

1 KAMALA D. HARRIS
 Attorney General of the State of California
 2 JONATHAN L. WOLFF
 Senior Assistant Attorney General
 3 JAY C. RUSSELL
 PATRICK McKINNEY
 4 Supervising Deputy Attorneys General
 DEBBIE VOROUS - 166884
 5 MANEESH SHARMA - 280084
 Deputy Attorneys General
 6 455 Golden Gate Avenue, Suite 11000
 San Francisco, CA 94102-7004
 7 Telephone: (415) 703-5500
 Facsimile: (415) 703-5843
 8 Email: Patrick.McKinney@doj.ca.gov

HANSON BRIDGETT LLP
 JERROLD C. SCHAEFER - 39374
 PAUL B. MELLO - 179755
 WALTER R. SCHNEIDER - 173113
 SAMANTHA D. WOLFF - 240280
 MEGAN OLIVER THOMPSON - 256654
 425 Market Street, 26th Floor
 San Francisco, California 94105
 Telephone: (415) 777-3200
 Facsimile: (415) 541-9366
 pmello@hansonbridgett.com

9 Attorneys for Defendants

10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

**UNITED STATES DISTRICT COURT
 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.

CASE NO. 2:90-cv-00520 LKK DAD P
THREE-JUDGE COURT

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

CASE NO. C01-1351 TEH
THREE-JUDGE COURT
**JOINT STIPULATION TO DISMISS
 DEFENDANTS' APPEAL TO THE
 UNITED STATES SUPREME COURT
 FROM THE THREE-JUDGE COURT'S
 SEPTEMBER 24, 2013 ORDER**

///
 ///

1 On October 24, 2013, Defendants appealed the Three-Judge Court's September
2 24, 2013 Order to Meet and Confer ("Order") to the United States Supreme Court under
3 28 U.S.C. § 1253. (*Plata* Dock. No. 2734; *Coleman* Dock. No. 4889.) Defendants
4 simultaneously filed a protective notice of appeal of the same Order to the United States
5 Court of Appeals for the Ninth Circuit under 28 U.S.C. § 1292(a), stating that the appeal
6 would only be perfected in the event the Supreme Court held that it had no jurisdiction
7 over the matter. (*Plata* Dock. No. 2735 at 2; *Coleman* Dock. No. 4890.)

8 Defendants subsequently successfully sought an extension of time within which to
9 file a jurisdictional statement in the Supreme Court, stating in their application that "[i]f
10 Appellants obtain an acceptable extension that obviates the need for additional out-of-
11 state capacity, it would not be necessary for Appellants to challenge the injunction."
12 (Defs.' App. To the Hon. Justice Anthony M. Kennedy as Circuit Justice for the Ninth Cir.
13 at 3 (attached as Exhibit A).) On February 10, 2014, the Three-Judge Court granted
14 Defendants' request for an extension of time to comply with the Court's population
15 reduction order, thus eliminating the need for Defendants' challenge to the September
16 24, 2013 Order. (See Feb. 10, 2014 Order Granting in Part and Denying in Part
17 Defendants' Request for Extension of December 31, 2013 Deadline, *Plata* Dock. No.
18 2766; *Coleman* Dock. No. 5060.)

19 Accordingly, consistent with United States Supreme Court Rule 18.5, the parties
20 stipulate to the Three-Judge Court's dismissal of Defendants' appeal to the United States
21 Supreme Court filed on October 24, 2013.¹ (*Plata* Dock. No. 2734; *Coleman* Dock. No.
22 4889.)

23 ///

24 _____
25 ¹ Defendants' notice of appeal to the Ninth Circuit was docketed by the circuit clerk and
26 assigned case number 13-17506. (*Plata* Dock. No. 2747.) Federal Rule of Appellate
27 Procedure 42(b) requires dismissal agreements to be filed with the Court of Appeals, not
28 the district court, once an appeal has been docketed. Accordingly, the parties will file a
similar dismissal agreement with the Ninth Circuit in case number 13-17506.

1 IT IS SO STIPULATED.

2 DATED: February 21, 2014

KAMALA D. HARRIS
ATTORNEY GENERAL OF THE STATE OF
3 CALIFORNIA

4 By: /s/ Patrick McKinney
PATRICK MCKINNEY
Attorneys for Defendants Edmund G. Brown Jr., et al.

6 DATED: February 21, 2014

HANSON BRIDGETT LLP

8 By: /s/ Paul Mello
PAUL MELLO
Attorneys for Defendants Edmund G. Brown Jr., et al.

9 DATED: February 21, 2014

PRISON LAW OFFICE

11 By: /s/ Alison Hardy
ALISON HARDY
Attorneys for Plaintiffs Marciano Plata, et al.


13 DATED: February 21, 2014

ROSEN BIEN GALVAN & GRUNFELD LLP

15 By: /s/ Ernest Galvan
ERNEST GALVAN
Attorneys for Plaintiffs Ralph Coleman, et al.

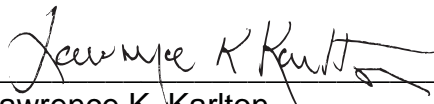
17 Pursuant to the foregoing stipulation, IT IS SO ORDERED:

19 DATED: 02/26/2014




Stephen Reinhardt
United States Circuit Judge
Ninth Circuit Court of Appeals

22 DATED: 02/26/2014



Lawrence K. Karlton
Senior United States District Judge
Eastern District of California

25 DATED: 02/26/2014



Thelton E. Henderson
Senior United States District Judge
Northern District of California