UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiff,

v.

GAVIN NEWSOM, et al.,

Defendants.

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

ORDER

As authorized by minute order, ECF No. 6136, the Union of American Physicians and Dentists (UAPD) has filed a request for leave to file an amicus brief and three declarations in connection with proceedings on the report filed by the court-appointed neutral expert (Neutral Expert Report), ECF No. 6147, following completion of his investigation into certain allegations raised in the whistleblower report of Dr. Michael Golding, Chief Psychiatrist for the California Department of Corrections and Rehabilitation (CDCR) (Golding Report), ECF No. 5988. ECF Nos. 6164-6167.

This court has "broad discretion to appoint amici curiae." *Hoptowit v. Ray*, 682 F.2d 1237, 1259 (9th Cir. 1982), *overruled on other grounds by Sandin v. Conner*, 515 U.S. 472, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995).

> Historically, amicus curiae is an impartial individual who suggests the interpretation and status of the law, gives information concerning it, and advises the Court in order that justice may be done, rather than to advocate a point of view so that a cause may be won by one party or another. *See Leigh v. Engle*, 535 F.Supp. 418, 420 (N.D.Ill.1982). Amicus curiae fulfill the role by submitting briefing designed to supplement and assist in cases of general public interest, supplement the efforts of counsel, and draw the court's attention to law that might otherwise escape consideration. *See Miller–Wohl Co. v. Commissioner of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir.1982). An amicus curiae is not a party to litigation. *See id*.

Community Ass'n for Restoration of Environment (CARE) v. DeRuyter Bros. Dairy, 54 F.Supp.2d 974, 975 (E. D. Wa. 1999). The UAPD and its proposed brief meet all of these criteria. Accordingly, the request for leave to proceed amicus curiae will be granted.

In the same minute order, the UAPD was directed to "advise the court whether the signators on the letters are requesting that the letters delivered to the court on April 26, 2019 be filed on the public docket in connection with the proposed amicus brief." ECF No. 6136. The UAPD has not responded to this part of the minute order; as noted above, it has, however, requested the court consider three declarations of CDCR psychiatrists filed with the amicus brief. The court will disregard the letters delivered to the court on April 26, 2019. The three declarations that accompany UAPD's amicus brief have been filed and will be considered.

In accordance with the above, IT IS HEREBY ORDERED that the request of the Union of American Physicians and Dentist for leave to file an amicus brief and accompanying declarations, ECF Nos. 6164-6167, is granted.

DATED: June 7, 2019.

UNITED STATES DISTRICT JUDGE