

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 INVITING RESPONSES**  
**FROM PLAINTIFFS AND**  
**INTERVENORS TO DEFENDANTS'**  
**NOVEMBER 12, 2009 PROPOSED**  
**PRISON POPULATION**  
**REDUCTION MEASURES**

20 On August 4, 2009, this three-judge court ordered defendants to present the court  
21 within 45 days with a plan “that will in no more than two years reduce the population of the  
22 CDCR’s adult institutions to 137.5% of their combined design capacity.” Aug. 4, 2009  
23 Opinion & Order at 183. On September 18, 2009, defendants submitted a proposed  
24 “Population Reduction Plan.” Because the plan defendants provided did not comply with our  
25 August 4, 2009 order, we rejected defendants’ proposed plan, and ordered them to submit  
26 within 21 days “a population reduction plan that complies with this court’s August 4, 2009  
27 Opinion and Order and that, most important, provides for a reduction of the prison  
28 population to 137.5% of design capacity within two years.” Oct. 21, 2009 Order at 2. On

1 November 12, 2009, defendants submitted a plan in response to that order. In that plan,  
2 defendants propose measures that they estimate will reduce the population of CDCR's adult  
3 institutions to 137.5% of their design capacity by December 2011.

4 On or before **December 7, 2009**, plaintiffs and intervenors shall submit (1) their  
5 comments and/or objections, if any, regarding each of the population reduction measures  
6 proposed by defendants on November 12, 2009, as well as regarding the proposed population  
7 reduction plan as a whole, and (2) any population reduction measures that they believe to be  
8 more practical or effective than those proposed by defendants. Should plaintiffs or  
9 intervenors propose any population reduction measures that require the waiver of any  
10 provision of state law, they shall so advise the court, and shall explain why the proposed  
11 waiver is permissible under 18 U.S.C. § 3626(a)(1)(B). Should plaintiffs or intervenors  
12 propose any population reduction measures that would require state funding that is otherwise  
13 not provided for, or if any of their objections to the population reduction measures proposed  
14 by defendants would be ameliorated or resolved by the provision of state funding for use in  
15 connection with such measures, they shall identify the measures requiring such funding, and  
16 provide estimates of the amounts required for use in connection with each such measure.  
17 Defendants shall submit their responses to such comments, objections, and proposals on or  
18 before **December 18, 2009**.

19  
20 **IT IS SO ORDERED.**

21  
22 Dated: 11/18/09

  
23 STEPHEN REINHARDT  
24 UNITED STATES CIRCUIT JUDGE  
25 NINTH CIRCUIT COURT OF APPEALS

26 Dated: 11/18/09

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

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3 Dated: 11/18/09

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