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10 UNITED STATES DISTRICT COURTS  
11 EASTERN DISTRICT OF CALIFORNIA  
AND NORTHERN DISTRICT OF CALIFORNIA  
12 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES  
13 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE  
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15 RALPH COLEMAN, et al.,  
16 Plaintiffs,  
17 v.  
18 EDMUND G BROWN, JR., et al.,  
19 Defendants.

Case No. 2:90-cv-0520 LKK DAD  
**THREE JUDGE COURT**  
**PLAINTIFFS' PROPOSED ORDER**  
**SUBMITTED IN RESPONSE**  
**JANUARY 13, 2014 ORDER**

20 MARCIANO PLATA, et al.,  
21 Plaintiffs,  
22 v.  
23 EDMUND G. BROWN, JR., et al.,  
24 Defendants.

Case No. C01-1351 TEH  
**THREE JUDGE COURT**

1 Good cause appearing therefor, IT IS HEREBY ORDERED that Defendants'  
2 September 16, 2013, motion to extend the crowding reduction deadline is DENIED. The  
3 Court further orders as follows:

4 1. The waivers of state law, set forth the Court's Orders dated June 20, 2013,  
5 remain in effect.

6 2. Defendants shall immediately take all steps necessary to reduce the  
7 population of the 33 prisons at issue in this litigation to 137.5% of design capacity by  
8 May \_\_\_, 2014 by complying with this Court's June 20, 2013 Order or by expanding  
9 capacity.

10 3. This Court's September 24, 2013 Order is vacated to the extent that it enjoins  
11 Defendants from "entering into any contracts or other arrangements to lease additional  
12 capacity in out-of-state facilities or otherwise increase the number of inmates who are  
13 housed in out-of-state facilities." Order at 3.

14 4. Defendants shall hereafter submit reports every two weeks that include all of  
15 the information that we have previously ordered be given in the monthly reports as well as  
16 the specific steps defendants have taken toward implementing each measure in the  
17 Amended Plan and/or to expand capacity. The first report shall be submitted two weeks  
18 from the date of this Order. Each report shall include a declaration under penalty of  
19 perjury specifically stating whether Defendants believe based on the best available  
20 information that they will comply with the May \_\_\_ 2014 deadline for reducing prison  
21 crowding to 137.5% of capacity.

22 5. The Court will appoint a compliance officer with authority to order releases  
23 to bring the State into compliance with this Order, should Defendants fail to reduce the  
24 prison population to 137.5% of capacity by May \_\_ 2014. The Compliance Officer shall  
25 monitor Defendants' progress in complying with this Order, and shall have access to all  
26 necessary CDCR data and personnel regarding the California prison population, including  
27 population projections, risk assessments, recidivism data, statistical data, prisoner files,  
28 and Defendants' Low Risk List, and shall receive administrative support from CDCR to

1 the extent needed to carry out the Compliance Officer’s duties. The Compliance Officer  
2 shall be compensated for all work or services reasonably performed pursuant to this Order.  
3 Defendants shall reasonably compensate the Compliance Officer on an hourly basis, and  
4 the provisions of 18 U.S.C. Section 3626(f) shall not apply.

5         6.       The parties shall meet to determine whether they can agree on the individual  
6 who may be appointed as the compliance officer, and shall so inform the Court within 21  
7 days of this order. If no agreement has been reached, each party shall submit the name and  
8 qualifications of their proposed Compliance Officer. The Court shall issue a further order  
9 appointing a compliance order.

10        7.       The Court shall retain jurisdiction over this matter to determine whether  
11 Defendants have complied with this Order and whether the remedy is in fact durable. The  
12 Court finds that such relief is narrowly drawn, extends no further than necessary to correct  
13 the violation of the Federal right, and is the least intrusive means necessary to correct the  
14 violation of the Federal right.

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[1072240-1]

1 DATED: January \_\_\_\_, 2014

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Stephen Reinhardt  
United States Circuit Judge  
Ninth Circuit Court of Appeals

6 DATED: January \_\_\_\_, 2014

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

11 DATED: January \_\_\_\_, 2014

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