

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES BENJAMIN, MIGUEL GALINDEZ, BRUCE
HAYES, JOSE SALDANA and ROBERT
ESCHERT, detainees of the New York
City House of Detention for Men,
individually and on behalf of all other
persons similarly situated,

Plaintiffs,

-against-

PROPOSED ORDER
FOR INTERIM RELIEF

75 Civ. 3073 (MEL)

BENJAMIN J. MALCOLM, Commissioner of
Correction of the City of New York;
ARTHUR RUBIN, Warden, New York City
House of Detention for Men; GERARD
BROWN, Deputy Warden, New York City
House of Detention for Men; and
ABRAHAM D. BEAME, Mayor of the City
of New York individually and in their
official capacities,

Defendants.
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Hon. Hugh L. Carey, Governor of the State of New York,
and Thomas Coughlin, State Commissioner of Correctional Services,
having been joined as defendants in the above action in their
official capacities pursuant to Fed. R. Civ. P. Rules 19 and
21 in an order entered July 2, 1981 on the ground that their
joinder is necessary in order to grant full relief herein;
and

On July 2, 1981 the population of state ready
inmates in City correctional institutions totaled 526 and
had increased to 620 by July 13, 1981; and

The State Department of Correctional Services having informed the City Commissioner of Correction that it would accept only 30 state ready inmates for the week of July 12, 1981; and

In the recent past, the average weekly increase in the state ready population in City correctional facilities is in excess of 100, making it extremely difficult for the City to comply with this Court's orders regarding City correctional institutions; and

The Court having determined that the City is entitled to interim relief from the State defendants; it is hereby

ORDERED that the State defendants agree to accept a minimum of one hundred (100) state ready inmates from City correctional institutions on Friday July 17, 1981 and an additional fifty (50) state ready inmates on Monday July 20, 1981 and additional one hundred (100) state ready inmates on Friday July 24, 1981.

Nothing in this order is intended to in any way effect the proposed order submitted by the municipal defendant dated July 2, 1981, which seeks to require the State to accept state ready inmates within forty eight hours after the necessary papers for transfer have been completed. It is recognized that the State opposes the order dated July 2, 1981.

Nothing in this order is intended to in any way to limit the right of the municipal defendant to seek future interim orders requiring the State defendants to accept state ready inmates.

Dated: New York, New York
July 16, 1981

S/MEL
U.S.D.J.