths in Suppt of Mo for Prelim. Injunction.	
Dec 3	5. Filed amended complaint for Declaratory Judgement, Injunctive Relief and Damages.	
Dec 4	ORD aft hrg-case con't to 1/4/71 for submission of briefs.	(Zirpo
Dec 9	6. Filed summons on ret ex as to Raymond Procunier, Louis Nelson, and James Park	
Dec 22	7. Filed Pltfs Post-hearing Memo in Support of Mo for Prelim. Injunc.	
1971		
Jan 4	ORD aft hrg-Con't to Jan 14 for submission	
Jan 14	8. Filed Memo of Points and Auths in Oppos to Mo for Prelim Injunc.	
Feb 4	9. Filed Change of Address of Attys Turner & Williams.	
June 21	10 Filed Memorandum Opinion & Order.(Declar. Judg. & perm. inj.Grt.)	AJZ
Jul 1	11. Filed Notice of Mo for New Trial, to Amend findings of Fact and For a stay pending appeal on for hrg mo July 12,1971 @ 1:30 p.m.	
July 9	12. Filed defts notice of withdrawal of motion for new trial Pltiffs	
Jul 13	13. Filed/Memo in opposition to mo for stay pending appeal.	
Jul 15	Ord Mo for stay pending appeal.Denied Cont'd to Oct 22,1971 for Post Judg't conference, @ 1:30 a.m.	AJZ
Jul 16	14. Filed notice of Appeal by Deft. Made & Mailed notice of appeal.	
Jul 16	15. Filed Designation of record on appeal, of the Defts.	
Jul 28	16. Filed Designation of record on appeal, of the Pltfs.	
Aug 25	17. Filed Reporter's transcript. Dec 4,1970.	
25	Made and Mailed Record to CCA	
Aug 26	18. Filed Reporter's Transcript Dec 4,1971.	
Aug 30	19. Filed Receipt of record of CCA.	
Sept 2	Made, Mailed 1st Supplemental Record on Appaal 9th CCA	
Sept 72	20. Filed receipt of record from CCA.	

DATE 971	PROCEEDINGS	Date Order of Judgment Not
ep 16	21. Filed Ord of CCA that the Appellant's Mo for a stay of portion of the District Court's judgment , filed herein on aug 27, 1971 is Denied.	
8	22. Filed Mo for Enlargement of time of ten days.	
13	23. Filed Ord for enlargement of time within which they must submit a plan for inmate discipline is enlarged to 10 days from the date their application for stay is ruled upon by the Circuit court.	AJZ
20	24 Filed Ord of CCA:	

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOHN WESLEY CLUTCHETTE, et al.,
Appellees,

v.

RAYMOND J. PROCUNIER,
Appellant.

FILED
OCT 1 1971
Wm. B. LUCK, CLERK
70-2497
No. 71-2357

ORDER

FILED
OCT 20 1971

Before ELY and HUFSTEDLER, Circuit Judges.

C. G. EVENSEN, Clerk

The motions panel concerned with the subject case (Judges Ely and Hufstedler) has voted to deny the petition for rehearing and to reject the suggestion for a rehearing en banc.

The full court has been advised of the suggestion for an en banc hearing, and no judge of the court has requested a vote on the suggestion for rehearing en banc.

Fed. R. App. P. 35(b).

The petition for rehearing is denied and the suggestion for a rehearing en banc is rejected.

{MoCal, Week of September 7, 1971}

United States Circuit Judges

'B''

C-70-2497 AJZ

DATE 1971	PROCEEDINGS	Date Order Judgment
Oct 22	Ord Post judgment conf hrg cont 1:30 p.m. Mov 9,1971. AJZ	
Nov 5	25. Filed Pltifs Response to San Quentin Plan for inmate Discipline.	
Nov 9	Ord post judgt conf hrg @ 1:30 p . m. 11-30-71	
Nov 30	Ord hrg cont to 1:30 p.m. Dec 14,1971.	
Dec 14	Ord hrg cont to 1:30 p.m. 12-21-71.	
Dec 14	Filed Complaint and Affidavit of Contempt. (in file C71-649SW)	
14	Filed Ord to refile the document in that file C70-2497-AJZ(In file C71-649SW)	
Dec 21 1972	Ord post judg't conf cont hrg to 1:30 p.m. on 1-4-72 .	Will AJZ
Jan 4	Ord cont to 1:30 p.m. on 2-8-72 for submission of post judg't conf.	
4	26. Filed Inmate Discipline Plan	
13	27. Filed Pltifs interrogs.	
Feb 4	28. Filed Stip and ord for Continuance of hrg on disciplinary Plan. On for hrg Feb 8,1972 @ 1:30 a.m. (AJZ)	
Feb 25	29. Filed defts' Objectns & ANS to Interrogs	
Feb 28	30. Filed Stip ORD next time to 3-13-72 for defts to ans interrogs	
	31. Filed ORD cont'g hrg from 2-29 to 3-30-72	AJZ
Mar 23	32. Filed Stip & ORD cont'g hrg on disciplinary plan from 3-30-72 4-27-72/1:30	AJZ
Apr 13	33. Filed Stip & ORD cont'g hrg on disciplinary plan from 4-27-72 to 5-18-72/1:30	AJZ
Apr 21	34. Filed defts' not. of mo for lv to file 1st amend plan for inmate discipline, 5-18-72/1:30	
May 15	34(a). Filed Pltfs' Objectns to 1st Amend Plan for Inmate Discipline	
May 15	35. Filed Pltfs' Memo in supp of objectns to 1st amend plan	
	36. Filed afdvt of Wm B Turner in supp of objectns to 1st amend plan	
May 18	ORD: hrg on disciplinary plan cont to 6-9-72/lpm	
May 22	37. Filed ORD that defts' 1st Amend Plan for Inmate Discipline is substituted for plan previously filed on 1-4-72	AJZ
June 9	38. Filed defts' Response to pltfs' objectn to 1st amended plan of inmate discipline	
June 15	39. Filed ORD: defts to file report on administration of discipline plan no later than 8-8-72; Pltfs may file comments on this report & the matter will be deemed submitted on 8-8-72 w/o fur hrg	AJZ

D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date of Judgment
1972		
July 3	40. Filed Stip & Order adding additional party with stip of fact attached.	Z
Aug 8	41. Filed defts' Report on administration of discipline plan	
Aug 17	42. Filed pltfs' Comments on defts' Report to the Court	
Nov. 30	43. Filed reporter's transcript of 7/15/71	
	44. Filed reporter's transcript of 5/18/72	
1973		
Oct 11	45 Filed notice of call of the general civil list on for Nov 13,73 @ 1:p.m. Clk.	
Oct 16	46. Filed pltfs cert of counsel	
Nov 13	Ord case off disp cal. AJZ.	
Aug 1	47. Filed Order from the 9th CCA RE Hrg en banc DENIED. Appellant's counsel to file supp brief . Appellee's to ans;.	
1974		
Nov 22	48. Filed C.C. of the Judgt of the 9th CCA; Judgt of the District Court is REMANDED. AJZ Sent Judgt to AJZ	
"	49. Filed receipt for case file being returned.	
Dec 19	50. Filed Ord for hrg following remand, 1/3/75 @1;30. AJZ	
24	51. Filed Stip & Ord continuing hrg to 1/10/75 @1;30. AJZ	
1975		
Jan 10	ORD: Special Hrg..Hrg on removal.. Cont'd to 2/28/75 @1;30 for fur hrg.. AJZ	
14	52. Filed Pltf's Interrog's on remand	
'17	53. Filed defts 2nd amended plan for inmate discipline	
Feb 10	54. Pltf's object.& memo in opp to 2nd amend. plan for inmate disc.	
21	55. Filed deft's response to Pltf's object's to the 2nd amended plan for inmate discipline	
26	56. Filed Pltf's reply memo & fur object to plan	
28	ORD: Special Hrg; Fur hrg on remand case to be submitted, as of 3/10/75. -AJZ	
Mar 4	57. Filed c.c. of ord from the 9th CCA; Modification of opinion	
June 19	58. Filed true copy of order from Supreme Court Allowing Certiorari. Forwarded Complete Case file to Supreme Court.	
July 2	59. Filed Stip & Order supplementing Record on Appeal. (file forwarded to 9th CCA by Walter Moniz)	
Aug 07	60. Filed receipt from 9th CCA for receiving the file	
Aug 13	MADE, MAILED SUPPL Record on Appeal to US Supreme Court purs to Ord Of 7-2-75	
Aug 20	61. Filed receipt from US Supreme Ct. for Suppl Record	

DATE	PROCEEDINGS	Date Or Judgment
1976		
July 19	62. Certified copy of judgment from 9th CCA remanding case to Northern District Court	
Oct 7	63 Joint Status Report	
Oct 13	64 Plaintiff's supplemental Interrogatories on Remand	
Dec 27	65. Substitution of Counsel	
1977		
Dec 13	66. Plaintiff: 2nd supplemental interrogatories on remand.	
1978		
Apr 7	67. Clerk's notice of status conference 5/9/78 @1:30.	
Apr 17	Received stipulation and order continuing status conference	
Apr 18	68. Stipualtion and ORDER: Status conference continued 5/30/78 at 1:30 p.m. AJZ	
May 30	70 ⁶⁹ MINUTES: W. Harris(reporter) STATUS CONF. continued to 7-25-78 at 1:30 P.M. for plaintiffs motion for sum. judgment or further status. AJZ	
June 22	Received Plaintiffs stipulation & proposed order continuing hearing.	
June 22	70 Plaintiffs stipulation & ORDER continuing hearing set for 7/25 to 10/11/78 @ 1:30 PM. AJZ	
Sep 22	71. Stipulation and ORDER: Hearing of motions continued, 12/13/78 @ 1:30 AJZ	
Dec 12	72. Plaintiffs certificate of counsel re: status of action	
Dec 13	73. MINUTES: Further status conference, continued, 1/15/79 @ 1:30 for further status report. (C. Mikkalsen) AJZ	
Dec 13	74. Plaintiffs certificate of counsel	
Dec 29	75. Plaintiffs notice of motion and motion for partial summary judgment and attorneys fees, 1/15/79 @ 1:30	
29	76 Plaintiffs memorandum of points and authorities in support of motion for partial summary judgment and attorneys fees	
29	Received plaintiffs proposed order granting partial summary judgment and attorneys fees	
1979		
Jan 9	77. Defendants opposition to motion for partial summary judgment and request for dismissal	
Jan 9	Received defendants proposed order re: summary judgment	
	SEE SHEET "D"	

PLAINTIFF

CLUTCHETTE

DEFENDANT

PROCUNIER

DOCKET NO. _____

PAGE ____ OF ____ PAGES

DATE

NR.

PROCEEDINGS

1979

DATE	NR.	PROCEEDINGS
Jan 12	78	Plaintiffs reply memorandum in support of motion for partial summary judgment and attorneys fees
Jan 15	79	MINUTES: Plaintiffs motion for partial summary judgment, GRANTED, in part; DENIED, in part. Court to file memo opinion. Plaintiffs motion for attorneys fees to be submitted. (J. Cassinelli) AJZ
Mar 2	80	ORDER: Granting in part and Denying in part plaintiffs motion for partial summary judgment. See order. AJZ
May 30	81	ORDER: Setting conference for status report and/or dismissal, 6/28/79 1:30 Clerk
Jun 22	82	Defendants request for postponement of status conference
Jun 28	83	MINUTES: Further status conference, continued, 7/31/79 @ 1:30 for further report. (S. Linkerman) AJZ
Jul 31	84	Stipulation and ORDER: Action DISMISSED with prejudice, subject to the right of plaintiffs to file a petition with this Court to seek enforcement of the provisions of subparagraphs 1 and 2 of this order. See document. AJZ
Oct 18		Received stipulated amendment to order settling and dismissing action
19	85	STIPULATION AND ORDER amendment to order settling and dismissing action AJZ