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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 RALPH COLEMAN, et al.,

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

12 Plaintiff,

13 v.

ORDER

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

15 Defendants.
16

17 The court has reviewed the monthly reports concerning patient census and waitlists for
18 inpatient mental health care filed since the court's October 13, 2015 order approving the
19 templates for those reports. ECF No. 5367. That review shows between September 2015 and
20 April 2016, the waitlist for inpatient care declined to a low in April 2016 of 65 inmates. The
21 reports also show that during that entire period defendants had a significant surplus of inpatient
22 beds available, which raises questions about why there were any inmates waiting for inpatient
23 care at all. Moreover, the decline in the waitlist has now been reversed, and the number of
24 available beds also has declined significantly. By August 2016, the waitlist for inpatient care had
25 increased to 200 inmates and the number of available inpatient beds had declined to 85. A
26 supplemental status report filed by defendants on September 28, 2016, ECF No. 5496, shows that
27 the picture has not improved: as of the close of business on September 26, 2016, the number of
28 inmates on the waitlist totaled 187, while the number of available beds had dwindled to 71.

1 As the court discussed in its August 5, 2015 order,

2 [t]he history of the remedial phase of this litigation reflects
3 significant time and effort spent by the court and the parties to
4 identify and remediate substantial and longstanding problems with
5 access to inpatient mental health care. Those efforts culminated in
6 2011 and 2012 with the court's approval of defendants' plans to
7 eliminate waitlists for inpatient care and implement a sustainable
8 process so that the waitlists would not recur. *See* ECF No. 3962
9 (Defs.' Plan Re: Intermediate Care Facility and Acute Inpatient
10 Waitlists); ECF No. 4020 (Special Master's Report and
11 Recommendations on Defs.' Plan); ECF No. 4045 (adopting in part
12 Special Master's recommendations, ordering immediate
implementation of parts 2, 3 and 4 of defendants' plan, and setting
evidentiary hearing); ECF No. 4103 (Defs.' Supplemental Plan to
Reduce or Eliminate the Inpatient Waitlists); ECF No. 4131 (Order
continuing evidentiary hearing); ECF No. 4132 (Defs.' Report on
Assessment Process and Plan Re: Sustainable Self Monitoring);
ECF No. 4214 (Order noting what then appeared to be "remarkable
accomplishments to date in addressing the problems with access to
inpatient mental health care" and directing a continued meet and
confer process).

13 ECF No. 5333 at 1-2. A year later, the waitlist is not eliminated and instead reflects a resurgence,
14 beds have remained empty while inmates waited for placement, and the number of inmates
15 waiting for beds now exceeds by over 100 the number of available beds.

16 Good cause appearing, this matter will be set for status conference on Thursday,
17 November 10, 2016 at 2:30 p.m. in Courtroom # 3. Both the California Department of
18 Corrections and Rehabilitation defendants and the Department of State Hospitals shall have
19 present at the status conference one or more individuals with personal knowledge who will be
20 prepared to address the court as to what steps are being taken to increase the number of available
21 inpatient beds and what additional steps are being taken to eliminate the waitlist for inpatient
22 beds.

23 In accordance with the above IT IS HEREBY ORDERED that:

24 1. Plaintiffs are granted fourteen days from the date of this order in which to file and
25 serve a response to defendants' September 28, 2016 update, ECF No. 5496; and

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1 2. This matter is set for status conference on Thursday, November 10, 2016 at 2:30 p.m.
2 in Courtroom # 3.

3 DATED: October 6, 2016.

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6 UNITED STATES DISTRICT JUDGE
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