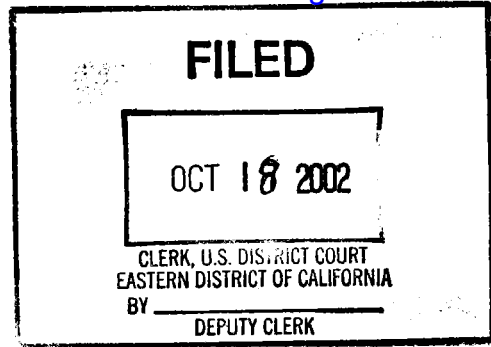


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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JERRY VALDIVIA, ALFRED YANCY,  
and HOSSIE WELCH, on their own  
behalf and on behalf of the class  
of all persons similarly situated,

NO. CIV. S-94-671 LKK/GGH

Plaintiffs,

v.

O R D E R

GRAY DAVIS, Governor of the State  
of California, et al.,

Defendants.

On June 13, 2002, the court granted plaintiffs' motion for summary judgment as to plaintiffs' claim that California's unitary parole revocation hearing system violates their rights to procedural due process. On September 4, 2002, the court denied plaintiffs' motion for a remedial plan in order to give defendants a chance to pursue an interlocutory appeal of the June 13, 2002 order pursuant to 28 U.S.C. § 1292(b).

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1 Defendants, however, failed to timely file a petition for  
2 permission to appeal. On October 10, 2002, the court, finding  
3 that counsel's neglect was inexcusable, denied defendants'  
4 request for an extension of time to file a petition and reset  
5 the remedial plan motion for argument.

6 On October 15, 2002, the court heard argument on the motion  
7 and discussed with the parties the appropriate time line for  
8 developing a remedy. Accordingly, the court ORDERS:

9 1. Defendants shall SERVE on plaintiffs, within sixty  
10 (60) days of the effective date of this order, a  
11 Proposed Remedial Plan addressing the constitutional  
12 deficiencies identified in the court's June 13, 2002  
13 order. Should defendants attempt in good faith to  
14 develop a plan but determine that they are unable to  
15 do so, defendants shall FILE, within forty-five (45)  
16 days of the effective date of this order, an affidavit  
17 explaining in detail the reasons for their failure to  
18 timely propose such a plan.

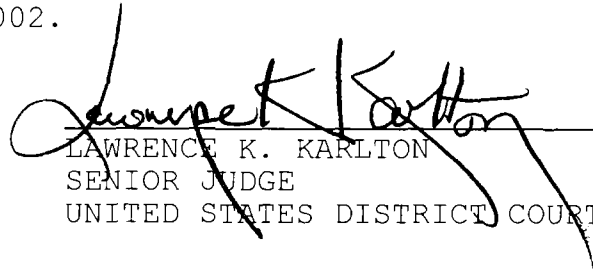
19 2. The parties shall then meet and confer and complete  
20 negotiations within sixty (60) days of the date of  
21 defendants' service of their Proposed Remedial Plan  
22 upon plaintiffs. Upon expiration of the sixty (60)  
23 day period, defendants shall FILE a Proposed Remedial  
24 Order with the court.

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3. Plaintiffs shall FILE any objections to the Proposed Remedial Order within 15 days after defendants file their Proposed Remedial Order with the court.

IT IS SO ORDERED.

DATED: October 17, 2002.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

United States District Court  
for the  
Eastern District of California  
October 18, 2002

\* \* CERTIFICATE OF SERVICE \* \*

2:94-cv-00671

Valdivias

v.

Wilson et al

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on October 18, 2002, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

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Case 2:94-cv-00671-LKK-GGH Document 742 Filed 10/18/02 Page 5 of 5  
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Jack L. Wagner, Clerk

BY: 

Deputy Clerk