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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN,

Plaintiff,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

NO. Civ. S-90-520 LKK/JFM

\_\_\_\_\_  
JERRY VALDIVIA, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

NO. Civ. S-94-671 LKK GGH

ORDER

The Motion For Injunctive Relief Requiring Timely Access To  
Inpatient Psychiatric Hospitalization, brought jointly by the  
plaintiff classes in Valdivia v. Schwarzenegger and Coleman v.  
Schwarzenegger, came on regularly for hearing before this Court  
on July 25, 2008, at 10:00 a.m. The Court, having considered

1 the arguments and briefs of the parties, and the entire record  
2 in the cases Coleman v. Schwarzenegger and Valdivia v.  
3 Schwarzenegger, and good cause appearing, hereby makes the  
4 following Findings of Fact and Conclusions of Law, and issues  
5 the following Order.

6 **FINDINGS OF FACT & CONCLUSIONS OF LAW**

7 1. Timely access to psychiatric hospitalization is a  
8 crucial part of the provision of constitutionally adequate  
9 mental health care to persons incarcerated in the Department of  
10 Corrections and Rehabilitation (CDCR). See Coleman v. Wilson,  
11 912 F. Supp. 1282, 1308 (E.D. Cal 1995).

12 2. The court has previously ordered in the Valdivia case  
13 that the defendants provide due process to parolees who seem too  
14 mentally ill to participate in parole revocation proceedings.  
15 See Order, January 1, 2008. The Valdivia Remedial Plan also  
16 encourages use of alternative sanctions in lieu of retaking the  
17 parolee into custody. See Valdivia Remedial Plan, March 9, 2004,  
18 at 1-2. This Court also has previously entered numerous orders  
19 to ensure such timely access to psychiatric hospitalization as  
20 part of the overall remedy in the Coleman case.<sup>1</sup>

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21 <sup>1</sup> See, e.g., 5/22/98 Stipulation and Order [Docket 945] (SVPP  
22 facility); 7/26/99 Order ¶ 9 [Docket 1055] (requiring a plan "for  
23 expediting the transfers of seriously mentally disordered inmates  
24 to programs with the level of care to which they have been  
25 referred."); 8/28/00 Order ¶ 1 [Docket 1195] (ordering  
26 implementation of Report recommendations by Coleman expert, Dr.  
Koson on improving access to inpatient beds); 4/4/01 Order [Docket  
1262] (adopting timelines for transfers to higher levels of care);  
6/27/01 Order ¶ 4 ("On or before July 6, 2001, defendants shall  
submit ... the Department of Mental Health inpatient bed usage study  
and needs assessment,"); 3/4/02, 5/7/02, 10/8/02 and 1/19/04 Orders






1 5150.

- 2 2. Parolees who are in the custody of CDCR whose parole has  
3 not been revoked SHALL be deemed "inmates" for the  
4 purpose of their evaluation and referral for services  
5 under the Coleman Program Guide. These individuals shall  
6 not be denied treatment on the basis of their status as  
7 pre-revocation parolees. The criteria for admission to  
8 inpatient psychiatric treatment described in the Coleman  
9 Program Guide shall be the defendants' exclusive  
10 criteria in determining inmates' access to treatment.
- 11 3. All inmates, including those pre-revocation parolees  
12 deemed inmates by virtue of this order, SHALL have full  
13 access to DMH inpatient treatment irrespective of their  
14 release date.
- 15 4. When a Valdivia class member has been returned to  
16 custody on the allegation of the violation of his parole  
17 and where the parolee appears, in the judgment of his  
18 attorney or defendants' staff, too mentally ill to  
19 participate in revocation proceedings, the revocation  
20 hearing may be suspended pending the parolee's receipt  
21 of treatment to restore his competency, or the parolee's  
22 wait for such treatment.

23 IT IS SO ORDERED.

24 August 7, 2008

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT