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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCIANO PLATA, et al.,
Plaintiffs,
v.
GAVIN NEWSOM, et al.,
Defendants.

Case No. 01-cv-01351-JST

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' REQUEST FOR EXTENSION OF TIME RE: ISOLATION AND QUARANTINE SPACE

Re: ECF No. 3439

United States District Court
Northern District of California

The Court previously ordered Defendants to plan for and set aside isolation and quarantine space at each institution to help manage the spread of COVID-19. ECF No. 3401. Pursuant to that order, the parties, the Receiver, public health experts, and other stakeholders worked diligently over several weeks, and Defendants have now identified space at each institution that they believe would satisfy public health recommendations. All such space was required to be ready for occupancy no later than September 2, 2020. *Id.* at 4. Defendants have complied with the order as to twenty-two prisons. ECF No. 3439-2 ¶ 1.

On September 2, Defendants requested an extension of time as to the remaining thirteen prisons: to September 25, 2020, at ten prisons, and to October 31, 2020, at three prisons. ECF No. 3439. Defendants state, without providing specifics, that they require such extensions because they cannot vacate the identified space at these institutions without inter-institution transfers, and that they could not meet the September 2 deadline in part because the transfer matrix “was only recently finalized and implemented.” *Id.* at 2; ECF No. 3439-2 ¶ 2.

Defendants’ request is granted in part and denied in part. The Court agrees with Plaintiffs that “Defendants must expedite their efforts to ensure that [the identified] spaces are promptly emptied and prepared for occupancy.” ECF No. 3441 at 4. However, just as no one questions the


United States District Court
Northern District of California

1 importance of setting aside adequate isolation and quarantine space, it is also beyond dispute that
2 transferring incarcerated persons within and between institutions must be done in a manner that
3 complies with public health guidance. The parties' submissions do not contain enough
4 information for the Court to make an informed decision setting a firm deadline for Defendants'
5 compliance with the Court's prior order.

6 Accordingly, the Court directs the Receiver to meet and confer with the parties, and to
7 include public health experts as appropriate, to identify an expedited timeline for preparing all
8 identified isolation and quarantine space for occupancy. If the parties can reach agreement, they
9 shall file a stipulation and proposed order by September 16, 2020. If the parties cannot reach
10 agreement, then the Receiver shall file his proposed timeline by the same date and attach the
11 parties' objections and counter-proposals for the Court's consideration. To the extent that
12 transfers are necessary and can be done in accordance with public health guidance, the transfer
13 process shall begin as soon as possible, without waiting for the Court to set a final compliance
14 deadline.

15 **IT IS SO ORDERED.**

16 Dated: September 10, 2020

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19 JON S. TIGAR
20 United States District Judge
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