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9 Attorneys for Defendants

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RALPH COLEMAN, et. al.,
 Plaintiffs,
 v.
 EDMUND G. BROWN JR., et al.,
 Defendants.

CASE NO. 2:90-cv-00520 LKK DAD P

THREE-JUDGE COURT

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MARCIANO PLATA, et al.,
 Plaintiffs,
 v.
 EDMUND G. BROWN JR., et al.,
 Defendants.

CASE NO. C01-1351 TEH

THREE-JUDGE COURT

**JOINT STIPULATION TO DISMISS
DEFENDANTS' APPEAL TO THE
UNITED STATES SUPREME COURT
FROM THE THREE-JUDGE COURT'S
SEPTEMBER 24, 2013 ORDER**

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1 On October 24, 2013, Defendants appealed the Three-Judge Court's September
2 24, 2013 Order to Meet and Confer ("Order") to the United States Supreme Court under
3 28 U.S.C. § 1253. (*Plata* Dock. No. 2734; *Coleman* Dock. No. 4889.) Defendants
4 simultaneously filed a protective notice of appeal of the same Order to the United States
5 Court of Appeals for the Ninth Circuit under 28 U.S.C. § 1292(a), stating that the appeal
6 would only be perfected in the event the Supreme Court held that it had no jurisdiction
7 over the matter. (*Plata* Dock. No. 2735 at 2; *Coleman* Dock. No. 4890.)

8 Defendants subsequently successfully sought an extension of time within which to
9 file a jurisdictional statement in the Supreme Court, stating in their application that "[i]f
10 Appellants obtain an acceptable extension that obviates the need for additional out-of-
11 state capacity, it would not be necessary for Appellants to challenge the injunction."
12 (Defs.' App. To the Hon. Justice Anthony M. Kennedy as Circuit Justice for the Ninth Cir.
13 at 3 (attached as Exhibit A).) On February 10, 2014, the Three-Judge Court granted
14 Defendants' request for an extension of time to comply with the Court's population
15 reduction order, thus eliminating the need for Defendants' challenge to the September
16 24, 2013 Order. (See Feb. 10, 2014 Order Granting in Part and Denying in Part
17 Defendants' Request for Extension of December 31, 2013 Deadline, *Plata* Dock. No.
18 2766; *Coleman* Dock. No. 5060.)

19 Accordingly, consistent with United States Supreme Court Rule 18.5, the parties
20 stipulate to the Three-Judge Court's dismissal of Defendants' appeal to the United States
21 Supreme Court filed on October 24, 2013.¹ (*Plata* Dock. No. 2734; *Coleman* Dock. No.
22 4889.)

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25 ¹ Defendants' notice of appeal to the Ninth Circuit was docketed by the circuit clerk and
26 assigned case number 13-17506. (*Plata* Dock. No. 2747.) Federal Rule of Appellate
27 Procedure 42(b) requires dismissal agreements to be filed with the Court of Appeals, not
28 the district court, once an appeal has been docketed. Accordingly, the parties will file a
similar dismissal agreement with the Ninth Circuit in case number 13-17506.

1 IT IS SO STIPULATED.

2 DATED: February 21, 2014

KAMALA D. HARRIS
ATTORNEY GENERAL OF THE STATE OF
CALIFORNIA

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By: /s/ Patrick McKinney
PATRICK MCKINNEY
Attorneys for Defendants Edmund G. Brown Jr., et al.

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7 DATED: February 21, 2014

HANSON BRIDGETT LLP

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By: /s/ Paul Mello
PAUL MELLO
Attorneys for Defendants Edmund G. Brown Jr., et al.

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11 DATED: February 21, 2014

PRISON LAW OFFICE

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By: /s/ Alison Hardy
ALISON HARDY
Attorneys for Plaintiffs Marciano Plata, et al.

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16 DATED: February 21, 2014

ROSEN BIEN GALVAN & GRUNFELD LLP

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By: /s/ Ernest Galvan
ERNEST GALVAN
Attorneys for Plaintiffs Ralph Coleman, et al.

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Pursuant to the foregoing stipulation, IT IS SO ORDERED:

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22 DATED: 02/26/2014

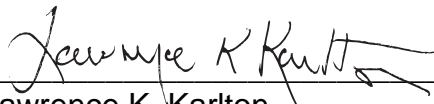


Stephen Reinhardt
United States Circuit Judge
Ninth Circuit Court of Appeals

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25 DATED: 02/26/2014




Lawrence K. Karlton
Senior United States District Judge
Eastern District of California

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28 DATED: 02/26/2014



Thelton E. Henderson
Senior United States District Judge
Northern District of California

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