

**General Docket  
United States Court of Appeals for the Ninth Circuit**

**Court of Appeals Docket #:** 08-15969

**Docketed:** 04/23/2008

**Nature of Suit:** 2440 Other Civil Rights

**Termed:** 04/09/2010

J. Serra, et al v. Harley Lappin, et al

**Appeal From:** U.S. District Court for Northern California, San Francisco

**Fee Status:** Paid

**Case Type Information:**

- 1) civil
- 2) united states
- 3) null

**Originating Court Information:**

**District:** 0971-3 : [3:07-CV-01589-MJJ](#)

**Court Reporter:** Lydia Radovich Zinn, Official Court Reporter

**Trial Judge:** Martin J. Jenkins, District Judge

**Date Filed:** 03/20/2007

<b>Date Order/Judgment:</b>	<b>Date Order/Judgment EOD:</b>	<b>Date NOA Filed:</b>	<b>Date Rec'd COA:</b>
04/04/2008	04/04/2008	04/17/2008	04/22/2008

**Prior Cases:**

None

**Current Cases:**

None

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Plaintiff - Appellant,

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Plaintiff - Appellant,

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v.

HARLEY LAPPIN, Director of the Bureau of  
Prisons  
Defendant - Appellee,

Alexander Haas  
Direct: 202-307-3937  
[COR LD NTC Government]  
DOJ - U.S. DEPARTMENT OF JUSTICE  
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Michael Raab  
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B. G. COMPTON, Warden of Lompoc Prison  
Defendant - Appellee,

Alexander Haas  
Direct: 202-307-3937  
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(see above)

Michael Raab  
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(see above)

ROBERT F MCFADDEN, head of the Western  
Regional Office of the Bureau of Prisons  
Defendant - Appellee,

Alexander Haas  
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(see above)

Michael Raab  
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(see above)

J. TONY SERRA; JEANINE SANTIAGO; VICTOR J. CORDERO, and all others similarly situated,  
Plaintiffs - Appellants

v.

HARLEY LAPPIN, Director of the Bureau of Prisons; B. G. COMPTON, Warden of Lompoc Prison;  
ROBERT F. MCFADDEN, head of the Western Regional Office of the Bureau of Prisons,

Defendants - Appellees

- 04/23/2008  DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND  
CADS: No. The schedule is set as follows: Designation of RT for Appellant  
Victor J. Cordero, Jeanine Santiago and J. Tony Serra due 04/28/2008.  
Designation of RT for Appellee B. G. Compton, Harley Lappin and Robert F  
McFadden due 05/07/2008. Transcript order for Appellant Victor J. Cordero,  
Appellant Jeanine Santiago and Appellant J. Tony Serra due 05/19/2008.  
Transcript due for Court Reporter Lydia Zinn, Court Reporter on 06/16/2008.  
Certificate of record due 05/26/2008. Appellant Victor J. Cordero, Appellant  
Jeanine Santiago and Appellant J. Tony Serra opening brief due 08/04/2008.  
Appellee B. G. Compton, Appellee Harley Lappin and Appellee Robert F  
McFadden answering brief due 09/01/2008. Appellant's optional reply brief is due  
14 days after service of the answering brief. (RT)
- 04/23/2008  Filed Appellants Victor J. Cordero, Jeanine Santiago and J. Tony Serra Civil  
2 Appeals Docketing Statement. Served on 04/14/2008. (RT)
- 04/29/2008  Filed clerk order (Deputy Clerk:EPM): This case is under consideration for  
2 inclusion in the Mediation Program. A settlement assessment conference will be

	<a href="#">3</a> 8 pg. 76.43 KB	inclusion in the Mediation Program. A settlement assessment conference will be held by telephone on June 25, 2008, at 11:00 a.m. PACIFIC (San Francisco) Time. The briefing schedule previously set by the court remains in effect. (SC)
05/22/2008	<input type="checkbox"/> 4	Filed appearance notice of Attorney(s) Alexander K. Haas, Michael S. RaabMichael S. RaabAlexander K. Haas, Michael S. RaabAlexander K. Haas for party(s) Robert F McFadden B. G. Compton Harley Lappin Appellee B. G. Compton, in case 08-15969. Withdrew Attorney Robert J. Katerberg for Appellees Robert F McFadden, Harley Lappin and B. G. Compton in 08-15969. Served on 05/19/2008. (RC)
06/26/2008	<input type="checkbox"/> <a href="#">5</a> 1 pg. 23.54 KB	Filed order MEDIATION (LJE): On June 25, 2008, a telephone conference was held with Circuit Mediator Lisa J. Evans. The court has determined that this appeal will not be selected for inclusion in the Mediation Program. (SC)
07/25/2008	<input type="checkbox"/> 6	Filed original and 15 copies of Appellants Victor J. Cordero, Jeanine Santiago and J. Tony Serra (Informal: No) opening brief of 26 pages. Five copies Excerpts of record in 1 volumes. Served on 07/23/2008. (FT)
08/20/2008	<input type="checkbox"/> 7	14 day oral extension of time granted to appellees B. G. Compton, Harley Lappin and Robert F McFadden. The answering brief is due 09/16/2008. The optional reply brief is due 14 days after service of the answering brief. (LBS)
09/17/2008	<input type="checkbox"/> 8	Filed original and 15 copies of answering brief of 28 pages. Served on 09/16/2008. (GLS)
09/22/2008	<input type="checkbox"/> 9	Filed Appellants Victor J. Cordero, Jeanine Santiago and J. Tony Serra request for extension of time to file appellant's reply brief until 11/15/2008. Served on 09/18/2008. (NEW)
09/26/2008	<input type="checkbox"/> <a href="#">10</a> 1 pg. 23.89 KB	Filed clerk order (Deputy Clerk:GSS ): The appellants's motion for an extension of time to file the reply brief is granted. The reply brief is due November 17, 2008. The court records do not reflect that the district court has issued the certificate of record. Appellant shall monitor the district court's issuance of the certificate. (SC)
11/06/2008	<input type="checkbox"/> 11	Filed certificate of record on appeal. RT filed in DC 5/7/2008 (NEW)
11/13/2008	<input type="checkbox"/> 12	Filed original and 15 copies of Appellants Victor J. Cordero, Jeanine Santiago and J. Tony Serra (Informal: No) reply brief of 12 pages.. Served on 11/12/2008. (FT)
02/05/2009	<input type="checkbox"/> <a href="#">13</a> 3 pg. 108.93 KB	Filed Attorney John Murcko, Esquire for Appellants Victor J. Cordero, J. Tony Serra and Jeanine Santiago vacation declatation of John Murcko attorney. Served on 02/05/2009. (RL)
04/17/2009	<input type="checkbox"/> <a href="#">14</a> 3 pg. 64.13 KB	Filed Attorney John Murcko, Esquire for Appellants Victor J. Cordero, J. Tony Serra and Jeanine Santiago vacation declaration of John Murcko; will be on vacation from June 9, 2009 to July 23, 2009. Served on 04/17/2009. (RL)

KB

- 06/20/2009  Calendar check performed. [6963409] (MW)  
15
- 11/25/2009  Notice of Oral Argument on JANUARY 14, 2010 Calendar. Please return  
[16](#)  
5 pg., 68.7 KB  
ACKNOWLEDGMENT OF HEARING NOTICE form to: SAN FRANCISCO  
Office. Please open attached documents to view details about your case.  
[7142775] (AM)
- 12/22/2009  Filed clerk order (Deputy Clerk:AF): The court is of the unanimous opinion that  
[17](#)  
1 pg., 24.24 KB  
the facts and legal arguments are adequately presented in the briefs and records  
and the decisional process would not be significantly aided by oral argument.  
Therefore, this case is ordered submitted without oral argument on January 14,  
2010, in San Francisco, California. [7172034] (AF)
- 01/13/2010  Filed Appellants Victor J. Cordero, Jeanine Santiago and J. Tony Serra additional  
[19](#)  
2 pg., 83.95 KB  
citations. Served on 01/13/2010. (panel) [7195675] (RL)
- 01/14/2010  SUBMITTED ON THE BRIEFS TO ALEX KOZINSKI, J. CLIFFORD  
18  
WALLACE and RICHARD R. CLIFTON [7195198] (DO)
- 04/09/2010  FILED OPINION (ALEX KOZINSKI, J. CLIFFORD WALLACE and  
[20](#)  
17 pg., 446.28 KB  
RICHARD R. CLIFTON) Plaintiffs motion for reconsideration of our submitting  
the case on the briefs is denied.; AFFIRMED. Judge: AK , Judge: JCW , Judge:  
RRC Authoring. FILED AND ENTERED JUDGMENT. [7295931] (PH)
- 05/04/2010  MANDATE ISSUED.(AK, JCW and RRC) [7324154] (GV)  
[21](#)  
1 pg., 82.37 KB