



MEMORANDUM

Date: November 29, 2021

To: California Department of Corrections and Rehabilitation – All Staff
California Correctional Health Care Services – All Staff

From:

DocuSigned by:

Kathleen Allison

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KATHLEEN ALLISON

Secretary

California Department of Corrections
and Rehabilitation

DocuSigned by:

Clark Kelso

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J. CLARK KELSO

Receiver

California Correctional Health Care
Services

Subject: STAY GRANTED FOR ORDER RE: MANDATORY COVID-19 VACCINATION

On November 26, 2021, the United States Court of Appeals for the Ninth Circuit granted a stay of the District Court's [September 27, 2021](#) and October 27, 2021 orders pending appeal. With the stay granted, the implementation plans of these court orders as outlined in the [October 26, 2021](#) and [November 1, 2021](#) memoranda are **postponed until further notice**.

Note: This does not apply to the previous [August 23, 2021, memorandum](#) related to the [August 19, 2021, California Department of Public Health \(CDPH\) Order](#). Staff specifically identified in the [August 23, 2021, memorandum](#) shall continue to adhere to the requirements and timelines outlined in that memorandum and subsequent October 25, 2021, email directive from the Division of Adult Institutions specific to custody classifications. For a comprehensive list of frequently-asked-questions (FAQ) and answers related to the [August 19, 2021, CDPH Order](#), refer to the [September 29, 2021, FAQ Document](#).

California Department of Corrections and Rehabilitation (CDCR) and California Correctional Health Care Services (CCHCS) continue to encourage all staff to get vaccinated against COVID-19. Staff may obtain no-cost COVID-19 vaccination from [CDCR/CCHCS vaccine clinics](#). Alternatively, staff opting to obtain vaccination outside CDCR/CCHCS may select another no-cost clinic listed on the website [myturn.ca.gov](#), or from their personal health care provider, and follow the process for submitting proof of vaccination outlined in the [May 19, 2021 memorandum](#).

For questions or concerns, please contact your respective supervisor or manager.

Attachment: November 26, 2021, Order Granting Emergency Motion to Stay

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 26 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MARCIANO PLATA; et al.,

Plaintiffs-Appellees,

v.

GAVIN NEWSOM, Governor of the State
of California; KATHLEEN ALLISON,
Secretary of the California Department of
Corrections and Rehabilitation,

Defendants-Appellants,

J. CLARK KELSO,

Receiver-Appellee.

No. 21-16696

D.C. No. 4:01-cv-01351-JST
Northern District of California,
Oakland

ORDER

MARCIANO PLATA; et al.,

Plaintiffs-Appellees,

v.

CALIFORNIA CORRECTIONAL PEACE
OFFICERS ASSOCIATION,

Intervenor-Appellant,

and

GAVIN NEWSOM, Governor of the State

No. 21-16816

D.C. No. 4:01-cv-01351-JST

of California; KATHLEEN ALLISON,
Secretary of the California Department of
Corrections and Rehabilitation,

Defendants,

J. CLARK KELSO,

Receiver-Appellee.

Before: W. FLETCHER, IKUTA, and BENNETT, Circuit Judges.

Appellants’ motion (Docket Entry No. 9 in appeal No. 21-16696) to stay the district court’s September 27, 2021 and October 27, 2021 orders pending appeal is granted. *See Nken v. Holder*, 556 U.S. 418, 434 (2009).

The court sua sponte expedites the briefing and calendaring of these appeals. The opening briefs and excerpts of record are due December 13, 2021; the answering briefs are due January 13, 2022; and the optional reply briefs are due within 21 days after service of the answering brief.

No streamlined extensions of time will be approved. *See* Ninth Circuit Rule 31-2.2(a)(1). No written motions for extensions of time under Ninth Circuit Rule 31-2.2(b) will be granted absent extraordinary and compelling circumstances.

The Clerk will place these appeals on the calendar for March 2022. *See* 9th Cir. Gen. Order 3.3(g).