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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 ordered additional briefing from the parties, which has been received.

On the record presently before the court, plaintiffs' motion for a preliminary injunction must be denied. Nothing in this order should be construed as an opinion on the merits of plaintiffs'

1 claims at trial.

2 Accordingly, the court ORDERS as follows:

3 [1] Plaintiff's motion for a preliminary injunction, ECF
4 No. 284 is DENIED.

5 [2] A status conference is SET for April 30, 2012 at
6 3:30 p.m.

7 IT IS SO ORDERED.

8 DATED: April 4, 2012.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT