

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs,

No. CIV S-90-0520 LKK JFM (PC)

vs.

ARNOLD SCHWARZENEGGER,
et al.,

Defendants.

ORDER

Defendants have filed a request for temporary relief from this court's January 4, 2010 order requiring them to file within forty-five days an amended proposal for the Stark EOP conversion project submitted as part of their November 6, 2009 long-range bed plan. Defendants seek an extension of ninety days in order to complete their evaluation of possible alternatives to renovating the Stark facility to house EOP inmates. Defendants have simultaneously filed a motion for reconsideration of this part of the court's January 4, 2010 order. Defendants' motion is presently noticed for hearing on this court's March 22, 2010 law and motion calendar. In their request, defendants also request that the hearing be moved in the event that their request for temporary relief is granted. After review of the request, and good cause appearing, the request will be granted and defendants will be granted a period of ninety days in which to file an amended bed plan for the EOP population targeted for the Stark facility together with either a

1 new notice resetting the hearing on their motion for reconsideration, see Local Rule 230, or a
2 notice withdrawing said motion. Defendants' motion for reconsideration will be dropped from
3 the March 22, 2010 calendar.

4 Defendants were also required by the January 4, 2010 order to file within thirty
5 days a new activation schedule for the DeWitt conversion project that reflects patient admissions
6 completed to full occupancy by 2013. On February 1, 2010, defendants filed a motion for
7 reconsideration of that order, which is noticed for hearing on March 22, 2010. Defendants have
8 not expressly sought a stay of the court's January 4, 2010 order, nor have they complied with it.
9 Good cause appearing, the court will sua sponte stay that part of the court's January 4, 2010 order
10 that requires defendants to submit a new activation schedule for the DeWitt conversion project
11 pending disposition of defendants' motion for reconsideration. Hearing on the motion will be
12 reset to March 29, 2010 at 11:00 a.m.

13 In accordance with the above, IT IS HEREBY ORDERED that:

14 1. Defendants' February 1, 2010 request for temporary relief from this court's
15 January 4, 2010 order requiring them to file an amended plan for the Stark EOP conversion
16 project is granted.

17 2. Defendants are granted ninety days from the date of this order to file an
18 amended bed plan for the EOP population targeted for the Stark facility.

19 3. Defendants' motion for reconsideration of this court's January 4, 2010 order
20 requiring them to file an amended plan for the Stark EOP conversion project is dropped from
21 calendar. Within ninety days from the date of this order defendants shall either renote said
22 motion for hearing on this court's regular law and motion calendar pursuant to the provisions of
23 Local Rule 230 or file a notice withdrawing said motion.

24 4. This court's January 4, 2010 order requiring defendants to submit a new
25 activation schedule for the proposed DeWitt conversion project is stayed pending resolution of
26 defendants' motion for reconsideration of said order.

5. Defendants' motion for reconsideration of this court's January 4, 2010 order requiring defendants to submit a new activation schedule for the proposed DeWitt conversion project is reset to March 29, 2010 at 11:00 a.m.

DATED: February 12, 2010.

LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT