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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD M. GILMAN, et al.,

Plaintiffs,

v.

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

Defendants.

No. CIV. S-05-830 LKK/CKD

ORDER

Plaintiffs have noticed a motion to alter or amend this court's judgment, entered in accordance with its February 28, 2014 Order (ECF No. 532). Plaintiffs request that the court's judgment regarding Proposition 89 be changed to enjoin the Governor from "reversing or modifying grants of parole to class members when the reversal or modification would result in delaying the prisoner's release from custody beyond the release date calculated by the California Department of Corrections and Rehabilitation based on the term set by the Board of Parole Hearings at the time the prisoner was granted parole" (ECF No. 534).

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1 The court has determined that this motion may be decided
2 without the need for oral argument. The hearing on this motion,
3 scheduled for April 7, 2014, is hereby **VACATED**.

4 The motion will be denied, as the court granted plaintiffs
5 the full relief they requested regarding Proposition 89. The
6 complaint requests an order requiring that "the Governor's review
7 of parole decisions be based on the same factors the Board is
8 required to consider, as required by Article V, Section 8(b) of
9 the California Constitution, and Section 3401.2 of the California
10 Penal Code." [Corrected] Fourth Amended Supplemental Complaint
11 (ECF No. 175) ¶ 5.¹

12 Accordingly, plaintiffs' motion (ECF No. 534) is **DENIED**.

13 It IS SO ORDERED.

14 DATED: March 10, 2014.

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18 LAWRENCE K. KARLTON
19 SENIOR JUDGE
20 UNITED STATES DISTRICT COURT
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24 ¹ The court noted this limitation to plaintiffs' request for
25 relief in its summary judgment order. See ECF No. 479 n.49.
26 While plaintiffs also requested "[s]uch other and further relief
27 as may be just and proper," the court has already determined that
28 relief beyond what it granted was "beyond the power of this court
to grant." ECF No. 532 at 58 n.7. Nothing in plaintiffs' motion
papers shows that the court was incorrect in so holding.