

ORDER

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2 Within 45 days, defendants shall provide the court with a population reduction plan
3 that will in no more than two years reduce the population of the CDCR's adult institutions to
4 137.5% of their combined design capacity. Should any of defendants' proposed population
5 reduction measures require the waiver of any provisions of state law, the state shall so advise
6 the court, and shall explain why the requested waiver is permissible under 18 U.S.C.
7 § 3626(a)(1)(B). In preparing their plan, defendants shall consult with plaintiffs, intervenors,
8 and other relevant stakeholders, including the *Coleman* Special Master and the *Plata*
9 Receiver. Should such consultation fail to resolve any objections to the proposed population
10 reduction plan, plaintiffs and intervenors shall file their objections no more than 20 days after
11 defendants file their proposed plan, and defendants shall file responses to such objections no
12 more than 10 days thereafter. Defendants shall set forth in their proposal the effective dates
13 of the various actions they propose to undertake and their estimate of the reduction in
14 population they expect to achieve after six, twelve, eighteen, and twenty-four months. The
15 court will consider all of the written submissions and make any necessary modifications or
16 changes to defendants' proposed plan before issuing a population reduction plan as an order
17 of the court. The court may before doing so request clarification on any matters and conduct
18 any further hearings it deems necessary. However, given that this court issued a preliminary
19 ruling on this matter almost six months ago so as to "give the parties notice of the likely
20 nature of [this] opinion, and [] allow them to plan accordingly," Feb. 9, 2009 Tentative
21 Ruling at 1, the court will look with disfavor upon any effort to postpone or delay an
22 expeditious resolution of the terms of the population reduction plan, including the submission
23 of a proposed plan by the state and the issuance of the order adopting the final plan. The
24 court will not grant any stay of the proceedings prior to the issuance of the final population
25 reduction plan, but will entertain motions to stay implementation of that plan pending the
26 resolution of any appeal to the Supreme Court. We will retain jurisdiction over this matter to
27 ensure compliance with the population reduction plan and to consider any subsequent
28 modifications made necessary by changed circumstances.