

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VICTOR GUERRERO,
Plaintiff,

No. C 13-05671 WHA

v.

CALIFORNIA DEPARTMENT OF CORRECTIONS
AND REHABILITATION; STATE PERSONNEL
BOARD; et al.,
Defendants.

REQUEST FOR RESPONSE

In light of the voluminous summary judgment record, this order asks the parties to please confirm the following facts:

1. Victor Guerrero held “undocumented” status in our country from 1990 to 2007. Guerrero entered this country in 1990 (age eleven).
2. Guerrero first used a false SSN in 1995 (age fifteen).
3. Guerrero obtained an ITIN in 1997 (age seventeen).
4. As an adult, Guerrero used a false SSN from 1997 (age eighteen) to 2007 (age 28).
5. Guerrero became a lawful permanent resident in 2007.
6. The first year Guerrero could lawfully qualify for a genuine SSN was 2007.
7. Guerrero could not qualify for a genuine SSN in 1997.
8. Guerrero acquired a genuine SSN in 2007.
9. Guerrero became a naturalized U.S. citizen in 2011 (age 32).
10. Attached is a diagram of CDCR correctional officer applicants from 2009 to 2014.

Please confirm that this diagram accurately reflects the facts in our record and that there are no areas of disagreement.

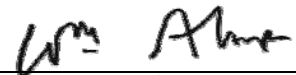
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11. After the budget fell out for adding a polygraph, CDCR added Question No. 75. Please explain the connection, if any, between the proposed polygraph and Question No. 75.

12. Guerrero is currently employed as a cashier clerk at San Joaquin County Human Resources Division.

The parties shall please respond to this request in a submission **NOT TO EXCEED TWO PAGES** (no attachments and no footnotes) by **APRIL 10 AT NOON**. For each item listed above, please respond with either: (1) agree or (2) disagree. For any areas of disagreement, please provide a pin cite (*e.g.*, docket number, page number, paragraph in declaration) to our summary judgment record and a short, specific description of the disagreement. This is not an opportunity to expand the summary judgment record.

Dated: April 7, 2015.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

Correctional Officer Candidates (2009–2014)

23,292 Applicants

10,357 Latino 12,935 Non-Latino

Yes to Question No. 75

42 Applicants

33 Latino

9 Non-Latino

19

Withheld

14

Cleared

6

Withheld

3

Cleared

9 Withheld in
whole or in part
for false SSN

10 Withheld
w/o mention
of false SSN

0 Withheld in
whole or in part
for false SSN

6 Withheld
w/o mention
of false SSN