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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.

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

NO. 2:90-cv-0520 LKK JFM P
THREE-JUDGE COURT

NO. C01-1351 TEH
THREE-JUDGE COURT
ORDER REQUIRING FURTHER
BRIEFING

On May 9, 2012, plaintiffs renewed their motion for an order requiring defendants to demonstrate how they will achieve the required population reduction by June 2013.¹ Defendants filed an opposition to the motion on May 23, 2012, in which they confirm their intention to seek a modification of the Court’s order from 137.5% of design capacity to 145% of design capacity.² On May 31, 2102, plaintiffs filed a reply in support of their


¹The Court denied plaintiffs’ first motion without prejudice on March 22, 2012.

²Defendants released “The Future of California Corrections,” which purports to be a “blueprint” for the California Department of Corrections and Rehabilitation, on April 23, 2012. In that report, which is available at <http://www.cdcr.ca.gov/2012plan/index.html>, defendants project that, absent additional measures to comply with this Court’s order, “the prison population is expected to drop to about 141 percent of design capacity” by June 2013, and they signal their intention to seek a modification of the Court’s order. Report at 50.

1 motion. Therein plaintiffs contend, *inter alia*, that defendants' proposed motion to modify
2 will present questions of fact as well as law and, therefore, that proceedings on any motion to
3 modify "will require significant factual investigation, including expert evaluations and
4 reports, and expert discovery." Reply at 5. Good cause appearing, the parties will be granted
5 a period of fifteen days to file further briefs addressing plaintiffs' contention and proposing,
6 separately or jointly, a schedule for proceedings on a motion to modify.³

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8 **IT IS SO ORDERED.**

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10 Dated: 06/07/12




STEPHEN REINHARDT
UNITED STATES CIRCUIT JUDGE
NINTH CIRCUIT COURT OF APPEALS

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14 Dated: 06/07/12



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

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18 Dated: 06/07/12



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

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27 ³If the parties are in agreement, in lieu of further briefing they may file in the same
28 fifteen-day period a stipulation setting forth a proposed schedule for proceedings on a motion
to modify.