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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.
ARNOLD SCHWARZENEGGER,
et al.,
Defendants.

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

MARCIANO PLATA, et al.,
Plaintiffs,
v.
ARNOLD SCHWARZENEGGER,
et al.,
Defendants.

NO. C01-1351 TEH
THREE-JUDGE COURT
ORDER RE: MOTIONS TO
INTERVENE AND ORDER
REFERRING DISCOVERY
DISPUTES TO MAGISTRATE
JUDGE

On July 31, 2007, this Court directed the parties to file status reports within fifteen calendar days. The parties timely filed their status reports on August 15, 2007. The Court is in the process of considering the parties' written statements and will set a date for an initial hearing regarding procedural issues in a subsequent order.

1 To date, the Court has also received three motions to intervene in these proceedings.
2 On August 13, 2007, thirty-one members of the California Assembly, who identify
3 themselves as “Assembly Republican Intervenors,” collectively filed a motion to intervene.
4 On August 14, 2007, two other groups collectively filed motions to intervene: (1) district
5 attorneys of fifteen California counties (“District Attorneys”) and (2) sheriffs of twenty
6 California counties, sheriff-coroners of two California counties, and the chief probation
7 officer of one California county (“Sheriffs”). On August 16, 2007, Defendants filed a
8 statement in support of all three motions to intervene. Plaintiffs have filed neither a
9 statement in support nor a statement in opposition to any of the motions; however, a
10 declaration submitted with the District Attorneys’ motion indicates that Plaintiffs expressed
11 opposition to that motion. Hughes Decl. ¶ 2.

12 After carefully considering governing law, the Court finds it unnecessary to allow
13 Plaintiffs an opportunity to respond to any of the three pending motions to intervene. Section
14 3626(a)(3)(F) of title 28 of the United States Code confers “standing to oppose the
15 imposition or continuation in effect” of a prisoner release order and the right to intervene in
16 “any proceeding relating to such relief” on:

17 [a]ny State or local official including a legislator or unit of
18 government whose jurisdiction or function includes the
19 appropriation of funds for the construction, operation, or
20 maintenance of prison facilities, or the prosecution or custody of
persons who may be released from, or not admitted to, a prison as
a result of a prisoner release order

21 18 U.S.C. § 3626(a)(3)(F). All of the parties who have filed motions to intervene meet this
22 statutory criteria for intervention as of right, and the Court therefore GRANTS all three
23 motions pursuant to Federal Rule of Civil Procedure 24(a).

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1 The Sheriffs also filed with their motion to intervene a letter from counsel, dated
2 August 14, 2007, requesting a thirty-day extension of the deadline for filing status reports.¹
3 Counsel seek this extension to allow time for various members of the associations they
4 represent to obtain approval to intervene in these proceedings from their respective local
5 governing bodies. Because counsel does not argue, and the Court does not anticipate, that
6 any proposed intervenor will be prejudiced if intervention is granted after the deadline for
7 filing initial status reports, the Sheriffs' request to extend time for filing status reports is
8 DENIED. To ensure that these proceedings are not unnecessarily delayed, however, the
9 Court finds good cause to set a deadline for filing motions to intervene, as ordered below.

10 The Court additionally finds good cause to refer this matter to a magistrate judge for
11 any discovery disputes that may arise in these proceedings.

12 In accordance with the above, and with good cause appearing, IT IS HEREBY
13 ORDERED that:

- 14 1. The Assembly Republicans' August 13, 2007 motion to intervene is GRANTED.
- 15 2. The Sheriffs' August 14, 2007 motion to intervene is GRANTED.
- 16 3. The District Attorneys' August 14, 2007 motion to intervene is GRANTED.
- 17 4. The parties and intervenors shall advise the Court of their respective positions
18 regarding the intervenors' roles in these proceedings at the initial hearing to be scheduled by
19 the Court.
- 20 5. The Sheriffs' August 14, 2007 request for an extension of the deadline for filing
21 initial status reports is DENIED.

22 6. All motions to intervene in the proceedings before this Court shall be filed and
23 served no later than **September 14, 2007**. Unless otherwise ordered, such motions will be
24 submitted for decision without further briefing or oral argument. Proposed intervenors are
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27 ¹In the body of the letter, counsel also request "that the hearing in the above case now
28 scheduled for August 15, 2007 be continued until mid-September 2007." Aug. 14, 2007
Letter from Marin J. Mayer, et al., at 2. However, there was no hearing scheduled in these
matters for August 15, 2007.

1 reminded that pleadings must be electronically filed in both of the above-captioned cases and
2 must comply with all other requirements discussed in the Court's July 31, 2007 order.

3 7. All discovery disputes arising in proceedings before this Court are hereby referred
4 to the Honorable John F. Moulds, Magistrate Judge, United States District Court for the
5 Eastern District of California.


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7 **IT IS SO ORDERED.**

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10 Dated: 08/17/07

/s/


STEPHEN REINHARDT
UNITED STATES CIRCUIT JUDGE
NINTH CIRCUIT COURT OF APPEALS

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14 Dated: 08/17/07



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

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18 Dated: 08/17/07



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

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