



1 alleged commission of misdemeanors and who have not been arraigned" where petition filed by  
 2 individual]. In light of the more than 300 habeas petitions already filed with this Court and the  
 3 constant stream of new petitions, it is now abundantly clear to the Court that the question of the  
 4 constitutionality of Penal Code section 3003.5(b) (and therefore California Department of  
 5 Corrections and Rehabilitation policy no. 07-36) "is a recurring problem important to other  
 6 [parolees] and the [CDCR]." *In re Fluery* (1967) 67 Cal.2<sup>nd</sup> 600, 601 [considering moot habeas  
 7 petition where the question presented was recurring and general declaration of procedural rights  
 8 of similarly situated individuals would serve interests of public policy].

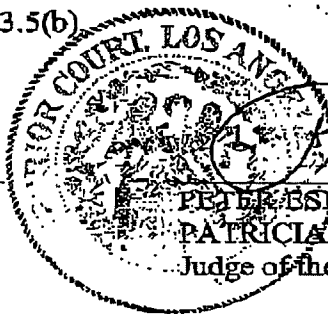
9 The primary grievance raised by nearly every petitioner to have filed a habeas petition  
 10 with the Court is that the application of Penal Code section 3003.5(b) is that there is virtually no  
 11 housing which is compliant with the section's residency restriction in Los Angeles County and  
 12 that they are forced into homelessness. That the majority of the petitions already on file were  
 13 filed with the assistance of counsel also strongly suggests that a homeless parolee's ability to  
 14 seek relief from section 3003.5(b) by means of habeas corpus is highly dependent on that  
 15 parolee's access to legal counsel. In the interests of equity and judicial economy, the Court now  
 16 deems it appropriate to consider the procedural rights of all similarly situated parolees in the  
 17 instant petitions for writ of habeas corpus.

18 Accordingly, enforcement of Penal Code section 3003.5(b), including California  
 19 Department of Corrections and Rehabilitation Policy No. 07-36 or any similar policy enforcing  
 20 Penal Code section 3003.5(b), is stayed as to all individuals who are subject to the terms of  
 21 section 3003.5(b) and who are currently serving a term of active parole in Los Angeles County  
 22 pending resolution of the instant cases and/or the underlying questions presented therein  
 23 regarding the availability of compliant housing under section 3003.5(b) in Los Angeles County  
 24 and the constitutionality of section 3003.5(b).

25 The clerk is to give notice.

26 Dated: \_\_\_\_\_

8/30/10



PETER ESPINOZA  
 PATRICIA SCHNEGG  
 Judge of the Superior Court