

Carter C. White  
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UC Davis Civil Rights Clinic  
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Civil rights litigator and clinical law professor with substantial appellate, trial, and mediation experience.

### Professional Experience

*September 1993 - December 1995; September 2001 - present*

Supervising Attorney & Lecturer with Continuing Appointment,  
Civil Rights Clinic, UC Davis School of Law.

Supervise law student representation of indigent plaintiffs in civil rights cases in federal and state trial and appellate courts. District court work includes written discovery, law and motion practice, depositions, and jury trials. Brief writing and oral argument in the Ninth Circuit Court of Appeals. Teach weekly litigation skills seminar. Have taught law school courses in civil rights and pretrial skills, and an undergraduate seminar on California prisons.

*December 1992 - January 1996; September 2001 - present*

Attorney in private practice (part-time).

Trial and appellate representation of plaintiffs in civil rights, employment, and immigration cases. Appellate work (Ninth Circuit) in immigration, civil rights, and related attorney's fees cases.

*1996 - 2001*

Associate Attorney, Law Office of Joe Richard Flores, P.C., Austin, Texas.

Litigated civil rights, employment, and personal injury cases in state and federal trial and appellate courts for small law firm.

*1989 - 92*

Associate Attorney, Costilla & Stapleton, P.C., Brownsville, Texas.

Litigated personal injury, workers' compensation, employment, and civil rights cases in six-attorney firm.

*1986 - 89*

Attorney/Director, ACLU South Texas Project, San Juan, Texas.

Litigated civil rights and immigration cases.

*1985 - 86*

Briefing Attorney (Law Clerk), Justice Bob Gammage, Third Court of Appeals of Texas, Austin.

## Education

University of Texas School of Law, J.D., 1984.

Staff member, Texas International Law Journal. Published Case Note on immigration law.

Student member, Faculty Committee on Standards and Rules.

Volunteer, East Austin Legal Clinic (immigration cases).

Oberlin College, Oberlin, Ohio, A.B. 1978 in Government and Latin American Studies.

Foreign study in Bogotá, Colombia, Fall 1978.

## Admission to Practice Law

Supreme Court of Texas, 1986 (inactive)

Supreme Court of California, 1993

Supreme Court of the United States, 1991

United States Courts of Appeals

Fifth Circuit, 1988

Ninth Circuit, 1995

United States District Courts

Southern District of Texas, 1986

Eastern District of California, 1993

Western District of Texas, 1996

Northern District of California, 2005

Central District of California, 2018

## Award

2021 Joe Ramsey Award for Excellence in Pro Bono Service,

United States District Court for the Eastern District of California

## Language Ability

Fluent in spoken and written Spanish

updated June 2022

## Selected Presentations

“Court-Supervised Settlement Conferences in Prisoner Civil Rights Cases.” Co-organizer and panelist (with United States Magistrate Judge Allison Claire and attorney Lori Rifkin). Half day CLE seminar for pro bono attorneys sponsored by Federal Bar Association (FBA). Sacramento, July 16, 2019.

“State and Federal Power in the Regulation of Immigration in the United States” (*Poder Estatal y Poder Federal en la Regulación de la Inmigración en los Estados Unidos*) (analyzing *United States v. California*, 314 F.Supp.3d 1077 (E.D. Cal. 2018)). One of six speakers on three-hour panel presented in Spanish at Universidad Tecnológica de Honduras in Tegucigalpa, Choluteca, Siguatepeque, Santa Barbara, San Pedro Sula, and Puerto Cortés, Honduras. June 23-27, 2019.

“Prison and Jail Litigation of the Civil Rights Clinic,” Civil Rights & Criminal Justice Panel, Students United for Reform & Justice (SURJ) Culture Week, UC Davis School of Law, March 14, 2017.

“Federal Trial Training: A Demonstration of Federal Civil Rights Trial Techniques.” Full day CLE seminar sponsored by FBA San Joaquin Chapter. Presented mock *voir dire* and opening statement for plaintiff in simulation with other attorneys and United States Magistrate Judges. Fresno, June 23, 2016.

“The Human Impact of Criminal and Immigration Detention.” Panel presentation for UC Davis Campus Community Book Project on *The Divide: American Injustice in the Age of the Wealth Gap*, by Matt Tabaii, November 2, 2015.

“Honing Your Trial Skills,” sponsored by FBA Sacramento Chapter. Co-moderated (with Professor Mary-Beth Moylan) all day simulation of a prisoner civil rights case; also served on planning committee for seminar. February 26, 2015.

“Cross-clinic Collaboration and the Intersection of Civil Rights, Immigration, and Mental Health.” Panel presentation with James F. Smith, Immigration Law Professors Workshop, UC Irvine School of Law, May 21, 2014. Discussion of clinical collaboration in political asylum and federal court damages action. See *Valadez-Lopez v. Chertoff*, 656 F.3d 851 (9th Cir. 2011).

“Federal Court Actions for Immigration Detainees.” Telephone presentation for attorneys with the Florence Immigrant & Refugee Rights Project, March 10, 2014.

“Section 1983 Prisoner Litigation Fundamentals.” Full day MCLE seminar co-sponsored by FBA Sacramento Chapter and UC Davis School of Law. Served on planning committee and presented on PLRA. December 2, 2011.

## Significant Cases as Supervisor of UC Davis Civil Rights Clinic

Supervised law students in 16 jury trials, 2 bench trials, and many court-supervised settlement conferences in prisoner civil rights cases in federal district court including excessive force, medical care, and conditions of confinement cases. Supervised law students in briefing more than 25 appeals, including oral argument in more than 20 cases before the Ninth Circuit.

*Close v. Tan*, 2021 WL 4583659 (Cal. App. 1st Dist., Div. 3, Oct. 6, 2021) (unpublished). Reversing dismissal of plaintiff's state law claims for assault and battery by a police officer and affirming dismissal of false arrest claims based on issue preclusion.

*Stafford v. Ahlin*, 859 F. App'x 109 (9th Cir. June 10, 2021). Affirming dismissal of an action alleging that defendants were liable for exposing a civil detainee at Coalinga State Hospital to Valley Fever. Appellate court *sua sponte* raised issue of qualified immunity.

*Close v. Tan*, No. 19-15702, 846 F. App'x 513 (9th Cir. April 21, 2021). Reversing district court's summary judgment based on qualified immunity in a Fourth Amendment excessive force case.

*Aldrich v. Romo*, 493 F.Supp.3d 853 (C.D. Cal. 2020). District court entered order requiring prison warden to arrange up to one weekly confidential phone call between prisoner and her counsel.

*Williams v. Baker*, 487 F.Supp.3d 918 (E.D. Cal. 2020). Plaintiff's *Bivens* action for Eighth Amendment excessive force allowed to proceed despite *Ziglar v. Abbasi*, 137 S.Ct. 1843 (2017).

*Hernandez v. Barr*, 804 F. App'x 566 (9th Cir. March 4, 2020). Denying immigration petition for review where noncitizen sought relief from removal under Convention Against Torture.

*Dy v. Nale*, 772 F. App'x 558 (9th Cir. June 24, 2019). Interstate Corrections Compact did not extend statute of limitations through sending state's statutory tolling provision to transferred prisoner suing employees of private prison for delayed diagnosis of brain tumor.

*Cruz v. Betancourt*, 771 F. App'x 826 (9th Cir. June 13, 2019), *cert. denied*, 140 S.Ct. 2732 (2020). Summary judgment affirmed against state prisoner for insufficient evidence in First Amendment retaliation claim and for failure to exhaust administrative remedies in Eighth Amendment failure to protect claim.

*Kimbrow v. Miranda*, 735 F. App'x 275 (9th Cir. May 22, 2018). Reversing dismissal of prisoner's claims for excessive force, supervisory liability, failure to exhaust administrative remedies, and for violation of rights under Americans with Disabilities Act.

*Hedrick v. Grant*, 648 F. App'x 715 (9th Cir. April 19, 2016). Affirming district court order denying motion to terminate consent decree in class action jail conditions lawsuit.

*Staggs v. Doctor's Hospital of Manteca*, 608 F. App'x 514 (9th Cir. June 20, 2015). Survivors of state prisoner who died in custody following liver biopsy alleged sufficient facts to state plausible claim for deliberate indifference to prisoner's serious medical needs.

*Real v. Walker*, 521 F. App'x 629 (9th Cir. May 28, 2013). Dismissing prison officials' interlocutory appeal based on qualified immunity where district court deferred, but did not decide, immunity issue.

*Akhtar v. Mesa*, 698 F.3d 1202 (9th Cir. 2012). Prisoner satisfied administrative exhaustion requirement of Prison Litigation Reform Act and adequately stated Eighth Amendment claim for deliberate indifference to serious medical needs.

*Valadez-Lopez v. Chertoff*, 656 F.3d 851 (9th Cir. 2011). Immigration detainee who was deprived of psychotropic medication prevailed on procedural issue of when claims under the Federal Tort Claims Act (FTCA) can be added to an existing civil rights (*Bivens*) lawsuit.

*Flores-Torres v. Holder*, 680 F.Supp.2d 1099 (N.D. Cal. 2009). Granting declaration of citizenship in removal case transferred from Court of Appeals.

*Simpson v. Thomas*, 528 F.3d 685 (9th Cir. 2008). Adverse jury verdict reversed based on erroneous evidentiary rulings.

*Valadez-Lopez v. Chertoff*, 2007 WL 2070215 (N.D. Cal. July 16, 2007). Awarding EAJA fees for work of attorneys and clinic law students in immigration habeas case.

*Erlin v. United States*, 364 F.3d 1127 (9th Cir. 2004). Federal Tort Claims Act action alleging negligent miscalculation of prisoner's release date accrued, for limitations purposes, on the date that prisoner obtained habeas relief from his incarceration; reversing summary judgment.

*Morales v. Terhune*, 110 F. App'x 834 (9th Cir. Oct. 7, 2004). Reversing sua sponte dismissal for failure to exhaust administrative remedies under Prison Litigation Reform Act.

*Reyes-Reyes v. Ashcroft*, 384 F.3d 782 (9th Cir. 2004). Immigration Judge applied incorrect legal standard in denying withholding of removal and relief under Convention Against Torture to gay male with female sexual identity.

*Brown v. Hand*, 79 F. App'x 995 (9th Cir. Nov. 5, 2003). Reversing summary judgment in prison medical care case.

*Ross v. McCoy*, 62 F. App'x 198 (9th Cir. April 28, 2003). Prisoner sufficiently pled a First Amendment retaliation claim.

*Tubbs v. Sacramento County Jail*, 258 F.R.D. 657 (E.D. Cal. 2009). County jail inmate who prevailed against four officials in civil rights excessive force case entitled to court costs.

*Simpson v. Thomas*, 2008 WL 5381809 (E.D. Cal. Dec. 22, 2008). Awarding costs on appeal taxable in the district court under FRAP 39(e)).

#### Other Significant Cases

*People v. Gomez-Hernandez*, No. C064787, 2012 WL 2376313 (Cal. App. June 25, 2012). Vacating judgment of conviction where defendant was given a defective advisement of immigration consequences of no contest plea. Co-counsel with Holly S. Cooper.

*Medical Air Services Ass'n v. Kebert*, 26 S.W.3d 663 (Tex. App. – Corpus Christi 2000, pet. denied). Affirming judgment of over \$1 million in breach of contract and fraud case.

*Michael v. Travis County Housing Authority*, 995 S.W.2d 909 (Tex. App. – Austin 1999, no pet.). Mother's action for personal injuries to children attacked by pit bulldog alleged sufficient facts to overcome sovereign immunity under Texas Tort Claims Act.

*L & F Distributors v. Cruz*, 941 S.W.2d 274 (Tex. App. – Corpus Christi 1996, writ denied). Evidence was sufficient to support employee's jury verdict for unpaid overtime compensation in Fair Labor Standards Act case.

*Gonzalez v. Heard, Goggan, Blair, & Williams*, 923 S.W.2d 764 (Tex. App. – Corpus Christi 1996, writ denied). Reversing summary judgment granting sovereign immunity to private law firm in case alleging negligence in erroneously selling property for nonpayment of taxes.

*Adams v. Valley Federal Credit Union*, 848 S.W.2d 182 (Tex. App. – Corpus Christi 1992, writ denied). Affirming jury verdict in age discrimination, breach of contract, and infliction of emotional distress case.

*Aguilar-Ayala v. Ruiz*, 973 F.2d 411 (5th Cir. 1992). Affirming denial of attorney's fees in class action habeas corpus case on behalf of noncitizen material witnesses. Standing order requiring deposition and release of witnesses within 45 days published as appendix to decision.

*Pentes Design, Inc. v. Perez*, 840 S.W.2d 75 (Tex. App. – Corpus Christi 1992, writ denied). Affirming \$500,000 judgment for injuries to child by defectively installed play area equipment in fast food restaurant.

*Texas Health Enterprises, Inc. v. Krell*, 828 S.W.2d 192 (Tex. App. – Corpus Christi), *vacated as settled*, 830 S.W.2d 922 (Tex. 1992). Evidence was sufficient to support \$ 1.3 million jury verdict of compensatory and exemplary damages to injured worker.

*Wilson v. United Farm Workers of America*, 774 S.W.2d 760 (Tex. App. – Corpus Christi 1989). Affirming mandatory temporary injunction requiring County Health Director to enforce field sanitation regulations for farm workers.

*Villarreal v. Dominguez*, 745 S.W.2d 570 (Tex. App. – Corpus Christi 1988). Granting writ of mandamus reversing judge's order protecting documents from discovery in civil rights action brought by survivors of juvenile jail suicide victim.