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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

EDMUND G. BROWN, JR., Governor of
the State of California, et al.,

Defendants.

_____ /

The court is in receipt of the Eleventh Report of the
Special Master, ECF No. 1730, filed on December 15, 2011. No
objections were filed. Due to court error, the Eleventh Report
has not yet been adopted by the court. The court has considered
the report and ADOPTS its findings and recommendations in full.
Accordingly, the court ORDERS as follows:

[1] The following requirements are substantially
compliant, and the subjects will therefore no longer
be a primary focus of Plaintiffs' or the Special

1 Master's monitoring unless they are inextricably
2 linked with review of the hearing process or the
3 remedial sanctions obligations of the Permanent
4 Injunction, or arise in the course of investigating an
5 individual parolee's situation. These items will
6 remain in this status unless and until it comes to the
7 parties' or the Special Master's attention that there
8 has been a significant decline in compliance. These
9 orders should apply to the following requirements:

10 a) On or before the fourth business day [after
11 notice of charges is served] the Unit Supervisor
12 must review the report and (1) determine if there
13 is sufficient basis for the revocation to go
14 forward; (2) determine if the report is accurate,
15 complete, and contains the correct Title 15
16 violation sections; and (3) consider whether
17 remedial sanctions/community based treatment is
18 appropriate (Remedial Plan at 3)

19 b) On or before the fifth business day [after
20 notice of charges is served], the revocation
21 packet is forwarded to the decentralized
22 revocation unit where the parolee is being held.
23 (Remedial Plan at 4)

24 c) Defendants shall appoint counsel for all
25 parolees beginning at the Return to Custody
26 Assessment stage of the revocation proceeding.

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(Injunction ¶11(b)(i))

The substantial compliance finding applies to all locations except Richard J. Donovan Correctional Facility and California Institution for Men; they will remain subject to monitoring on this requirement.

[2] Defendants SHALL report the status of these requirements to all parties every six months, beginning on July 8, 2012.

IT IS SO ORDERED.

DATED: June 21, 2012.



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT