

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 REJECTING "AMICUS"
BRIEF FILED BY PATRICK
WILSON AND DENYING
MOTION TO INTERVENE

Patrick Wilson, who purports to be a former member of the plaintiff class, submitted a brief entitled "amicus."¹ However, Mr. Wilson has not been granted leave to appear in these proceedings as an amicus curiae. "The privilege of being heard amicus rests in the discretion of the court which may grant or refuse leave according [to whether] it deems the proffered information timely, useful, or otherwise." *Cnty. Ass'n for Restoration of Env't v. DeRuyter Bros. Dairy*, 54 F. Supp. 2d 974, 975 (E.D. Wa. 1999) (citing *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir.1982)). Having reviewed Mr. Wilson's "amicus" filing, which the Court

¹The brief, which is dated October 8, 2007, was filed in *Coleman* on October 12, 2007 (docket no. 2459). It was received but not filed by the *Plata* court.

1 construes as a motion for leave to file an amicus brief, the Court finds good cause to DENY
2 the motion. Accordingly, Mr. Wilson shall not be granted amicus status in this case.

3 In addition, Mr. Wilson previously sought to intervene in these proceedings on
4 August 29, 2007 (*Coleman* docket no. 2391). That motion is also DENIED, as Mr. Wilson
5 has not and cannot demonstrate that he meets the requirements for intervention under Federal
6 Rule of Civil Procedure 24.


7
8 **IT IS SO ORDERED.**

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10 Dated: 11/30/07

/s/


STEPHEN REINHARDT
UNITED STATES CIRCUIT JUDGE
NINTH CIRCUIT COURT OF APPEALS

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14 Dated: 11/30/07



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

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18 Dated: 11/30/07



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