

1 IN THE UNITED STATES DISTRICT COURTS
2 FOR THE EASTERN DISTRICT OF CALIFORNIA
3 AND THE NORTHERN DISTRICT OF CALIFORNIA
4 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
5 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE
6

7 RALPH COLEMAN, et al.,
8 Plaintiffs,

9 v.

10 EDMUND G. BROWN, JR., et al.,
11 Defendants.

NO. 2:90-cv-0520 LKK JFM P

THREE-JUDGE COURT

12
13 MARCIANO PLATA, et al.,
14 Plaintiffs,

15 v.

16 EDMUND G. BROWN, JR., et al.,
17 Defendants.

NO. C01-1351 TEH

THREE-JUDGE COURT

**ORDER REQUIRING FURTHER
BRIEFING**

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19 On May 9, 2012, plaintiffs renewed their motion for an order requiring defendants to
20 demonstrate how they will achieve the required population reduction by June 2013.¹
21 Defendants filed an opposition to the motion on May 23, 2012, in which they confirm their
22 intention to seek a modification of the Court's order from 137.5% of design capacity to
23 145% of design capacity.² On May 31, 2102, plaintiffs filed a reply in support of their
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25 ¹The Court denied plaintiffs' first motion without prejudice on March 22, 2012.

26 ²Defendants released "The Future of California Corrections," which purports to be a
27 "blueprint" for the California Department of Corrections and Rehabilitation, on April 23,
28 2012. In that report, which is available at <http://www.cdcr.ca.gov/2012plan/index.html>,
defendants project that, absent additional measures to comply with this Court's order, "the
prison population is expected to drop to about 141 percent of design capacity" by June 2013,
and they signal their intention to seek a modification of the Court's order. Report at 50.

1 motion. Therein plaintiffs contend, *inter alia*, that defendants' proposed motion to modify
2 will present questions of fact as well as law and, therefore, that proceedings on any motion to
3 modify "will require significant factual investigation, including expert evaluations and
4 reports, and expert discovery." Reply at 5. Good cause appearing, the parties will be granted
5 a period of fifteen days to file further briefs addressing plaintiffs' contention and proposing,
6 separately or jointly, a schedule for proceedings on a motion to modify.³

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8 **IT IS SO ORDERED.**

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10 Dated: 06/07/12




STEPHEN REINHARDT
UNITED STATES CIRCUIT JUDGE
NINTH CIRCUIT COURT OF APPEALS

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14 Dated: 06/07/12



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

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16
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18 Dated: 06/07/12



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

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26 _____
27 ³If the parties are in agreement, in lieu of further briefing they may file in the same
28 fifteen-day period a stipulation setting forth a proposed schedule for proceedings on a motion
to modify.