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11 IN THE UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 MARCIANO PLATA, et al.,

No. C-01-1351 JST

14 *Plaintiffs,*

15 v.

16 GAVIN NEWSOM, et al.,

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' EMERGENCY
MOTION REGARDING
PREVENTION AND MANAGEMENT
OF COVID-19**

17 *Defendants*

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19 Before this Court is Plaintiffs' Emergency Motion to Order the Receiver
20 Regarding Prevention and Management of COVID-19. This Court, having considered
21 the briefing, relevant legal authority, and the record in this case, including the expert
22 declarations, GRANTS Plaintiffs' motion.

23 **IT IS HEREBY ORDERED that:**

24 A. The Receiver shall, with the full cooperation of Defendants, exercise his
25 authority pursuant to orders of this Court to develop and implement a plan to minimize
26 the spread of the COVID-19 virus to the incarcerated population in California's state
27 prisons. A proposed plan shall be submitted to the Court within 5 calendar days. The
28 plan shall include:

ORDER

Plata v. Newsom, No. C-01-1351 J.S.T.

1 1. Identification of those incarcerated people who are at the highest risk for
2 severe complications from the virus;

3 2. Immediate steps to ensure that such high-risk individuals are safety
4 situated, either by releasing them, transferring them to another facility or ensuring that
5 they are safely housed where they can best practice physical distancing and adequate
6 hygiene and

7 3. Provisions to address foreseeable changes in conditions, including a
8 reduction in workforce (custody and healthcare staff) as workers respond to their
9 personal needs (self-quarantine or isolation, care for ill relatives, staying at home with
10 school-age children).

11 B. Defendants shall develop and implement a plan to downsize the population
12 in the state prisons to the lowest number possible consistent with public safety at each
13 prison by release or transfer to a safe alternative. Priority should be given to reducing
14 the number of high-risk individuals and those in crowded dormitories. A proposed plan
15 shall be submitted to the Court within 5 calendar days.

16 The Court finds that this relief meets the requirements of 18 U.S.C. § 3626. In so
17 doing, the Court finds that the relief is narrowly drawn, extends no further than necessary
18 to ensure the protection of the federal constitutional and statutory rights of Plaintiffs, and
19 is the least intrusive means necessary to accomplish those objectives.

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Dated: April __, 2020

JON S. TIGAR, JUDGE
UNITED STATES DISTRICT COURT