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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiff,

v.

GAVIN NEWSOM, et al.,

Defendants.

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

ORDER

On April 19, 2017, this court imposed a May 15, 2017 deadline for defendants to comply fully and permanently with Program Guide<sup>1</sup> timelines for transfer of inmate-patients to acute and intermediate care facility programs. ECF No. 5610 at 13. The court further ordered that beginning May 16, 2017, fines in the amount of \$1,000 per inmate-patient per day would accumulate. *Id.* The court set a contempt hearing for November 3, 2017 to consider whether to make findings of contempt and order payment of any accumulated fines. *Id.* The court vacated

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<sup>1</sup> The Program Guide is one of the primary remedial plans in this action. *See* February 7, 2022 Order, ECF No. 7456, at 2. In 2020, the court clarified that it will look to the finalized continuous quality improvement tool (CQIT) to measure compliance in this action and that material provisions of the Program Guide and the other primary remedial plan in this action, the Compendium of Custody-Related Measures (Compendium) are central to the finalized CQIT. September 3, 2020 Order, ECF No. 6846, at 24; *see also, generally*, December 17, 2020 Order, ECF No. 6996. An updated Program Guide was filed September 29, 2021, ECF No. 7333, and approved by the court in February 2022. ECF No. 7456 at 4.

1 the contempt hearing in light of defendants' appeal from the April 19, 2017 order. October 23,  
2 2017 Minute Order, ECF No. 5720. The United States Court of Appeals for the Ninth Circuit  
3 dismissed defendants' appeal for lack of jurisdiction. *Coleman v. Brown*, No. 17-16080 (9th Cir.  
4 Nov. 28, 2018). This court previously has not reset the contempt proceedings. It has not done so  
5 until now, in part due to proceedings on a whistleblower report initially presented to the court in  
6 October 2018, *see, e.g.*, October 12, 2018 Order, ECF No. 5949, which lasted through the end of  
7 2019, *see* December 17, 2019 Order, ECF No. 6247, and required among other things ongoing  
8 data remediation. The onset of the COVID-19 pandemic in March 2020 also has affected the  
9 resetting of contempt proceedings. In the meantime, fines totaling \$1,787,156.56 have  
10 accumulated through January 2023.

11 At the recent February 10, 2023 status conference, the court and parties discussed a time  
12 frame for further proceedings on compliance with the April 19, 2017 order and fines. *See*  
13 Reporter's Transcript of Proceedings (2/13/23 RT), ECF No. 7726 at 17-18. After considering  
14 the discussion at the status conference, IT IS HEREBY ORDERED that:

- 15 1. This matter is RESET for hearing on **August 25, 2023** at 10:00 a.m. in Courtroom # 3  
16 for consideration of findings of contempt and requirement of payment of fines that  
17 have accumulated on or after May 16, 2017. The parties shall meet and confer and  
18 within twenty-one days of the filed date of this order propose to the court a schedule  
19 for providing the court with their positions regarding contempt findings and fines as  
20 well as a proposed plan for the proceedings.
- 21 2. The Clerk of the Court is directed to serve a courtesy copy of this order on:

22 Kerry K. Dean, Deputy Chief  
23 United States Department of Justice  
24 Civil Rights Division  
25 Special Litigation Section  
26 950 Pennsylvania Avenue, N.W.  
27 Washington, D.C. 20530

28 DATED: February 27, 2023.

  
CHIEF UNITED STATES DISTRICT JUDGE