

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

RALPH COLEMAN, et al.,

Plaintiffs,

No. 2:90-cv-0520 LKK JFM P

vs.

ARNOLD SCHWARZENEGGER,
et al.,

Defendants.

ORDER

Defendants have filed a motion for reconsideration of that part of this court's October 5, 2010 order that requires defendants, beginning on October 12, 2010, to admit patients to the C-5 unit intermediate care facility administered by the Department of Mental Health (DMH) at Salinas Valley State Prison at a rate of not less than ten patients per week until the unit is filled, and, thereafter, beginning January 18, 2011, to admit patients to that unit at a rate of not less than ten per week until both the C-5 and the C-6 units are filled.¹ Defendants have concurrently filed a request to stay that provision of the October 5, 2010 order that requires them to start on October 12, 2010 to admit patients to the C-5 unit at a rate of not less than ten patients per week.

¹ Defendants' motion is presently noticed for hearing on this court's November 22, 2010 law and motion calendar.

1 Good cause appearing, defendants' request for a stay will be granted in part. That
2 part of the court's order for which defendants seek a stay will be stayed pending further order of
3 the court. Plaintiffs will be directed to file, within seven days, a response to defendants' motion
4 for relief from certain provisions of the court's October 5, 2010 order. Thereafter, the court will
5 either resolve defendants' motion for relief on the papers or set the matter for further hearing.

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

7 1. Defendants' October 12, 2010 request for stay pending disposition of their
8 motion for relief from part of this court's October 5, 2010 order is granted;

9 2. Defendants are relieved of the obligation to comply with paragraph 2 of this
10 court's October 5, 2010 order pending further order of the court;

11 3. Within seven days from the date of this order plaintiffs shall file and serve a
12 response to defendants' motion for relief from certain provisions of the court's October 5, 2010
13 order; and

14 4. Upon the filing of plaintiff's response, the court will either resolve defendants'
15 motion for relief on the papers or set the matter for further hearing.

16 DATED: October 13, 2010.

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19 LAWRENCE K. KARLTON
20 SENIOR JUDGE
21 UNITED STATES DISTRICT COURT
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