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

15 **RALPH COLEMAN, et al.,**
16 Plaintiffs,
17 v.
18 **EDMUND G. BROWN JR., et al.,**
19 Defendants.
20

2:90-cv-00520 LKK DAD PC
THREE-JUDGE COURT

21 **MARCIANO PLATA, et al.,**
22 Plaintiffs,
23 v.
24 **EDMUND G. BROWN JR., et al.,**
25 Defendants.
26

C01-1351 TEH
THREE-JUDGE COURT
**DEFENDANTS' REQUEST FOR
EXTENSION OF JUNE 30, 2014
BENCHMARK TO AUGUST 31, 2014**

1 On June 23, 2014, the Court denied Plaintiffs' Motion Regarding Design Capacity, but
2 held that with respect to the California Health Care Facility (CHCF), Defendants "may only count
3 full design capacity once the *Plata* Receiver has reopened medical admissions at CHCF." (ECF
4 2796/5172 at 9.) The Court recognized that this substantial recalculation of design capacity might
5 impede Defendants' ability to meet the June 30, 2014 benchmark:

6 However, because defendants may have reasonably relied on our prior
7 orders indicating that CHCF design capacity could be included, and
8 because we have only now, for the first time, ordered that it may not be
9 counted in full, we will, if requested, grant defendants an extension of no
do so, despite their best efforts, by June 30, 2014.

10 (ECF 2796/5172 at 9-10.)

11 Defendants respectfully request that the Court extend the June 30, 2014 benchmark to
12 achieve the 143% population benchmark by two months, to August 31, 2014. As detailed in
13 Defendants' monthly reports to the Court, the State has used its best efforts to implement the
14 population-reduction measures from the Court's February 10 Order. (*See, e.g.*, June 16, 2014
15 Status Report, ECF Nos. 2795/5170.) These measures have reduced the in-state prison
16 population by more than 1,200 inmates since the Court issued its February 10 order. (*Compare*
17 Feb. 18, 2014 *and* June 16, 2014 Status Reports.) However, the Court's June 23rd Order prevents
18 Defendants from reaching the June 30, 2014 benchmark because it temporarily removes roughly
19 2,350 beds from systemwide design capacity while CHCF remains closed to further medical
20 admissions.¹

21 On June 2, 2014, the *Plata* Receiver reported that he would complete the clinical "reboot"
22 of CHCF and reopen medical admissions to that facility in 8 to 12 weeks. (*Plata* ECF 2792 at 47-
23 48.) Based on this timeframe, Defendants expect that the Receiver will likely reopen medical
24 admissions to CHCF by July 28, 2014, and no later than August 25, 2014. Accordingly,
25 Defendants request an extension of two months, to August 31, 2014, to achieve compliance with

26 ¹ The Court's Order provides that "defendants may only count . . . the portion of CHCF
27 that was actually occupied as of January 27, 2014." (ECF 2796/5172 at 8). On January 27, 2014,
28 CHCF was occupied by 1,306 inmates out of total capacity at CHCF of 2,951 beds. The
exclusion of 1,645 beds from design capacity at CHCF effectively reduces 2,352 beds from
systemwide design capacity to meet the June 30 population benchmark of 143%.

1 the court's 143% population benchmark. Defendants will continue working with the Receiver to
2 ensure that CHCF is reopened to *Plata* class members.²

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4 Dated: June 30, 2014

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6 By: /s/ *Patrick R. McKinney*
PATRICK R. MCKINNEY
7 Supervising Deputy Attorney General
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8 Dated: June 30, 2014

HANSON BRIDGETT LLP

9 By: /s/ *Paul B. Mello*
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10 *Attorneys for Defendants*

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23 ² While the *Plata* Receiver halted medical admissions on January 27, 2014, CHCF has
24 continued to receive mentally ill inmate-patients and inmate workers. As reported to the *Coleman*
25 and *Plata* courts, Defendants and the Receiver implemented a revised activation schedule for the
26 DeWitt Nelson Correctional Annex, or Yard E. (*Plata* ECF 2792 at 1; *Coleman* ECF 5140.)
27 Under the revised schedule, admissions of inmates to DeWitt Nelson began in April 2014 and are
28 scheduled to continue over the coming months. (*Coleman* ECF 5140.) Similarly, the Department
of State Hospital's (DSH) inpatient units at CHCF have continued to admit *Coleman* class
members. From January 27, 2014 through June 23, 2014, 336 inmate-patients have been
admitted to those units. (*Coleman* ECF 5173, Ex. A.) DSH presently anticipates activating two
more units in July, which would further increase the number of inmates housed at CHCF. (*See*
id.). As of June 29, 2014, CHCF housed 1,498 inmates.