

CHAPMAN, POPIK & WHITE LLP

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Contact: Mark White, Chapman, Popik & White, 415-352-3000 or mwhite@chapop.com

Judgment Entered in Favor of Improperly Validated Inmate

Federal Judge Finds that CDCR Improperly Validated Ernesto Lira as Gang Member, Resulting in Eight Years of Solitary SHU Confinement at Pelican Bay

SAN FRANCISCO – A federal court judge today found that the California Department of Corrections and Rehabilitation (CDCR) violated Ernesto Lira’s constitutional due process rights when it improperly validated him as an associate of a prison gang, resulting in eight years of solitary confinement in the Security Housing Unit (SHU) at Pelican Bay penitentiary.

The matter was tried before the Honorable Susan Illston of the United States District Court, Northern District of California, in early 2009. Lira was represented by Mark A. White and William B. Chapman, of Chapman Popik & White LLP in San Francisco. The National Public Radio provided coverage of the trial at the time.¹ Lira, who had initially been imprisoned for minor theft and drug charges, presented testimony disputing his alleged gang status, challenging the reliability of documentation relied upon by CDCR to validate him, and demonstrating the serious emotional effects of extended SHU confinement. In a 49-page opinion released today, Judge Illston found for Lira on all points, and entered judgment in his favor.

This judgment represents the culmination of over nine years of litigation by Lira to challenge the improper validation. “This is an important vindication of Lira’s rights,” said Attorney Mark White.

A copy of the judgment and the findings of fact in *Lira v. Director of Corrections*, Northern District of California case no. C-00-0905 SI, can be obtained on PACER or is available upon request. Contact Thoren@chapop.com or Dbrasher@chapop.com for a copy.

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Contact:
Mark White
Chapman, Popik & White LLP
415-352-3000
mwhite@chapop.com

¹<http://www.npr.org/templates/story/story.php?storyId=101501841>