

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,
Plaintiffs,

v.

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

No. CIV. S-90-520 LKK/DAD (PC)

ORDER

On April 10, 2014 (ECF No. 5131), defendants were ordered to work under the guidance of the Special Master to, inter alia, revise their use of force policies and procedures and work with the Special Master on a timeline for completion of their review of the use of management status; to file a plan limiting or eliminating altogether placement of class members removed from the general population for non-disciplinary reasons in administrative segregation units that house inmates removed from the general population for disciplinary reasons, and a revised policy concerning strip searches in Enhanced Outpatient Unit Administrative Segregation Unit (EOP ASU) hubs. Defendants were also ordered to report to the court and the Special Master

1 monthly on whether each EOP ASU hub meets the requirements of the
2 Program Guide for EOP ASU level of care and prohibitions on
3 placement of Coleman class members in non-compliant EOP ASU hubs.
4 Id. at 72-74. By order filed May 13, 2014, several relevant
5 deadlines set in the order were extended to August 1, 2014. See
6 Order filed May 13, 2014 (ECF No. 5150) at 2-3.

7 On August 1, 2014, defendants filed a report on compliance
8 with the foregoing requirements of the April 10, 2014 order
9 together with the required plans and policies. In particular,
10 defendants have filed a revised use of force policy; a new
11 statewide management cell status policy; a plan to limit or
12 eliminate placement of class members removed from the general
13 population for non-disciplinary reasons in administrative
14 segregation units that house inmates removed from the general
15 population for disciplinary reasons; a plan to report on Program
16 Guide compliance for the EOP ASU hubs; and a revised strip search
17 policy.

18 The court has reviewed defendants' report and the
19 accompanying plans and policies. The court commends the parties
20 and the Special Master and his team for the substantial effort
21 that resulted in the materials tendered to the court. The court
22 agrees with defendants that they have made substantial changes to
23 the relevant policies and procedures, and that those changes meet
24 the requirements of the April 10, 2014 order.¹ Accordingly, the

25 ¹ Defendants have included a request for modification of the April 10, 2014
26 order to the extent, if at all, that the court determines any of the plans and
27 policies do not comply with the "terms and intent" of the April 10, 2014
28 order. Defs. Plans and Policies (ECF No. 5190) at 3. The April 10, 2014
order prohibits placement of "any class members removed from the general
population for non-disciplinary reasons for more than seventy-two hours in
administrative segregation units that house inmates removed from the general

1 plans and policies will be approved. Defendants will be directed
2 to implement the plans and policies forthwith consistent with the
3 representations in their report. Said implementation shall be
4 monitored by the Special Master in accordance with his monitoring
5 and reporting duties in this action.


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

7 1. The plans and policies filed by defendant on August 1,
8 2014 are approved.

9 2. Defendants shall forthwith, under the guidance of the
10 Special Master, implement the plans and policies approved by this
11 order consistent with the representations in the report that
12 accompanies the plans and policies.

13 3. Implementation of the plans and policies approved by
14 this order shall be monitored by the Special Master in accordance
15 with his monitoring and reporting duties in this action.

16 DATED: August 11, 2014.

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21 LAWRENCE K. KARLTON
22 SENIOR JUDGE
23 UNITED STATES DISTRICT COURT
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25 population for disciplinary reasons." Order filed April 10, 2014 (ECF No.
26 5131) at 73. The non-disciplinary segregation policy tendered to the court
27 incorporates a maximum ten-day period for classification determinations
28 concerning the applicability of non-disciplinary status, with Coleman class
members' classification process to be expedited, in addition to the seventy-
two hour maximum stay ordered by the court. To the extent modification of the
order is required for this plan, it is granted. No further modification of
the April 10, 2014 order are required at this time.