

KAMALA D. HARRIS  
Attorney General of California  
JAY C. RUSSELL  
DANIELLE F. O'BANNON  
Supervising Deputy Attorneys General  
ELISE OWENS THORN, State Bar No. 145931  
MANEESH SHARMA, State Bar No. 280084  
CHRISTINE M. CICCOTTI, State Bar No. 238695  
Deputy Attorneys General  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 323-4025  
Fax: (916) 324-5205  
E-mail: Christine.Ciccotti@doj.ca.gov  
*Attorneys for Defendants*

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

**RALPH COLEMAN, et al.,**

Plaintiffs,

**v.**

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

Defendants.

2:90-cv-00520 KJM-DB (PC)

**AMENDED STIPULATION AND ORDER  
MODIFYING FEBRUARY 3, 2015  
ORDER REGARDING FIRST WATCH  
SECURITY/WELFARE CHECKS AT  
PELICAN BAY STATE PRISON  
SECURITY HOUSING UNIT**

Judge Kimberly J. Mueller

AS ATTACHED

1 The parties, with the concurrence of the Special Master, stipulate as follows:

2 On February 3, 2015, the Court entered an order adopting the Special Master's expert's  
3 recommendations on suicide prevention (ECF No. 5271), including the recommendation that  
4 CDCR continue to implement and monitor the May 9, 2014 directive for twice-hourly  
5 Security/Welfare Checks at the Pelican Bay State Prison Security Housing Unit (SHU).

6 In response to concerns and suggestions raised by Plaintiffs' counsel and the Special Master  
7 that the welfare checks were disturbing inmates' sleep, the parties agreed to assess the noise  
8 levels at the Pelican Bay SHU. On December 28, 2015, this Court approved the parties'  
9 stipulation that Security/Welfare checks utilizing Guard One at the Pelican Bay SHU temporarily  
10 be conducted only once per hour during First Watch (2200 hours to 0600 hours), while  
11 Defendants worked to assess and possibly reduce the noise caused by the opening and closing of  
12 the Unit's pod doors. Order, Dec. 28, 2015, ECF No. 5393. That stipulation expired by its terms  
13 on May 1, 2016, but was extended by further stipulations of the parties and orders of the Court  
14 until August 31, 2016. *Id.*; Stipulation Extending Order Modifying Security/Welfare Checks at  
15 Pelican Bay SHU, Apr. 29, 2016, ECF No. 5437; Order, May 3, 2016, ECF No. 5438; Stipulation  
16 Extending Order Modifying Security/Welfare Checks at Pelican Bay SHU, June 29, 2016, ECF  
17 No. 5465; Order, June 30, 2016, ECF No. 5467.

18 CDCR completed its assessment of the noise issues raised by Plaintiffs and submitted a  
19 report to the Special Master and Plaintiffs on July 1, 2016. In response to allegations raised by  
20 plaintiffs' counsel, CDCR instituted several measures to reduce the noise generated by the  
21 security/welfare checks. Without agreeing that the Security/Welfare checks utilizing Guard One  
22 at the Pelican Bay SHU create excessive noise levels or cause any harm to inmates, CDCR has  
23 agreed to conduct Security/Welfare checks utilizing Guard One at the Pelican Bay SHU only  
24 once per hour during First Watch (2200 hours to 0600 hours) on a permanent basis.

25 ///

26 ///

27 ///

28 ///

Therefore, the parties seek a permanent modification of the Court's February 3, 2015 Order to provide for the Security/Welfare checks utilizing Guard One to be conducted only once per hour during First Watch (2200 hours to 0600) hours at the Pelican Bay SHU.

IT IS SO STIPULATED.

Dated: August 30, 2016

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
DANIELLE F. O'BANNON  
Supervising Deputy Attorney General

*/s/ Christine M. Ciccotti*  
CHRISTINE M. CICCOTTI  
Deputy Attorney General  
*Attorneys for Defendants*

*/s/ Michael W. Bien*  
MICHAEL W. BIEN  
*Attorney for Plaintiffs*

**ORDER**

Pursuant to the foregoing stipulation, and to address the concerns and suggestions raised by Plaintiffs' counsel and the Special Master, IT IS SO ORDERED.

DATED: September 1, 2016

  
UNITED STATES DISTRICT JUDGE