

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 RE: ROLE OF**  
**RECEIVER AND SPECIAL**  
**MASTER REGARDING PRISON**  
**POPULATION ADVISORY**  
**GROUP**

At the status conference conducted in the above-captioned proceedings on May 30, 2008, there was a discussion concerning the membership of an advisory group that will perform a detailed analysis of the operational capacity of each California prison facility in an effort to arrive at an agreement on a prison population cap. *See also* Confidential Status Report, filed June 2, 2008, at 8-9.

A question arose concerning what role, if any, the *Plata* Receiver and the *Coleman* Special Master might have in connection with that advisory group. As the Court noted in its November 29, 2007 order, both the *Plata* Receiver and the *Coleman* Special Master have assumed duties and obligations of a judicial officer and are acting as surrogates of the *Plata*


1 and *Coleman* courts, respectively. *See* Nov. 29, 2008 Order at 2. For that reason, it would  
2 not be appropriate for either the *Plata* Receiver or the *Coleman* Special Master, or any of  
3 their staff members, to serve on the advisory group. By this order, both the Receiver and the  
4 Special Master will be authorized to provide, in their discretion, on an informal basis such  
5 information as the advisory group may seek from them that may be helpful to the goals of  
6 said group. Nothing in this order shall be construed to permit any member of the advisory  
7 group to request preparation of written reports by the Receiver or the Special Master or any  
8 of their staff members, or to permit any party to these proceedings to request formal  
9 testimony from the Receiver or the Special Master or any of their staff members at any stage  
10 of these proceedings.

11  
12 **IT IS SO ORDERED.**


13  
14 Dated: 06/05/08

/s/  
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STEPHEN REINHARDT  
UNITED STATES CIRCUIT JUDGE  
NINTH CIRCUIT COURT OF APPEALS

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18 Dated: 06/05/08

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

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22 Dated: 06/05/08

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