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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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10 RALPH COLEMAN, et al.,

11 Plaintiffs, No. CIV S-90-0520 LKK JFM P

12 vs.

13 ARNOLD SCHWARZENEGGER, et al.,

14 Defendants.

O R D E R

15 \_\_\_\_\_/  
16 The court is in receipt of the defendants' untimely request  
17 to delay response to the court's February 17, 2009 order to file  
18 a statement concerning its bed plan by March 4, 2009, as well as  
19 the plaintiffs' response thereto.

20 To say the least, the court is deeply disappointed and  
21 distressed with the State's response. This court has been  
22 engaged in the process of attempting to bring the State in  
23 conformance with the Constitution of the United States for  
24 roughly fourteen years. To say now that the State has no current  
25 viable bed plan, is uncertain as to when it can be developed in  
26 light of changing circumstances, and needs at least ninety (90)

1 days to develop such a plan, seems to demonstrate an unacceptable  
2 lack of commitment to its constitutional duty, much less to the  
3 orders of this court. Moreover, as the plaintiffs' response  
4 notes, with anguish, further delay may mean once again being out  
5 of step with the budget process. The State's response is simply  
6 unacceptable.

7 The defendants are directed to work immediately and with  
8 full dispatch on the development of a plan, so the financial  
9 aspects thereof can be included in the upcoming budget process if  
10 necessary. Diversion of attention to other tasks will not be  
11 tolerated. The defendants are to provide a written report on  
12 progress within ten (10) days. The report shall specify the  
13 names of each person who is responsible for development of the  
14 plan, and exactly what they have been doing from the date of  
15 receipt of this order. The response shall also include the  
16 address of each such person, as well as their title. In the  
17 report, the defendants shall also inform the court of the status  
18 of the 50-bed Mental Health Crisis Bed unit at California Men's  
19 Colony. See Order, March 27, 2007; Order, Feb. 26, 2008; Order,  
20 April 16, 2008. The hearing set for March 24, 2009 will now be  
21 for the purpose of considering what further steps are required to  
22 insure timely compliance. The defendants will have present the  
23 leading persons specified in the report.

24 IT IS SO ORDERED.

25 DATED: March 5, 2009.

  
26 LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT