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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 AND THE EASTERN DISTRICT OF CALIFORNIA
11

12 MARCIANO PLATA, et al.,

13 *Plaintiffs,*

14 v.

15 ARNOLD SCHWARZENEGGER, et al.,

16 *Defendants.*

Case No. C01-1351 THE (N.D. Cal.)

17 RALPH COLEMAN, et al.,

18 *Plaintiffs,*

19 v.

20 ARNOLD SCHWARZENEGGER, et al.,

21 *Defendants.*

Case No. CIV S-90-0520 LKK JFM P
(E.D. Cal.)

22
23 **PLATA RECEIVER'S REQUEST FOR PERMISSION TO FILE**
24 **SUPPLEMENTAL OVERCROWDING REPORT**
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1 Receiver Robert Sillen requests permission to file a Supplemental Overcrowding Report
2 in both of the captioned actions no later than June 11, 2007.

3 On February 15, 2007, in connection with plaintiffs' motion to empanel a three-judge
4 court to consider a cap on the State prison population, the Court in *Plata* ordered the Receiver to
5 submit a report setting forth "his best assessment of the manner, and extent to which,
6 overcrowding is interfering with his ability to successfully remedy the constitutional violations"
7 in the State prison health care system. Order, dated Feb. 15, 2007, p. 4. The Receiver did so. In
8 addition, the Receiver made certain recommendations in his Overcrowding Report that he
9 believes should be implemented.

10 Following submission of the Overcrowding Report, important new information pertaining
11 to overcrowding and its impact on the Receiver's ability to fulfill his duties came to light. On
12 May 31, 2007, the Receiver requested permission to file a motion for implementation of the
13 recommendations that he made in his Overcrowding Report and proposed to discuss such new
14 information in detail in connection with his proposed motion. Upon further reflection, however,
15 the Receiver believes that the additional overcrowding information referenced above is
16 sufficiently relevant to the pending motion for a three-judge panel that he should prepare and file
17 a Supplemental Overcrowding Report that discusses such new information.

18 Accordingly, the Receiver requests permission to file such a Supplemental Overcrowding
19 Report in both of the captioned actions and proposes to do so not later than June 11, 2007.¹

20 Dated: June 4, 2007

FUTTERMAN & DUPREE LLP

21 By: /s/

22 Martin H. Dodd

23 Attorneys for Receiver Robert Sillen
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28 ¹ In requesting permission to file a Supplemental Overcrowding Report, the Receiver is not withdrawing his request to bring a motion for implementation of his recommendations.

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies as follows:

3 I am an employee of the law firm of Futterman & Dupree LLP, 160 Sansome Street, 17th
4 Floor, San Francisco, CA 94104. I am over the age of 18 and not a party to the within action.

5 I am readily familiar with the business practice of Futterman & Dupree, LLP for the
6 collection and processing of correspondence.

7 On June 4, 2007, I served a copy of the following document(s):

8 **PLATA RECEIVER'S REQUEST FOR PERMISSION TO FILE**
9 **SUPPLEMENTAL OVERCROWDING REPORT**

10 by placing true copies thereof enclosed in sealed envelopes, for collection and service pursuant to
11 the ordinary business practice of this office in the manner and/or manners described below to
12 each of the parties herein and addressed as follows:

13 ☐ BY HAND DELIVERY: I caused such envelope(s) to be served by hand to the
address(es) designated below.

14 ☒ BY MAIL: I caused such envelope(s) to be deposited in the mail at my business address,
15 addressed to the addressee(s) designated. I am readily familiar with Futterman &
Dupree's practice for collection and processing of correspondence and pleadings for
16 mailing. It is deposited with the United States Postal Service on that same day in the
ordinary course of business.

17 ☐ BY OVERNIGHT COURIER SERVICE: I caused such envelope(s) to be delivered via
overnight courier service to the addressee(s) designated.

18 ☐ BY FACSIMILE: I caused said document(s) to be transmitted to the telephone number(s)
19 of the addressee(s) designated.

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27 Dated: June 4, 2007
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