

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.

ARNOLD SCHWARZENEGGER,
et al.,

Defendants.

ORDER

Defendants have filed a request for an extension of time to comply with this court's order filed June 1, 2007¹ requiring defendants to "submit a plan that will satisfy their need for sufficient small exercise yards to meet Title 15 exercise requirements for inmates in administrative segregation." Order, filed June 1, 2007, at 3. Plaintiffs oppose defendants' request, contending that defendants' request does not refer to all the small exercise yards required by the findings underlying the June 1, 2007 order.

In the June 1, 2007 order, this court adopted the finding of the special master that defendants need a total of 1,480 small exercise yards in administrative segregation and that, at present, they only have 719 such yards. Of the 761 exercise yards that remain to be designed

¹ Defendants identify this order as the court's May 31, 2007 order. That is the date on which the order was signed.

1 and/or built, as of the June 1, 2007 order, 86 were under construction and defendants were then
2 “seeking legislative authority to fund 179 additional yards in fiscal year 2007/08.” Order, filed
3 June 1, 2007, at 2. This left a total of 496 yards for which no planning had apparently begun.

4 Defendants have submitted a declaration in support of their request for extension
5 of time. Therein, the declarant avers that “[a] plan to build an additional 262 yards is being
6 created.” (Declaration of Deborah Hysen in Support of Defendants’ Ex Parte Request for
7 Extension of Time re: Small Management Yards, filed August 29, 2007, at ¶ 6.) Ms. Hysen’s
8 declaration subsequently refers to “a schedule for design and construction of the remaining small
9 management yards.” (*Id.* at ¶ 8.) It is unclear to which yards the latter sentence refers.


10 Absent clear evidence to the contrary, the court presumes and anticipates that
11 defendants intend to comply in full with the June 1, 2007 order and to submit planning for all
12 496 small exercise yards for which planning is still required. On that basis, and good cause
13 appearing, defendants’ request for extension of time will be granted.

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

15 1. Defendants’ August 29, 2007 request for extension of time is granted; and

16 2. Defendants are granted forty-five days from the date of this order in which to
17 submit a plan for sufficient small exercise yards as required by this court’s June 1, 2007 order.

18 DATED: September 14, 2007.

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21 LAWRENCE K. KARLTON
22 SENIOR JUDGE
23 UNITED STATES DISTRICT COURT
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