



United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

Steven E. Riley

Civil Action No. 16-cv-0405-MMA-DDL

Plaintiff,

v.

See attachment

JUDGMENT IN A CIVIL CASE

Defendant.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED:

On October 28, 2022, the United States Court of Appeals for the Ninth Circuit entered judgment in this case, reversing the Court’s denial of Defendants’ request for qualified immunity and remanding the action to this Court for further proceedings. In its memorandum disposition, the Ninth Circuit held that the Court misread the regulation, which sets a minimum and not a maximum number of tests an inmate may be required to take each month. The circuit court also concluded that, even assuming Plaintiff has established a constitutional violation, he fails to identify precedent that clearly establishes that right.

The Ninth Circuit’s judgment took effect November 21, 2022, and constitutes the formal mandate issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. See Doc. No. 130. The mandate is spread, and this Court once again has jurisdiction over this action.

The Court DIRECTS the Clerk of Court to enter judgment for Defendants and close this case.

Date: 12/5/22

CLERK OF COURT
JOHN MORRILL, Clerk of Court

By: s/ S. Yeager
S. Yeager, Deputy

United States District Court
SOUTHERN DISTRICT OF CALIFORNIA

(ATTACHMENT)

Civil Action No. 16cv0405-MMA-DDL

S Kernan, Secretary of Corrections and Rehabilitations

W. L. Montgomery, Warden Calipatria State Prison

B. Hedrick, Chief Deputy Warden

L. Paul, Associate Warden

G Chavarria, Associate Warden

J. Hatfield, Captain

E. Uribe, Lt

G.Z. Hernandez, Lt.

C. Imada, Sgt.

R. Witte, C/O

R Garcia, c/o

J. Price, c/o

M Whitman, Associate Warden

L. Newman, Lt.

C Espitia, Appeals Staff Analyst

S. Cowey, Lieutenant at Calipatria State Prison

C. Macias, Community Resource Manager at Calipatria State Prison

J.L. Prado, Sergeant/Lieutenant of Calipatria State Prison

J. Grima, Correctional Officer at Calipatria State Prison