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2 IN THE UNITED STATES DISTRICT COURTS
3 FOR THE EASTERN DISTRICT OF CALIFORNIA
4 AND THE NORTHERN DISTRICT OF CALIFORNIA
5 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
6 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE
7

8 RALPH COLEMAN, et al.,
9 Plaintiffs,

10 v.

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

NO. CIV S-90-0520 LKK JFM P

THREE-JUDGE COURT

13
14 MARCIANO PLATA, et al.,
15 Plaintiffs,

16 v.

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

NO. C01-1351 TEH

THREE-JUDGE COURT

**ORDER REQUIRING INTERIM
REPORTS**

19
20 The United States Supreme Court affirmed this court's January 12, 2010 Order to
21 Reduce Prison Population on May 23, 2011, and issued judgment on June 24, 2011. The
22 January 12, 2010 order provided that its effective date would be "the day following the final
23 resolution by the Court of a timely-filed appeal of this Order." Jan. 12, 2010 Order at 6.
24 Because judgment was issued on a Friday, the effective date of the order is Monday, June 27,
25 2011. *See* Fed. R. Civ. P. 6(a)(1)(C). Accordingly, Defendants must reduce the population
26 of California's thirty-three adult prisons as follows:

- 27 a. To no more than 167% of design capacity by December 27, 2011.
28 b. To no more than 155% of design capacity by June 27, 2012.

1 c. To no more than 147% of design capacity by December 27, 2012.

2 d. To no more than 137.5% of design capacity by June 27, 2013.

3 *See* Jan. 12, 2010 Order at 4.

4 Within fourteen days following each of the deadlines described
5 above, defendants shall file a report advising the court whether
6 the estimated population reduction has been achieved. This
7 report shall include the total reduction in the population of
8 California's adult prisons that has been achieved; the current
9 population of those institutions, both in absolute terms and as a
10 percentage of design capacity; and the reductions associated with
11 each of the individual measures that defendants described in their
12 November 12, 2009 plan as well as any additional or alternative
13 population reduction measures that it may have subsequently
14 adopted. If the State has failed to achieve the required population
15 reduction, defendants shall advise the court as to the reasons for
such deficiency and what measures they have taken or propose to
take to remedy it. They also shall advise the court as to whether
such deficiency could have been avoided by the exercise of
executive authority, such as that invested in the Governor and
other officials by the California Emergency Services Act.
Finally, defendants shall advise the court whether legislative
changes are required to remedy any deficiency and, if so, what
efforts defendants have made to obtain such changes, including
specific proposals made to the legislature and the legislative
responses to such proposals.

16 *Id.* at 5.

17 Defendants' most recent report, filed on June 23, 2011, expressed uncertainty about
18 funding for Assembly Bill 109 ("AB 109"), a major component of defendants' plan to
19 comply with this court's order to reduce the prison population. Defendants shall file an
20 updated report on or before July 21, 2011, explaining whether funding has been secured for
21 AB 109 and, if so, when AB 109 is intended to go into effect. Defendants' report shall also
22 include estimated reductions associated with AB 109 and all other population reduction
23 measures being implemented by the State, as well as a discussion on whether defendants
24 expect to meet the December 27, 2011 benchmark and, if not, what further actions are
25 contemplated and the specific persons responsible for executing those actions.

26 To keep the court informed of their progress, defendants shall file monthly status
27 reports due on the 15th of each month, beginning on September 15, 2011, until further order
28 of this court. These monthly reports shall list the design capacity, actual population, and

1 population as a percentage of design capacity at each adult institution, as well as aggregate
2 figures for the total inmate population housed in adult institutions. The reports shall also
3 include an updated discussion on whether defendants expect to meet the next six-month
4 benchmark and, if not, what further actions are contemplated and the specific persons
5 responsible for executing those actions. Monthly reports shall not be required in January
6 2012, July 2012, or January 2013, or July 2013; the required information should instead be
7 incorporated in defendants' reports following each of the six-month benchmarks.

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IT IS SO ORDERED.

Dated: 06/30/11 
STEPHEN REINHARDT
UNITED STATES CIRCUIT JUDGE
NINTH CIRCUIT COURT OF APPEALS

Dated: 06/30/11 
LAWRENCE K. KARLTON
SENIOR UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF CALIFORNIA

Dated: 06/30/11 
THELTON E. HENDERSON
SENIOR UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA