

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.

EDMUND G. BROWN JR., et al.,

Defendants.

NO. CIV S-90-0520 LKK JFM P

THREE-JUDGE COURT

MARCIANO PLATA, et al.,

Plaintiffs,

V.

EDMUND G. BROWN JR., et al.,

Defendants.

NO. C01-1351 TEH

THREE-JUDGE COURT

ORDER TO DEVELOP PLANS TO ACHIEVE REQUIRED PRISON POPULATION REDUCTION

Upon careful consideration of defendants' response to the Court's September 7, 2012 order and plaintiffs' response thereto, the Court finds good cause to order the following:

1. Defendants shall develop plans to achieve the required population reduction to 137.5% design capacity by (a) June 27, 2013, and (b) December 27, 2013, and shall submit those plans to this Court on or before **January 7, 2013**.

2. To assist in facilitating defendants' compliance with this order, the parties shall meet and confer on proposed plans that would achieve the above-stated goals. The parties shall consider all of the alternatives that this Court, affirmed by the Supreme Court, found

1 could be implemented without an adverse impact on public safety or the operation of the
2 criminal justice system. Additionally, in light of defendants' stated preference to return
3 nearly 5,000 prisoners from out-of-state facilities before December 27, 2013, the parties shall
4 discuss how other alternatives would timely achieve the required population reduction while
5 allowing the return of all, or a portion, of these inmates.

6 3. The parties may jointly file a proposed plan on or before the date specified in the
7 first paragraph of this order. The parties may submit a plan only for December 27, and not
8 June 27, 2013, if they agree that it would be appropriate for the Court to extend the
9 compliance deadline to the later date. If the parties cannot reach agreement on all provisions,
10 including the appropriate deadline, then they shall each submit a plan that includes as many
11 agreed upon provisions as possible. Each plan shall also contain any individually proposed
12 provisions for achieving the required reduction. Any disputed provisions shall include the
13 proposing party's justifications and the opposing party's objections.

14 4. Defendants shall identify in their filing, whether joint or separate, which, if any,
15 state laws would have to be waived for the provisions proposed jointly or by either party.
16 Defendants shall also specify which of these laws may be waived by the Governor and
17 which, if any, it contends that this Court is without authority to waive. Defendants shall
18 provide justifications for their assertions, and plaintiffs may state their objections to
19 defendants' contentions.

20 5. Defendants shall provide reasonable access to data so that plaintiffs may
21 participate meaningfully in the meet-and-confer process. Magistrate Judge Moulds shall
22 oversee any disputes if the parties cannot agree on what constitutes reasonable access.

23 //

24 //

25 //

26 //

27 //

28 //

1 The Court is informed that the Honorable Peter Siggins remains available to assist the
2 parties during the meet-and-confer process.

3 Nothing in this order with respect to the meet-and-confer process shall relieve
4 defendants of their obligation to submit a timely plan or plans, either jointly or separately.

5
6 **IT IS SO ORDERED.**

7
8 Dated: 10/11/12



9 STEPHEN REINHARDT
10 UNITED STATES CIRCUIT JUDGE
11 NINTH CIRCUIT COURT OF APPEALS

12 Dated: 10/11/12



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

16 Dated: 10/11/12



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