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13  
14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

16  
17 JERRY VALDIVIA, et al.,

18 Plaintiffs,

19  
20 v.

21 ARNOLD SCHWARZENEGGER, et al.,

22 Defendants.  
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No. Civ. S-94-0671 LKK/GGH

**STIPULATED ORDER FOR  
PERMANENT INJUNCTIVE RELIEF**

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1 **I. INTRODUCTION**

2 1. This action was filed on May 2, 1994. Plaintiffs, on behalf of themselves  
3 and the class they represent, challenged the constitutionality of parole revocation  
4 procedures conducted by the California Board of Prison Terms (“BPT”) and the  
5 California Department of Corrections (“CDC”).

6 2. The Court certified this case as a class action by order dated December 1,  
7 1994. The Plaintiff class consists of the following persons: (1) California parolees who  
8 are at large; (2) California parolees in custody as alleged parole violators, and who are  
9 awaiting revocation of their state parole; and (3) California parolees who are in custody,  
10 having been found in violation of parole and sentenced to prison custody.

11 3. The Defendants are state officials responsible for the policies and  
12 procedures by which California conducts parole revocation proceedings.

13 4. On June 13, 2002, this Court granted partial summary judgment in favor of  
14 Plaintiffs, holding that California’s unitary parole revocation system violates the due  
15 process rights of the Plaintiff class under Morrissey v. Brewer, 408 U.S. 481 (1972),  
16 Gagnon v. Scarpelli, 411 U.S. 778 (1973), and related authority. The Court held that  
17 California’s parole revocation system violated the due process clause of the Fourteenth  
18 Amendment by “allowing a delay of up to forty-five days or more before providing the  
19 parolee an opportunity to be heard regarding the reliability of the probable cause  
20 determination.” Valdivia v. Davis, 206 F. Supp. 2d 1068, 1078 (E.D. Cal. 2002).

21 5. The parties stipulate that this is not a “civil case with respect to prison  
22 conditions,” as those terms are defined and applied in the Prison Litigation Reform Act  
23 (“PLRA”), 18 U.S.C. § 3626, and that therefore this Order is not governed by the  
24 PLRA.

25 6. The parties hereby stipulate that the Court shall ADJUDGE, DECLARE,  
26 AND DECREE as follows:  
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