

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

GAVIN NEWSOM, et al.,

Defendants.

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

THREE-JUDGE COURT

MARCIANO PLATA, et al.,

Plaintiff,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. 01-cv-01351-JST

THREE-JUDGE COURT

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' REQUEST TO MODIFY BRIEFING SCHEDULE AND HEARING DATE

Defendants have filed a request to modify the briefing schedule and hearing date on Plaintiffs' emergency motion to modify population reduction order. ECF No. 3226/6540.¹ Plaintiffs oppose the request. ECF No. 3230/6543. The Court will grant the request in part and deny it in part.

Plaintiffs' emergency motion is focused on the health risks the coronavirus pandemic poses to inmates incarcerated in the California Department of Corrections and Rehabilitation (CDCR) and to the staff who work in those prisons. Defendants contend the briefing and hearing schedule set by this Court in its March 26, 2020 order "raises serious concerns of due process and

¹ All filings in this Three-Judge Court are included in the individual docket sheets of both *Plata v. Newsom*, No. 01-cv-01351-JST (N.D. Cal.), and *Coleman v. Newsom*, No. 2:90-cv-0520 KJM DB P (E.D. Cal.). The Court cites to the docket number of *Plata* first, then *Coleman*.

1 fundamental fairness.” ECF No. 3226/6540 at 4.

2 Where, as here, due process considerations apply, “the question remains what process is
3 due. . . . [T]he interpretation and application of the Due Process Clause are intensely practical
4 matters and . . . [t]he very nature of due process negates any concept of inflexible procedures
5 universally applicable to every imaginable situation.” *Goss v. Lopez*, 419 U.S. 565, 578 (1975)
6 (internal citations and quotation marks omitted). Balancing the need for a prompt decision against
7 Defendants’ need for adequate time to prepare a response to Plaintiffs’ motion, the Court
8 concludes that adding an additional day to the briefing and hearing schedule is appropriate.

9 Accordingly, and good cause appearing, IT IS HEREBY ORDERED that:

10 1. Defendants’ March 27, 2020 motion for extension of time, ECF No. 3226/6540, is
11 GRANTED IN PART and DENIED IN PART.

12 2. Defendants’ responsive brief is due March 31, 2020, at 12:00 noon.

13 3. The hearing on Plaintiffs’ emergency motion is CONTINUED to Thursday,
14 April 2, 2020, at 1:15 p.m.


15 4. All other deadlines set in the Court’s March 26, 2020 order, ECF No. 3223/6533,
16 remain in effect.

17 **IT IS SO ORDERED.**

18 Dated: March 28, 2020

On behalf of the Court:²

19
20
21
22
23
24
25
26
27
28



JON S. TIGAR
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

² Judge Tigar issues this order on behalf of the Court pursuant to 28 U.S.C. § 2284(b)(3).