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

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Plaintiffs have filed a notice of alleged non-compliance by defendants' with this court's June 1, 2007 order, pursuant to which in relevant part defendants were required to "submit a plan that will satisfy their need for sufficient small management yards to meet Title 15 exercise requirements for inmates in administrative segregation" and to "call for the funding and completion of [all necessary] yards by the end of fiscal year 2008/2009." Order filed June 1, 2007, at 3. Plaintiffs contend that defendants have, without leave of court and without justification, decreased the number of small management yards to be built by 318. Plaintiffs also contend that defendants' plan violates the timelines set in the June 1, 2007 order. Finally, plaintiffs contend that defendants' interim plan to provide better access to small management yards is inadequate. Good cause appearing, defendants will be directed to respond to each of the issues raised in plaintiffs' notice of non-compliance.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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, 86 were under construction, and defendants were seeking funding for 179 additional yards for fiscal year 2007/08, leaving a total of 496 yards to be planned for. In the court's September 14, 2007 order granting defendants an extension of time to submit the plan, the court confirmed its expectation that defendants would "comply in full with the June 1, 2007 order" and "submit planning for all 496 small exercise yards for which planning is still required." Order filed September 14, 2007, at 2.

In their Small Management Yard Plan, filed October 29, 2007, defendants take the position that "[t]he 1,480 Statewide yards originally identified by CDCR included yards for Psychiatric Services Units (PSU), Security Housing Units (SHU) and Grade B condemned inmates, and extends beyond the court order for Administrative Segregation inmates only." Defendants' Small Management Yard Plan, filed October 29, 2007, at 3. In addition to any other response defendants may have to each of the issues raised by plaintiffs in their notice of non-compliance, defendants shall include an explanation, if any they have, why Psychiatric Services Units, Security Housing Units, and units for Grade B condemned inmates are not properly considered administrative segregation units for purposes of the court's June 1, 2007 order and the report of the special master on which that order was based.

In accordance with the above, IT IS HEREBY ORDERED that within fifteen days from the date of this order defendants shall file and serve a response to plaintiffs' November 13, 2007 notice of non-compliance.

DATED: November 16, 2007.

LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT