

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

RALPH COLEMAN, et al.,

Plaintiffs,

No. CIV S-90-0520 LKK JFM P

vs.

EDMUND G. BROWN, JR., et al.,

Defendants.

ORDER

On January 7, 2013, defendants filed a motion to terminate this action pursuant to 18 U.S.C. § 3626(b), and to vacate this court's judgment and orders pursuant to Fed. R. Civ. P. 60(b)(5). Defendants contend that they are providing inmates with constitutionally adequate mental health care. They therefore seek an order vacating the judgment, terminating "all prospective relief," and dismissing the action. Defendants' motion is noticed for hearing before the undersigned on February 11, 2013.

In an order filed August 4, 2009, a three-judge court convened pursuant to 18 U.S.C. § 3626(a)(3) found that "no relief other than a prisoner release order is capable of remedying the constitutional deficiencies at the heart of" this action. Order filed August 4, 2009, at 119. The three-judge court therefore ordered defendants to provide "a population reduction plan that will in no more than two years reduce the population of the CDCR's adult institutions

1 to 137.5% of their combined design capacity.” *Id.* at 183. On May 23, 2011, the United States
 2 Supreme Court affirmed the three-judge court’s findings and order, holding that “the court-
 3 mandated population limit is necessary to remedy the violation of prisoners’ constitutional
 4 rights.” *Brown v. Plata*, 563 U.S. ___, 131 S.Ct. 1910, 1923 (2011). Following the United
 5 States Supreme Court’s decision, on June 30, 2011 the three-judge court issued an order
 6 requiring defendants to, *inter alia*, reduce the population of California’s thirty-three adult prisons
 7 to no more than 137.5% of design capacity by June 27, 2013. Order filed June 30, 2011, at 1-2.
 8 That order remains in full force and effect.¹

9 The population reduction order issued by the three-judge court is prospective
 10 relief in effect in this action. Moreover, as noted above, the three-judge court has found that no
 11 relief other than that required by that order – reduction of the prison population to 137.5% of
 12 capacity – can remedy the constitutional deficiencies in this action. Good cause appearing, the
 13 parties will be directed to brief the question of whether this court is precluded by the three judge-
 14 court’s finding and by its population reduction order from hearing defendants’ motion to
 15 terminate at this time.² In view of the need for further briefing, and good cause appearing, the
 16 effective date of any automatic stay will be postponed for a period of sixty days after the thirtieth
 17 day after defendants’ motion was filed. *See* 18 U.S.C. § 3626(e)(2), (3).

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

19 1. Except as expressly required by this order, briefing on defendants’ January 7,
 20 2013 motion to terminate is suspended;

21 ¹ Also on January 7, 2013, defendants filed a motion to vacate or modify the population
 22 reduction order. That motion is pending before the three-judge court.


23 ² This is a question of law. For that reason, the parties shall not file any evidence,
 24 including declarations, with the briefs filed in response to this order. The court notes that, in
 25 their motion, defendants contend that the three-judge court’s order “was premised on outdated
 26 evidence and an assumption that the State court not provide adequate care above that population
 density.” Memorandum of Points and Authorities, filed January 7, 2013, at 15 n.7. The parties
 may, as appropriate, include in their briefing a discussion of whether it is the province of this
 court to revisit the basis for the three-judge court’s order.

1 2. The hearing set for February 11, 2013 is dropped from calendar;

2 3. Within fifteen days from the date of this order the parties shall file briefs,
3 which shall not exceed twenty-five pages in length, in accordance with this order; and

4 4. The effective date of any automatic stay is postponed for a period of sixty days
5 after the thirtieth day after defendants' motion was filed.

6 DATED: January 9, 2013.

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10 LAWRENCE K. KARLTON
11 SENIOR JUDGE
12 UNITED STATES DISTRICT COURT
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