

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURTS  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
AND THE NORTHERN DISTRICT OF CALIFORNIA  
UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES  
PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

RALPH COLEMAN, et al.,  
Plaintiffs,  
v.  
EDMUND G. BROWN JR., et al.,  
Defendants.

NO. 2:90-cv-0520 KJM DAD (PC)  
**THREE-JUDGE COURT**

MARCIANO PLATA, et al.,  
Plaintiffs,  
v.  
EDMUND G. BROWN JR., et al.,  
Defendants.

NO. C01-1351 TEH  
**THREE-JUDGE COURT**  
**ORDER GRANTING IN PART  
PLAINTIFFS' MOTION FOR  
FURTHER ENFORCEMENT  
ORDER**

Having carefully reviewed the parties' arguments, as well as this Court's order for defendants to "immediately implement" specific population reduction measures, Feb. 10, 2014 Order at 3 (ECF No. 2766/5060),<sup>1</sup> this Court now GRANTS IN PART Plaintiffs' motion for an order for further enforcement (ECF No. 2812/5220). Plaintiffs asked that defendants be ordered to: (1) implement 2-for-1 credits for minimum custody inmates who are ineligible for fire camps; (2) grant 33.3% credits to all non-violent second strikers,

---

<sup>1</sup>All filings in this Three-Judge Court are included in the individual docket sheets of both *Plata v. Brown*, No. C01-1351 TEH (N.D. Cal.), and *Coleman v. Brown*, No. 2:90-cv-0520-KJM DAD (PC) (E.D. Cal.). This Court includes the docket number of *Plata* first, then *Coleman*.

1 including those with a prior sex offense; and (3) implement new parole procedures for non-  
2 violent second-strikers by January 1, 2015.

3       The Court now GRANTS the third part of plaintiffs’ motion. IT IS HEREBY  
4 ORDERED that defendants shall, on or before **January 1, 2015**, complete creation and  
5 commence operation of “a new parole determination process through which non-violent  
6 second-strikers will be eligible for parole consideration by the Board of Parole Hearings once  
7 they have served 50% of their sentence.” Feb. 10, 2014 Order at 3. The record contains no  
8 evidence that defendants cannot implement the required parole process by that date, eleven  
9 months after they agreed to do so “promptly,” Defs.’ Jan. 23, 2014 Proposed Order at 2 (ECF  
10 No. 2755/5023) and were ordered to do so “immediately,” Feb. 10, 2014 Order at 3.  
11 Defendants shall file a report describing the new parole process, including an estimate of the  
12 number of inmates who will be affected, on or before **December 1, 2014**.

13       The Compliance Officer shall continue conferring with the parties regarding  
14 plaintiffs’ first two requests, which remain under submission. The parties shall file a


15 //  
16 //  
17 //  
18 //  
19 //  
20 //  
21 //  
22 //  
23 //  
24 //  
25 //  
26 //  
27 //  
28 //

1 stipulation and proposed order if they are able to reach agreement. If they cannot, then they  
2 shall file a joint statement narrowing their disputes as much as possible.


3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IT IS SO ORDERED.**


Dated: 11/14/14

  
\_\_\_\_\_  
STEPHEN REINHARDT  
UNITED STATES CIRCUIT JUDGE  
NINTH CIRCUIT COURT OF APPEALS

Dated: 11/14/14

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

Dated: 11/14/14

  
\_\_\_\_\_  
KIMBERLY J. MUELLER  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF CALIFORNIA