

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**

20 At the status conference conducted in the above-captioned proceedings on May 30,
21 2008, there was a discussion concerning the membership of an advisory group that will
22 perform a detailed analysis of the operational capacity of each California prison facility in an
23 effort to arrive at an agreement on a prison population cap. *See also* Confidential Status
24 Report, filed June 2, 2008, at 8-9.

25 A question arose concerning what role, if any, the *Plata* Receiver and the *Coleman*
26 Special Master might have in connection with that advisory group. As the Court noted in its
27 November 29, 2007 order, both the *Plata* Receiver and the *Coleman* Special Master have
28 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/

15 STEPHEN REINHARDT
16 UNITED STATES CIRCUIT JUDGE
17 NINTH CIRCUIT COURT OF APPEALS

18 
19 LAWRENCE K. KARLTON
20 SENIOR UNITED STATES DISTRICT JUDGE
21 EASTERN DISTRICT OF CALIFORNIA

22 
23 Dated: 06/05/08

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

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