

1 IN THE UNITED STATES DISTRICT COURTS
2 FOR THE EASTERN DISTRICT OF CALIFORNIA
3 AND THE NORTHERN DISTRICT OF CALIFORNIA
4 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
5 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE
6

7 RALPH COLEMAN, et al.,
8 Plaintiffs,

9 v.

10 ARNOLD SCHWARZENEGGER,
11 et al.,
12 Defendants.

NO. CIV S-90-0520 LKK JFM P

THREE-JUDGE COURT

13 MARCIANO PLATA, et al.,
14 Plaintiffs,

15 v.

16 ARNOLD SCHWARZENEGGER,
17 et al.,
18 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


19
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


STEPHEN REINHARDT
UNITED STATES CIRCUIT JUDGE
NINTH CIRCUIT COURT OF APPEALS

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25
26 Dated: 11/18/09


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

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Dated: 11/18/09



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