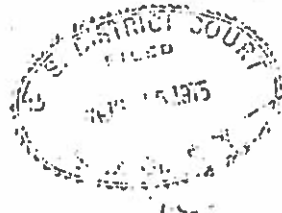


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----x
JAMES BENJAMIN, et al., :

Plaintiffs, :

-against- :

BENJAMIN J. MALCOLM, et al., :

Defendants. :

'75 Civ. 3073 (MEL)

ORDER

-----x
The plaintiffs having moved this Court for an order for a preliminary injunction pursuant to FRCP 65 enjoining defendants from (1) incarcerating any detainee at the New York City House of Detention for Men without affording him at least one hour of outdoor exercise each weekday; and (2) causing more than one half the population of any one housing block of the New York City House of Detention for Men to engage in said period of outdoor recreation in the same yard simultaneously;

NOW, upon reading and filing the order to show cause, dated August 1, 1975, and the affidavits submitted in support of said motion, and after conducting a hearing on August 8, 1975, and due deliberation having been had thereon, it is hereby

ORDERED, that all detainees incarcerated at NYC HDM are to be afforded outdoor recreation in a manner set forth under the terms of this Court's April 23, 1975 judgment in the matter of Rhem v. Malcolm, and it is further

ORDERED, that the defendants, in lieu of providing an outdoor recreation program as set forth in the aforementioned

1 hr. of
outdoor
recreation
each weekday,
Mon.-Fri.,
except in
inclement
weather. This
applies
year-round,
not only in
summer.

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April 23, 1975 judgment, may provide, during appropriate weather, four weekly recreation periods of 90 minute duration, and it is further

ORDERED, that in the event that defendants are not in compliance with this order by August 26, 1975, defendants shall on that date submit a detailed written report to the Court, with a copy to plaintiffs' attorneys, specifying:

1. the reasons for non-compliance;
2. what steps have already been taken by each of the defendants herein to bring about compliance;
3. what steps will be taken in the immediate future by each of the defendants herein to bring about prompt compliance, and

4. An estimated date by which defendants expect to be in compliance.

UNITED STATES DISTRICT JUDGE

Dated: New York, New York
August 14, 1975

Is HOM in compliance?
If not, please advise.