

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 ON MOTION TO  
COMPEL PRODUCTION OF  
OFFICE OF INSPECTOR  
GENERAL'S UNREDACTED  
REPORT

Plaintiffs have filed a motion pursuant to Fed. R. Civ. P. 45(c)(2)(B)(ii) to compel production of an unredacted report by the non-party Office of the Inspector General (OIG) concerning the release of Scott Thomas from San Quentin State Prison. The OIG has filed an opposition to the motion.

At issue is a report sent on October 31, 2007 by the Inspector General to the Secretary of the California Department of Corrections and Rehabilitation (CDCR) "detailing the results of the OIG's investigation into the California State Prison, San Quentin's release of Scott Thomas to parole on May 18, 2007." Plaintiff's Motion to Compel Production of the Office of Inspector General's Unredacted Report Re: Scott Thomas, filed April 18, 2008, at 2. The

OIG created two versions of the report, one of which redacted information concerning Thomas's medical and mental health care while in prison. On April 1, 2008, plaintiffs served a Rule 45 subpoena on the OIG requesting production of the unredacted report.<sup>1</sup> On April 7, 2008, the OIG responded to the subpoena in writing, refusing to produce the unredacted report without a court order. Ex. B to Declaration of Amy Whelan in Support of Plaintiffs' Motion, filed April 18, 2008. The parties were unable to resolve the dispute informally through the meet and confer process, and the instant motion followed.

After review of the papers filed in support of and in opposition to the motion, and good cause appearing, IT IS HEREBY ORDERED that:

1. Plaintiffs' April 18, 2008 motion to compel is granted;

2. Within five days from the date of this order the Office of the Inspector General shall produce to plaintiffs' counsel the unredacted OIG report concerning the release of Scott Thomas from San Quentin State Prison, subject to the following protective order:

Neither plaintiffs' counsel nor any employee of any law firm representing plaintiffs in these proceedings shall disclose or otherwise refer to the unredacted OIG report concerning the release of Scott Thomas from San Quentin State Prison to any person outside of said law firms nor shall such information be made part of the record in these proceedings or any other proceedings without further order of this court or the three-judge court.

Dated: May 23, 2008.

  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> On November 1, 2007, plaintiffs sent a formal written request for the unredacted report to the Inspector General. That request was declined.