

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs,

No. CIV S-90-0520 LKK JFM P

vs.

GRAY DAVIS, et al.,

Defendants.

ORDER

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On February 7, 2007, pursuant to court order, the special master filed a report and recommendations on defendants' December 2006 mental health bed plan. Defendants have filed a response to the special master's report and recommendations.

The special master makes two recommendations. The first concerns completion of two mental health crisis bed units at California Medical Facility (CMF) and California Men's Colony (CMC) and treatment and office space at Mule Creek State Prison (Mule Creek). On February 27, 2007, defendants filed a motion for an order approving completion of the treatment and office space at Mule Creek. The motion was granted and the order entered on March 1, 2007. The court has reviewed defendants' response to the special master's recommendation concerning the mental health crisis bed units at CMF and CMC. Good cause appearing, the special master's recommendation will be adopted in full.

1                   The other recommendation concerns defendants' proposal that the California  
2 Department of Corrections (CDCR) assume responsibility for the operation of all inpatient acute and  
3 intermediate care beds, including those that are currently operated by the California Department of  
4 Mental Health (DMH) within CDCR institutions. The special master expresses significant concern  
5 over this aspect of defendants' long range bed plan. See, e.g., Report and Recommendations, filed  
6 February 7, 2007, at 15. The court shares the special master's concerns.

7                   The special master recommends a hearing before this court within thirty days, at  
8 which time defendants would be required to "demonstrate the reasonableness and feasibility" of this  
9 proposal. (Id. at 20.) In their response, defendants request that they instead be required to provide,  
10 within ninety days, a "detailed statement of resources and timeframes" for, inter alia, the proposed  
11 transition of all inpatient acute and intermediate care beds to CDCR, including those that are  
12 currently operated by DMH. Good cause appearing, the special master's recommendation for a  
13 hearing will be deferred at this time. Defendants will be directed to provide to the special master,  
14 within ninety days, a detailed report on how CDCR's assumption of responsibility for services  
15 presently provided to class members by DMH will be accomplished and, if further study suggests  
16 such assumption of responsibility is not feasible, what alternative(s) will be pursued.

17                   In accordance with the above, IT IS HEREBY ORDERED that:

18                   1. The special master's February 7, 2007 report is adopted;

19                   2. Defendants shall complete and occupy the 50-bed mental health crisis bed units  
20 at California Medical Facility and California Men's Colony as soon as possible;

21                   3. Within ninety days defendants shall provide to the special master a detailed report  
22 on how CDCR's assumption of responsibility for services presently provided to class members by  
23 DMH will be accomplished and, if further study suggests such assumption of responsibility is not  
24 feasible, what alternative(s) will be pursued

25 DATED: March 26, 2007.

26   
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT JUDGE

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