

RICHARD M. GILMAN, et al., Plaintiffs,
v.
EDMUND G. BROWN, JR., et al., Defendants.

[No. CIV. S-05-830 LKK/GGH.](#)

United States District Court, E.D. California.

April 4, 2012.

ORDER

LAWRENCE K. KARLTON, Senior District Judge.

On November 30, 2011, the court issued the report of statistical expert Professor Richard Berk, ECF No. 384. In that report, Professor Berk declared that after a reasonable statistical analysis of the evidence submitted by plaintiff, Professor Berk could not conclude that there is likely to be a risk of prolonged incarceration under the procedural changes in Proposition 9, as compared to the pre-Proposition 9 procedures. The court ordered additional briefing from the parties, which has been received.

On the record presently before the court, plaintiffs' motion for a preliminary injunction must be denied. Nothing in this order should be construed as an opinion on the merits of plaintiffs' claims at trial.

Accordingly, the court ORDERS as follows:

[1] Plaintiff's motion for a preliminary injunction, ECF No. 284 is DENIED.

[2] A status conference is SET for April 30, 2012 at 3:30 p.m.

IT IS SO ORDERED.