

1 IN THE UNITED STATES DISTRICT COURTS
 2 FOR THE EASTERN DISTRICT OF CALIFORNIA
 3 AND THE NORTHERN DISTRICT OF CALIFORNIA
 4 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
 5 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

7 RALPH COLEMAN, et al.,
 8 Plaintiffs,

9 v.

10 ARNOLD SCHWARZENEGGER,
 11 et al.,
 12 Defendants.

NO. CIV S-90-0520 LKK JFM P

THREE-JUDGE COURT

13 MARCIANO PLATA, et al.,
 14 Plaintiffs,

15 v.

16 ARNOLD SCHWARZENEGGER,
 17 et al.,
 18 Defendants.

NO. C01-1351 TEH

THREE-JUDGE COURT

ORDER GRANTING
SEPTEMBER 21, 2009
MOTION TO INTERVENE BY
ASSEMBLY REPUBLICANS

19
 20 On September 21, 2009, eleven members of the California Assembly, who identify
 21 themselves as “Assembly Republican Intervenors,” collectively filed a motion to intervene in
 22 this action.¹ Plaintiffs and Intervenor California Correctional Peace Officers Association
 23 filed statements of non-opposition to the motion, and no party or intervenor has indicated an
 24 intent to oppose the motion. As this court previously held, Aug. 17, 2007 Order Re: Motions
 25 to Intervene at 2, members of the California Legislature meet the statutory criteria for
 26 intervention under 18 U.S.C. § 3626(a)(3)(F), which confers standing to oppose “the

27
 28 ¹These members of the Assembly were elected in November 2008 and were not in
 office when the court granted intervention by other California state legislators.

1 imposition or continuation in effect” of a prisoner release order and the right to intervene in
2 “any proceeding relating to such relief” on:

3 [a]ny State or local official including a legislator or unit of
4 government whose jurisdiction or function includes the
5 appropriation of funds for the construction, operation, or
6 maintenance of prison facilities, or the prosecution or custody of
persons who may be released from, or not admitted to, a prison as
a result of a prisoner release order

7 18 U.S.C. § 3626(a)(3)(F). Intervention is therefore proper under Federal Rule of Civil
8 Procedure 24(a)(1), which provides for intervention as of right “when a statute of the United
9 States confers an unconditional right to intervene.”

10 Accordingly, the Assembly Republicans’ September 21, 2009 motion to intervene is
11 GRANTED. The eleven members of the Assembly who filed this motion shall participate in
12 this case as part of the group of Republican Legislative Intervenors who have already been
13 granted intervenor status.

14
15 **IT IS SO ORDERED.**

16
17 Dated: 10/02/09 
18 STEPHEN REINHARDT
19 UNITED STATES CIRCUIT JUDGE
NINTH CIRCUIT COURT OF APPEALS

20
21 Dated: 10/02/09 
22 LAWRENCE K. KARLTON
23 SENIOR UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF CALIFORNIA

24
25 Dated: 10/02/09 
26 THELTON E. HENDERSON
27 SENIOR UNITED STATES DISTRICT JUDGE
28 NORTHERN DISTRICT OF CALIFORNIA