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.

ARNOLD SCHWARZENEGGER, et al., O R D E R

Defendants.

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By order filed June 12, 2006, defendants were directed to produce the relevant budget change proposals to the Special Master and counsel for the plaintiffs not later than the close of business on June 14, 2006. The deadline for the filing of the Special Mater's report was reset to June 21, 2006.

On June 14, 2006, defendants made an oral motion for a stay of the June 12, 2006 order. After a telephonic hearing, the court denied the motion for stay and directed defendants to produce the required material to the Special Master under seal not later than close of business on June 14, 2006. In the same order, the court directed the Special Master to file his report under seal on June 21, 2006. Finally, the order provided that, absent a stay of the June 12, 2006 order by the United States Court of Appeals for the Ninth Circuit, the court would, by June 21, 2006, order the material and the Special Master's report produced to counsel for plaintiffs.

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By order filed June 15, 2006, the court determined that the deadline for submission of the material under seal to the Special Master had passed and defendants had not complied with the court's order. The court ordered that on June 27, 2006 at 1:30 p.m., James Tilton, Acting Secretary of the California Department of Corrections and Rehabilitation, show cause in person as to why he should not be held in contempt of court.

On June 19, 2006, the Special Master informed the court that defendants had produced to him the budget change proposals under seal. Given this recent development, the court ORDERS as follows:

1. The order to show cause, issued on June 15, 2006 is DISCHARGED and the hearing set for June 27, 2006 is hereby VACATED.

2. Absent a stay of the June 12, 2006 order by the United States Court of Appeals for the Ninth Circuit, the court will, by June 21, 2006, order the budget change proposal material and the Special Master's report produced to counsel for plaintiffs.

IT IS SO ORDERED.

DATED: June 19, 2006.

LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT