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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD M. GILMAN, et al.,

NO. CIV. S-05-830 LKK/GGH

Plaintiffs,

v.

O R D E R

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

Defendants.

_____ /

On November 30, 2011, the court issued the report of statistical expert Professor Richard Berk, ECF No. 384. In that report, Professor Berk declared that after a reasonable statistical analysis of the evidence submitted by plaintiff, Professor Berk could not conclude that there is likely to be a risk of prolonged incarceration under the procedural changes in Proposition 9, as compared to the pre-Proposition 9 procedures. The court granted leave to the parties to file supplemental briefing in response to Professor Berk's report, and both parties have done so.

In their response, plaintiffs argued that Professor Berk's conclusions "are based on a fundamental misunderstanding of

1 Plaintiffs' claims, and the nature of the evidence presented by
2 Plaintiffs." Pls.' Response, ECF No. 391. Plaintiffs assert that
3 the ex-post-facto claim in this case is about the timing of parole
4 suitability hearings, and not about parole grant rates.

5 The court finds it appropriate to give the defendants an
6 opportunity to respond to the arguments raised in plaintiffs'
7 response. Accordingly, defendants SHALL file a reply to plaintiffs'
8 response brief no later than fourteen (14) days from the issuance
9 of this order.

10 IT IS SO ORDERED.

11 DATED: March 20, 2012.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

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