



For Immediate Release

# Receiver Responds to Appeals Court Affirmation

## Urges Lawmakers to Cut Legal Costs by Paving the Way for Plan's Completion

April 30, 2010

Contact: Luis Patino (916) 956-5879

The Ninth Circuit Court of Appeals has denied the State of California's request to terminate the Receivership and nullify his construction plan. In the findings issued April, 30, 2010 the court found:

*"We conclude that the (Prison Litigation Reform) Act does not deprive the district court of its equitable power to appoint a receiver in prison litigation. We also reject the State's challenge to the district court's finding that a receivership was the least intrusive means of remedying constitutional violations in prisoner health care. Finally, we conclude that we lack jurisdiction to review the district court's refusal to terminate the Receiver's construction plan. We accordingly affirm the portion of the district court's order that denied the State's motion to terminate the receivership, and we dismiss the appeal of the portion rejecting the challenge to the Receiver's construction planning."*

Upon review of the appellate court's findings, the Receiver responded:

**"Today's decision by the Ninth Circuit Court of Appeals reaffirms the legal basis and factual need for the Receivership over California's prison medical care system. This most recent affirmation of the Receivership by the Court of Appeals is the strongest signal yet to the State that further legal challenges to the Receiver's Turnaround Plan of Action and scaled-down construction program will only burden California's taxpayers with wasteful legal costs and expensive delays. We have successfully negotiated a cost-effective construction plan with the Administration that moves us closer to settling these lawsuits and bringing this matter to a final close. We have forged excellent relationships with the Administration and the Legislature, and we are explaining all aspects of our program and our progress with full transparency. It is time for all of the powers in the State Capitol to coalesce in support of our plan and efforts to end the unconstitutional medical conditions in California's prisons, which will result in the most cost-effective and expeditious termination of the Receivership and resolution of these cases."**

The full text of the Ninth Circuit's decision can be found at: < [http://www.cphcs.ca.gov/docs/court/Case09-15864\\_20100430\\_AppealDecision.pdf](http://www.cphcs.ca.gov/docs/court/Case09-15864_20100430_AppealDecision.pdf) >