

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TODD ASHKER, et al.,  
Plaintiffs,  
v.  
GOVERNOR OF THE STATE OF  
CALIFORNIA, et al.,  
Defendants.

Case No. 09-cv-05796-CW

ORDER GRANTING PLAINTIFFS'  
MOTION REGARDING VIOLATION OF  
SETTLEMENT AGREEMENT  
PROVISION REGARDING RCGP  
PRISONERS ON WALK-ALONE  
STATUS

(Dkt. No. 992)

Plaintiffs filed a motion for de novo review of the magistrate judge's order on Restricted Custody General Population (RCGP) Prisoners on walk-alone status. Defendants filed an opposition and Plaintiffs filed a reply. Having considered the papers, the Court GRANTS Plaintiffs' motion to the extent that Defendants must provide small group yards and leisure time activities in groups.

The Settlement Agreement provides that inmates in the RCGP must be provided with "increased opportunities for positive social interaction with other prisoners and staff, including but not limited to: . . . yard/out of cell time commensurate with Level IV GP in small group yards, in groups as determined by the Institution Classification Committee . . . and leisure time activity groups." Settlement Agreement ¶ 28 (emphasis added). Plaintiffs have shown that a substantial percentage of Plaintiffs

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1 in RCGP are on "walk-alone" status and are not permitted to  
2 exercise in small group yards or engage in group leisure  
3 activities. See Declaration of J. Berg (Berg Decl.) ¶¶ 6-9.  
4 This does not comply with the terms of the Settlement Agreement.

5 Defendants are hereby ordered to meet and confer with  
6 Plaintiffs' representatives and their counsel with the goal of  
7 presenting a proposed remedial plan for Court approval. The  
8 matter is referred to Magistrate Judge Illman to mediate the meet  
9 and confer. Absent agreement, the parties shall present their  
10 own respective proposed remedial plans. The joint or separate  
11 plans are to be submitted within seven days after the meet and  
12 confer session, which shall be scheduled as quickly as feasible.

13 IT IS SO ORDERED.

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15 Dated: 7/3/18

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18 CLAUDIA WILKEN  
19 United States District Judge  
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