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United States District Court
Northern District of California

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

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

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

Case No. 2:90-cv-0520 KJM DB P
THREE-JUDGE COURT

Case No. 01-cv-01351-TEH
THREE-JUDGE COURT
**ORDER SUSPENDING PARAGRAPH
4(B) OF FEBRUARY 10, 2014 ORDER**

The court has reviewed the parties’ June 6, 2017 stipulation and proposed order to modify the court’s February 10, 2014 order based on emergency regulations establishing a nonviolent offender parole process.¹ The court agrees that it would be wise to avoid duplication of effort between the newly adopted process and the court-ordered parole process for nonviolent second-strike offenders, but it disagrees that vacating the court-ordered parole process is appropriate before permanent regulations are adopted.

¹ The parties’ stipulation refers to a “nonviolent parole process.” While any parole process should, of course, be nonviolent, the word “nonviolent” more appropriately modifies “offender” in this context.

1 Accordingly, pursuant to the parties’ stipulation as modified, IT IS HEREBY
2 ORDERED that:

3 1. The nonviolent offender parole process will go into effect on July 1, 2017.
4 Defendants will stop referring inmates to the Board of Parole Hearings (“Board”) for the
5 court-ordered parole process on June 30, 2017. Any inmates who have been referred to the
6 Board for parole consideration under the court-ordered process on or before June 30, 2017,
7 will be reviewed under the court-ordered parole process. If they are not approved for
8 release as a result of a referral made on or before June 30, 2017, they will be considered
9 for referral under the nonviolent offender parole process one year later and annually
10 thereafter.

11 2. Defendants will continue to report to the court regarding the status of the
12 court-ordered nonviolent second-strike offender parole measure and will report when the
13 Board processes all referrals received before July 1, 2017, under that process. The parties
14 agree that, at that time, defendants will have complied in full with paragraph 4(b) of the
15 court’s February 10, 2014 Order, and that section of the order shall then be suspended.

16 3. Defendants shall implement the nonviolent offender parole process described
17 in the parties’ June 6, 2017 stipulation. They shall include in their monthly reports the
18 status of that measure, including the number of inmates referred to the Board, the number
19 of inmates approved for release, and any substantive changes resulting from regulatory or
20 other State proceedings. Defendants shall also report to the court when permanent
21 regulations concerning the nonviolent offender parole process have been adopted. At that
22 time, the court will entertain a revised stipulation to vacate paragraph 4(b) of the
23 February 10, 2014 Order.


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4. The remaining provisions of the court’s February 10, 2014 Order, as modified by the November 14, 2014, December 19, 2014, and March 4, 2016 orders, including any applicable waivers of state law, are unchanged.²

IT IS SO ORDERED.


Dated: 06/20/17


STEPHEN REINHARDT
UNITED STATES CIRCUIT JUDGE
NINTH CIRCUIT COURT OF APPEALS

Dated: 06/20/17


THELTON E. HENDERSON
SENIOR UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

Dated: 06/20/17


KIMBERLY J. MUELLER
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF CALIFORNIA

² The parties included the incorrect date – November 19, 2014 – for one of the orders and did not include the December 19, 2014 order, which the court entered pursuant to the parties’ stipulation.