

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCIANO PLATA, et al.,
Plaintiffs,

v.

GAVIN NEWSOM, et al.,
Defendants.

Case No. 01-cv-01351-JST

**ORDER REGARDING STAFF
TESTING FOR COVID-19**

The joint case management conference statement filed by the parties on June 8, 2020, states that 194 medically high-risk patients were transferred from the California Institution for Men (CIM) to San Quentin State Prison (SQ) and California State Prison, Corcoran (CSP-COR) between May 28 and May 30. *See* ECF No. 3345 at 9-10. The patients who were transferred had previously tested negative for COVID-19, but in many cases the tests were done two to three weeks before the transfer. *Id.* Unfortunately, some of those people tested positive shortly after their arrival at SQ and CSP-COR. *Id.* Prior to the transfer, SQ had no confirmed cases of COVID-19 in the incarcerated population. *Id.* at 10. The Receiver has since ordered the suspension of all transfers from CIM and is reconsidering a testing strategy for all transfers. *Id.* at 9-10.

The Receiver has also identified prison staff as the main vector for spreading COVID-19 in the state prisons and has recommended that all staff at all institutions be tested for COVID-19. *Id.* at 3. According to the parties' statement, "Defendants agree that staff testing is critical, and are developing a staff-testing plan with assistance and guidance from the California Department of Public Health." *Id.*

Given the urgency of this issue, this Court issued the following order regarding staff

1 testing for COVID-19 from the bench during the June 9 case management conference. This
2 written order is issued to memorialize that bench order.

3 IT IS HEREBY ORDERED that:

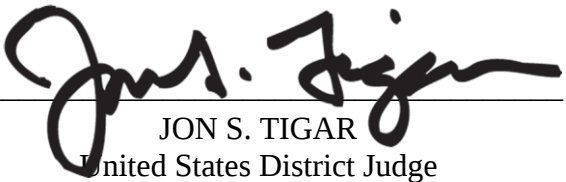
4 1. All custodial and medical staff who had contact during the transfer process with any
5 incarcerated person who transferred from the California Institution for Men (CIM) and into San
6 Quentin State Prison (SQ) or California State Prison, Corcoran (CSP-COR) between May 28,
7 2020, and May 30, 2020, shall be tested for COVID-19 by June 11, 2020.

8 2. All remaining staff at SQ and CSP-COR shall be tested by June 15, 2020.

9 3. Defendants shall produce a comprehensive plan for testing staff at all prisons in the
10 California Department of Corrections and Rehabilitation to Plaintiffs by June 16, 2020.¹

11 IT IS SO ORDERED.

12 Dated: June 11, 2020

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14 JON S. TIGAR
15 United States District Judge

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27 ¹ The Court does not engage at this time with the parties' dispute over whether an "interim" plan
28 would be sufficient. However, the Court notes that all plans of this nature will, in some sense,
necessarily be "interim" because they remain subject to modification as additional information
becomes available.