

1

2

3

4

5

6

UNITED STATES DISTRICT COURT

7

EASTERN DISTRICT OF CALIFORNIA

8

9 CALIFORNIA CORRECTIONAL PEACE
10 OFFICERS ASSOCIATION, a
California corporation,

11 Petitioner,

CIV. NO. S-10-1131 LKK/JFM

12

v.

13 CALIFORNIA DEPARTMENT OF
14 CORRECTIONS AND REHABILITATION, a
California state agency and
DOES 1-50,

ORDER

15

Respondents.

16

17 _____/
18 Petitioner California Correctional Peace Officers Association
19 ("CCPOA") has filed a motion to remand, which was heard on June 7,
20 2010. As the court explained at oral argument, it appears that it
21 may be appropriate to enjoin state court proceedings in order to
22 protect the Coleman court's jurisdiction and to effectuate the
23 court's judgments. See 28 U.S.C. § 2283, see also Atlantic Coast
24 Line Railroad Co. v. Brotherhood of Locomotive Engineers, 398 U.S.
25 281, 295 (1970) (noting that the distinction between "aid of its
26 jurisdiction" and "effectuate its judgments" exceptions to the
Anti-Injunction Act is less than clear).

1 As neither party has briefed this issue, the court directs the
2 parties to submit further briefing on the following questions:

- 3 1. Whether the proceedings in Coleman v. Schwarzenegger,
4 No. 2:90-cv-00520 (E.D. Cal.) are, for purposes of the
5 Anti-Injunction Act, akin to the school desegregation
6 and multidistrict litigation proceedings discussed in,
7 for example, Miller v. Brooks (In re Am. Honda Motor
8 Co.), 315 F.3d 417, 439 (4th Cir. 2003), Zurich Am. Ins.
9 Co. v. Superior Court for Cal., 326 F.3d 816, 825-826
10 (7th Cir. 2003), Battle v. Liberty Nat'l Life Ins. Co.,
11 877 F.2d 877, 882 (11th Cir. 1989) and United States v.
12 District of Columbia, 654 F.2d 802, 810 (D.C. Cir.
13 1981). See also Wright & Miller, 17A Fed. Prac. & Proc.
14 Juris. § 4225 (3d ed.).
- 15 2. Assuming that Coleman is such a case, whether CCPOA's
16 CEQA claims would so "frustrate the federal court's
17 effective disposition of" Coleman as to be inconsistent
18 with the continuing exercise of jurisdiction in Coleman.
19 See, e.g., U.S. v. D.C., 654 F.2d at 810.
- 20 3. Assuming that this case falls within an exception to the
21 Anti-Injunction Act, what procedures govern issuance of
22 an injunction.
- 23 4. Assuming that this case falls within an exception to the
24 Anti-Injunction Act, whether the availability of an
25 injunction may provide an independent basis for removal,
26 notwithstanding Syngenta Crop Prot., Inc. v. Henson, 537

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

U.S. 28, 34 (2002).

The parties may also address any other issue related to the above. The court does not require further briefing on respondent California Department of Corrections and Rehabilitation's invocation of the federal officer removal statute except insofar as the federal officer removal question relates to the issues enumerated above.

Each party MAY file a brief not to exceed twenty (20) pages. Said brief may be filed no later than 5 p.m. on Friday, June 18, 2010. Each party MAY file a reply brief not to exceed ten (10) pages no later than 5 p.m. on Thursday, June 24, 2010. Hearing on the matter is SET for 10 a.m. on Wednesday June 30, 2010.

IT IS SO ORDERED.

DATED: June 7, 2010.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT