

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JERRY VALDIVIA, ALFRED YANCY,
and HOSSIE WELCH, on their own
behalf and on behalf of the class
of all persons similarly situated,

NO. CIV. S-94-671 LKK/GGH

Plaintiffs,

v.

O R D E R

ARNOLD SCHWARZENEGGER, Governor of
the State of California, et al.,

Defendants.

_____ /

The Special Master filed his Tenth Report on April 21, 2011.
(Doc. No. 1647). No objections were filed. The court has considered
the report and ADOPTS the Special Master's findings and
recommendations in full.

Further, the court HEREBY FINDS that defendants have
demonstrated substantial compliance with the following
requirements:

- Plaintiffs' counsel has access to the information
reasonably necessary to monitor compliance; and

- 1 • Deputy Commissioners shall not have authority to increase
2 the Return to Custody Assessment at the Probable Cause
3 Hearing.

4 These requirements will therefore no longer be a primary focus of
5 Plaintiffs' or the Special Master's monitoring unless they are
6 inextricably linked with review of the hearing process, the
7 remedial sanctions obligations of the Permanent Injunction, or
8 arise in the course of investigating an individual parolee's
9 situation. These items will remain in this status unless and until
10 it comes to the parties' or the Special Master's attention that
11 there has been a significant decline in compliance. To allow for
12 such attention, defendants SHALL report the status of these
13 requirements to all parties every six months, beginning on January
14 8, 2012.

15 IT IS SO ORDERED.

16 DATED: May 13, 2011.

17

18

19

20

21

22

23

24

25

26



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT