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.	Case No. 2:90-cv-0520 KJM KJN P **THREE-JUDGE COURT**
MARCIANO PLATA, et al., Plaintiff, v. EDMUND G. BROWN JR., et al., Defendants.	Case No. 01-cv-01351-TEH **THREE-JUDGE COURT** **ORDER REQUIRING ADDITIONAL REPORTING**

On February 10, 2014, this court granted defendants' request for a two-year extension in which to comply with the court's June 30, 2011 order to reduce California's in-state adult institution population to no more than 137.5% of design capacity. The two-year extension gave defendants until February 28, 2016 to meet the court-ordered reduction. Feb. 10, 2014 Order at 2 (ECF No. 2766/5060).[1] Since receiving the extension, defendants have made laudable progress, and achieved compliance with the percentage

[1] All filings in this Three-Judge Court are included in the individual docket sheets of both *Plata v. Brown*, No. 01-cv-01351-TEH (N.D. Cal.), and *Coleman v. Brown*, No. 2:90-cv-0520 KJM KJN P (E.D. Cal.). This court includes the docket number of *Plata* first, then *Coleman*.

benchmark one year early, with the population remaining below the benchmark since February 2015:

Date	In-state adult institution population	% Design Capacity	Out-of-state population	In-state private prison population (California City)	In-state contract bed capacity (MCCFs)[2]
February 11, 2015	112,993	136.6%	8,828	1,973	4,218
March 11, 2015	112,106	135.5%	8,778	1,893	4,218
April 8, 2015	111,863	135.3%	8,394	1,999	4,218
May 13, 2015	111,341	134.6%	8,060	2,152	4,218
June 10, 2015	111,370	134.7%	7,726	2,308	4,218
July 8, 2015	111,168	134.4%	7,277	2,339	4,218
August 12, 2015[3]	111,485	134.8%	6,961	2,225	4,218
September 9, 2015	111,656	135.0%	6,508	2,245	4,218
October 14, 2015	112,195	135.7%	5,907	2,147	4,218
November 11, 2015	112,350	135.8%	5,447	2,071	4,218
December 9, 2015	112,510	136.0%	5,264	1,978	4,218
January 13, 2016	112,737	136.3%	5,173	1,882	4,218
February 10, 2016	112,887	136.5%	5,088	1,813	4,218

See Defs.' Monthly Status Reports (ECF Nos. 2838/5278, 2842/5289, 2846/5300, 2848/5306, 2860/5322, 2862/5331, 2864/5336, 2870/5354, 2874/5368, 2876/5379,

[2] Defendants' monthly reports all state that there are 4,218 MCCF (modified community correctional facility) beds "that are in various stages of activation and transfer."

[3] The court uses the figures on page 1 of Defendants' August status report, which appear to be correct based on the weekly report available at http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/WeeklyWed/TPOP1A/TPOP1Ad150812.pdf. The figures at the top of Exhibit A to the August report appear not to have been updated from the July report.

2880/5388, 2882/5400, 2886/5411). Even as the benchmark has been attained, as reflected in the above table, however, the in-state adult institution population has been gradually increasing since July 2015. Part of this growth is due to the State's commendable efforts to return inmates from out-of-state facilities, but there still remain over 5,000 inmates in out-of-state facilities. There are also approximately 5,500 inmates housed in in-state contract facilities.[4] Moreover, defendants project that the total number of inmates will increase by over 3,600 over the next few years, which in itself threatens to push the population back over the threshold. *See An Update to the Future of California Corrections: January 2016* at 25, available at http://www.cdcr.ca.gov/Blueprint-Update-2016/An-Update-to-the-Future-of-California-Corrections-January-2016.pdf.

The court commends defendants for achieving the required reduction in the current in-state adult institution population. It also commends the parties for working cooperatively to ensure that the court's orders are fully implemented. *E.g.*, Stip. & Order in Response to Nov. 14, 2014 Order (ECF No. 2830/5254).

At the same time, as this court has previously ordered and as defendants recognize, the court will "maintain jurisdiction over this matter for as long as is necessary to ensure that defendants' compliance with the 137.5% final benchmark is durable, and such durability is firmly established." Feb. 10, 2014 Order at 5. Additional work remains for defendants to demonstrate that they can maintain compliance with the population benchmark in the absence of court-ordered remedies. To that end, defendants shall

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[4] As of midnight February 10, 2016, which is the source of the population data in defendants' most recent status report, there were 5,530 inmates housed in in-state contract beds, including the 1,813 inmates housed at California City. *See* CDCR, Weekly Rpt. of Population, Feb. 10, 2016, available at http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/WeeklyWed/TPOP1A/TPOP1Ad160210.pdf.

continue to report to the court monthly as required by the February 10, 2014 Order. *Id.* at 3. Defendants' monthly reports shall include a discussion of the steps defendants are taking to ensure that compliance with the 137.5% benchmark is durable.

IT IS SO ORDERED.

Dated: 03/04/16

STEPHEN REINHARDT
UNITED STATES CIRCUIT JUDGE
NINTH CIRCUIT COURT OF APPEALS

Dated: 03/04/16

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

Dated: 03/04/16

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

United States District Court
Northern District of California