

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 RALPH COLEMAN, et al.,

12 Plaintiffs,

13 v.

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

15 Defendants.
16

No. 2:90-cv-0520 KJM DB P

ORDER

17 On January 25, 2018, defendants were ordered to show cause in writing why
18 inadequate wall ventilation grates at the mental health crisis bed (MHCB) unit at California State
19 Prison-Corcoran (CSP-Corcoran) could not be replaced within six months. ECF No. 5762 at 4.
20 Defendants have filed a response to the order to show cause. ECF No. 5775. In the response,
21 defendants represent that they have obtained funding and Fire Marshal approval for their plan to
22 replace the ventilation grates, and that they “expect” to complete replacement of the grates
23 “within the next six months.” *Id.* at 1-2. Defendants also represent that they will have to take all
24 twenty-four MHCBs offline during construction and that, as required by court order, ECF No.
25 5573, they “will continue to meet and confer with the Special Master over any reduction in beds,
26 and provide updates on the status of these beds during the parties’ regular bed planning
27 discussions.” *Id.* at 2.
28

1 In an order filed October 10, 2017, now on appeal, the court noted but did not
2 address “the underlying causes of the systemic delays in access to MHCBS,” including “too few
3 MHCBS to meet needs.” ECF No. 5710 at 17. While it is apparent the ventilation grates must be
4 replaced and that MHCBS will have to be taken offline during the construction, the record also
5 suggests a reduction in the number of available MHCBS risks will exacerbate systemic delays in
6 transfer to crisis bed care.

7 To minimize the risk of harm to class members, the court will direct defendants to
8 consult with the Special Master in person or by telephone, or both, in the next fourteen days to
9 develop a specific back-up plan for continuity of access to MHCBS care while these twenty-four
10 MHCBS are offline at CSP-Corcoran. During that consultation, the defendants shall work with
11 the Special Master to develop a schedule for completion of the necessary work at CSP-Corcoran,
12 including but not limited to any periodic reporting the Special Master may require to ensure that
13 the work remains on track to be completed within the projected six-month time frame. If the
14 Special Master at any time requires further direction from the court to effect the purpose of this
15 order, he shall seek such direction promptly.

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

- 17 1. The January 25, 2018 order to show cause is discharged; and
18 2. Within fourteen days from the date of this order defendants shall consult and
19 work with the Special Master to develop the plan and schedule required by this order.

20 DATED: February 13, 2018.

21
22 
23 UNITED STATES DISTRICT JUDGE
24
25
26
27
28