

**SUPREME COURT MINUTES
FRIDAY, SEPTEMBER 17, 2021
SAN FRANCISCO, CALIFORNIA**

S270478

**GASNER (MICHAEL W.) ON
H.C.**

Order to show cause issued, returnable in Superior Court

Petitioner alleges that he suffers from particularly serious medical conditions that would put him at heightened risk were he to contract COVID-19. Petitioner also alleges that respondent is taking insufficient precautions to protect inmates from COVID-19. In accordance with Evidence Code section 452, subdivisions (c) and (h), we take judicial notice of the recent surge in active cases of COVID-19 at the California State Prison, Solano, as reported by the California Department of Corrections and Rehabilitation. In light of these particular circumstances, and to expedite, rather than further delay judicial review, we direct as follows. The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause, returnable before the Solano County Superior Court, why petitioner is not entitled to some form of appropriate relief “ ‘as the justice of the case may require.’ ” (*In re Crow* (1971) 4 Cal.3d 613, 619.) The return must be served and filed on or before October 18, 2021.

This court recognizes the urgency of the present matter and remains concerned about the risks that the conditions of confinement in the California State Prison, Solano may pose for petitioner and the other inmates confined there. We direct the superior court to expedite the proceedings to ensure prompt and effective resolution of these time-sensitive issues. To that end, the parties or the superior court on its own motion may shorten time for any filings to further an expedient resolution.

Votes: Cantil-Sakauye, C. J., Corrigan, Liu, Cuéllar, Kruger, Groban, and Jenkins, JJ.