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

RALPH COLEMAN, et al.,  
Plaintiffs,  
v.  
EDMUND G. BROWN, JR., et al.,  
Defendants.

NO. CIV S-90-0520 LKK JFM P  
**THREE-JUDGE COURT**

MARCIANO PLATA, et al.,  
Plaintiffs,  
v.  
EDMUND G. BROWN, JR., et al.,  
Defendants.

NO. C01-1351 TEH  
**THREE-JUDGE COURT**  
**ORDER REQUIRING INTERIM**  
**REPORTS**

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

- a. To no more than 167% of design capacity by December 27, 2011.
- 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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9 **IT IS SO ORDERED.**

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11 Dated: 06/30/11


  
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STEPHEN REINHARDT  
UNITED STATES CIRCUIT JUDGE  
NINTH CIRCUIT COURT OF APPEALS

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15 Dated: 06/30/11


  
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LAWRENCE K. KARLTON  
SENIOR UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF CALIFORNIA

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19 Dated: 06/30/11

  
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THELTON E. HENDERSON  
SENIOR UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF CALIFORNIA

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