

# CALIFORNIA CORRECTIONAL SUPERVISORS ORGANIZATION

January 22, 2010 - Weekly Update

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**U.S. Supreme Court Places Temporary Halt on Release of 40,000 Inmates:** The U.S. Supreme Court rejected California's lower court order to approve the Governor's plan to release over the next 2 years 40,000 inmates. The U.S. Supreme Court placed a temporary hold on releasing the 40,000 inmates pending their final review. Although the U.S. Supreme Court temporarily halted the release of inmates, the U.S. Supreme Court rejected the Governor's attempt to dismantle the 3-judge panel that oversees inmate health care.

Despite the U.S. Supreme Court's halt to temporarily release inmates until they can review the case, CDCR will be releasing next week 6,000 inmates under separate legislation that is not affected by the U.S. Supreme Court case.

## **Chief Dentist Litigation – Reported by Attorney Kelley Martinez:**

The court denied our motion finding that we *did* have standing, the court *did* have subject matter jurisdiction, but that our evidence did not show likelihood of success on the merits. Because our evidence did not support such a finding, the court denied our motion for a temporary restraining order (TRO).

What does that mean? It means that **we still have a lawsuit and another opportunity to stop the elimination of the CD position.** However, we will not be able to stop the elimination from occurring before Feb 5th. We will be attacking the elimination after the fact.

Our next hearing is a case management conference on March 5th at 1:30 pm. Also, we will have the opportunity to obtain more evidence for our case through written questions/answers and oral testimony (depositions) commencing immediately.

At this moment, I am researching whether we have grounds to appeal this decision to the Court of Appeals, and if the Court of Appeals can grant an injunction pending their decision. Procedurally, it is possible. I just don't know if we have good enough facts here. I'll let you know my conclusion as soon as I figure it out.

I want to thank you all again, for your tireless efforts to assist in this case.

CCSO has authorized Attorney Kelley Martinez to take any action necessary to continue this fight. Although, CCSO is pleased that the court deemed we have enough findings to have the case heard in a few months we are fighting to stop the actions before February 5<sup>th</sup>. An appeal will be on the denial of the TRO because the Judge has already deemed the court hearing will proceed. For members who have been demoted and are no longer CCSO members please refer to the CCSO "Weekly Updates" every Friday for information relative to your issues. The CCSO weekly updates can be uploaded via the CCSO web page at [ccsonet.org](http://ccsonet.org) where you will click on the news page and find updates under Chief Dentist Litigation. We hope to have all our members who have demoted back as members within 6 months. Hang in there!

**CDCR Executive Meeting with CCSO:**

CCSO will be meeting with the CDCR Secretary Matt Cate, Undersecretary Scott Kernan, and other Executive staff on Friday, January 29<sup>th</sup>; therefore, there will be no update on January 29<sup>th</sup> but an update will be posted by Tuesday, February 2<sup>nd</sup> over viewing this meeting.

**T a k e C a r e a n d B e S a f e !**