

1
2
3 IN THE UNITED STATES DISTRICT COURTS
4 FOR THE EASTERN DISTRICT OF CALIFORNIA
5 AND THE NORTHERN DISTRICT OF CALIFORNIA
6 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
7 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE
8

9 RALPH COLEMAN, et al.,
10 Plaintiffs,
11 v.
12 EDMUND G. BROWN JR., et al.,
13 Defendants.

NO. CIV S-90-0520 LKK JFM P
THREE-JUDGE COURT

14
15 MARCIANO PLATA, et al.,
16 Plaintiffs,
17 v.
18 EDMUND G. BROWN JR., et al.,
19 Defendants.

NO. C01-1351 TEH
THREE-JUDGE COURT
ORDER TO DEVELOP PLANS
TO ACHIEVE REQUIRED
PRISON POPULATION
REDUCTION

20
21 Upon careful consideration of defendants' response to the Court's September 7, 2012
22 order and plaintiffs' response thereto, the Court finds good cause to order the following:

23 1. Defendants shall develop plans to achieve the required population reduction to
24 137.5% design capacity by (a) June 27, 2013, and (b) December 27, 2013, and shall submit
25 those plans to this Court on or before **January 7, 2013**.

26 2. To assist in facilitating defendants' compliance with this order, the parties shall
27 meet and confer on proposed plans that would achieve the above-stated goals. The parties
28 shall consider all of the alternatives that this Court, affirmed by the Supreme Court, found

1 could be implemented without an adverse impact on public safety or the operation of the
2 criminal justice system. Additionally, in light of defendants' stated preference to return
3 nearly 5,000 prisoners from out-of-state facilities before December 27, 2013, the parties shall
4 discuss how other alternatives would timely achieve the required population reduction while
5 allowing the return of all, or a portion, of these inmates.

6 3. The parties may jointly file a proposed plan on or before the date specified in the
7 first paragraph of this order. The parties may submit a plan only for December 27, and not
8 June 27, 2013, if they agree that it would be appropriate for the Court to extend the
9 compliance deadline to the later date. If the parties cannot reach agreement on all provisions,
10 including the appropriate deadline, then they shall each submit a plan that includes as many
11 agreed upon provisions as possible. Each plan shall also contain any individually proposed
12 provisions for achieving the required reduction. Any disputed provisions shall include the
13 proposing party's justifications and the opposing party's objections.

14 4. Defendants shall identify in their filing, whether joint or separate, which, if any,
15 state laws would have to be waived for the provisions proposed jointly or by either party.
16 Defendants shall also specify which of these laws may be waived by the Governor and
17 which, if any, it contends that this Court is without authority to waive. Defendants shall
18 provide justifications for their assertions, and plaintiffs may state their objections to
19 defendants' contentions.

20 5. Defendants shall provide reasonable access to data so that plaintiffs may
21 participate meaningfully in the meet-and-confer process. Magistrate Judge Moulds shall
22 oversee any disputes if the parties cannot agree on what constitutes reasonable access.

23 //
24 //
25 //
26 //
27 //
28 //

1 The Court is informed that the Honorable Peter Siggins remains available to assist the
2 parties during the meet-and-confer process.


3 Nothing in this order with respect to the meet-and-confer process shall relieve
4 defendants of their obligation to submit a timely plan or plans, either jointly or separately.

5

6 **IT IS SO ORDERED.**

7

8 Dated: 10/11/12



STEPHEN REINHARDT
UNITED STATES CIRCUIT JUDGE
NINTH CIRCUIT COURT OF APPEALS

9

10

11

12 Dated: 10/11/12




LAWRENCE K. KARLTON
SENIOR UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF CALIFORNIA

13

14

15

16 Dated: 10/11/12



THELTON E. HENDERSON
SENIOR UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

17

18

19

20

21

22

23

24

25

26

27

28