



EDMUND G. BROWN JR.
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DEPARTMENT OF JUSTICE

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April 7, 2010

The Honorable Susan Illston
United State District Court, Northern District of California
450 Golden Gate Ave.
San Francisco, CA 94102

RE: Lira v. Director of Corrections, et al.
United States District Court, Northern District of California, Case No. C-00-0905

Dear Judge Illston:

I write to advise the Court of Mr. Lira's current custody status. On April 2, 2010, the court held a conference call with all parties to inquire into Mr. Lira's custody status at Merced County jail. According to a letter Mr. Lira sent the Court, he was incarcerated in Merced County jail pending criminal charges. In his letter, Mr. Lira alleged that he was being housed at the jail in administrative segregation (ad/seg) solely because of his CDCR gang validation. During the conference, I advised the Court that Mr. Lira was principally being retained in ad/seg, not on the basis of his now expunged prison gang validation, but because of his long-standing history of violence within the county jail. Nevertheless, the Court requested that I write the jail's classification officer, Officer Middleton, and notify him that Mr. Lira's validation has been expunged and must not be acted on. As the Court is aware, I sent such a letter to Officer Middleton on April 2, 2010.

On April 6, 2010, Officer Middleton contacted me and informed me that Mr. Lira has been released from jail. According to Officer Middleton, Mr. Lira pleaded guilty to driving under the influence of alcohol and received a two-day jail sentence but was credited for time served and released from custody. Officer Middleton informed me, however, that should Mr. Lira return to Merced County jail in the future, he will not consider CDCR's gang validation in determining Mr. Lira's housing assignment. I hope this information is helpful. If the Court has any further questions, please contact me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott J. Feudale", is written over a horizontal line.

SCOTT J. FEUDALE
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

cc: Mark White, Esq.

CERTIFICATE OF SERVICE

Case Name: **Lira v. Director of Corrections,
et al.**

No. **C-00-0905**

I hereby certify that on **April 8, 2010**, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

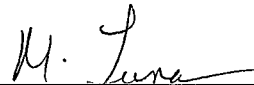
LETTER TO THE COURT DATED APRIL 7, 2010 RE: LIRA'S CUSTODY STATUS

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **April 8, 2010**, at San Francisco, California.

M. Luna

Declarant



Signature