

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

FILED
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CLERK
U.S. DISTRICT COURT
EAST. DIST. MICH.

RODERICK WALKER, et al.,

Plaintiffs,

v

NO: 81-40336

PERRY JOHNSON, MICHIGAN
DEPARTMENT OF CORRECTIONS,
et al.,

Defendants.

ORDER

On June 29, 1982, this Court rendered an Opinion and Order adjudicating the disputed issues of fact and application of law in this case. See Walker v Johnson, 544 F Supp 345 (ED Mich, 1982.) That opinion and order required defendants to undertake remedial measures to redress a variety of procedural due process and other constitutional violations.

Subsequent to that opinion and order, defendants sought a stay of the ordered remedial measures pending a decision on appeal by the Court of Appeals for the Sixth Circuit. On August 18, 1982, this Court entered an order denying the stay as to the procedural due process remedial measures, and granting the stay as to the non-procedural due process remedial measures.

Thus the August 18, 1982 order left defendants with the obligation to implement filing the procedural due process portions of the June 21, 1982 opinion and order. Furthermore, in an order entered on October 22, 1982, the Court granted defendants' motion to amend the June 21, 1982 opinion and thereby add an additional paragraph regarding notice of possible administrative segregation upon conviction of a major misconduct violation. (See docket entry #108.)

Unfortunately, defendants did not file immediate adequate evidence of compliance with the procedural due process remedial measures. Accordingly, the Court entered orders on December 16, 1982 and January 13, 1983 requiring the filing of additional evidence. Indeed, the December 16, 1982 and January 13, 1983 orders threatened defendants with contempt in the event adequate compliance evidence was not filed.

On January 28, 1983, defendants filed the affidavits of Wardens Foltz, Jabe and Koehler. (See affidavits filed at docket entry #126.)

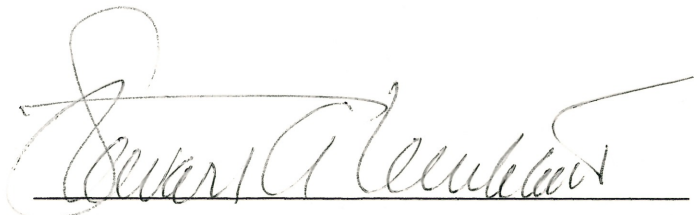
Having carefully examined these affidavits, the Court finds that the Wardens have attested to virtually literal compliance with the procedural due process remedial measures set out at 544 F Supp 345, 366 as amended by the Court's October 22, 1982 order. This was the compliance evidence ordered by the Court on January 13, 1983, and it thus is

clear that defendants have now complied with the January 13, 1983 order.

Accordingly, the Court finds that defendants have fulfilled their duty of supplying adequate evidence of compliance with the procedural due process portion of the Court's June 21, 1982 opinion as amended. The non-procedural due process remedial measures need not be implemented at the present time due to the Court's August 18, 1982 STAY order. This case is thus closed at the district court level for the time being. Motions to reopen the case for further proceedings will be entertained if (1) defendants cease to comply with the procedural due process remedial measures set out in the June 21, 1982 opinion as amended, or (2) the appellate rulings of the Court of Appeals necessitates further proceedings here.

IT IS SO ORDERED.

Dated: 2/28/83

A handwritten signature in dark ink, appearing to read "Stewart A. Newblatt", written over a horizontal line.

STEWART A. NEWBLATT
United States District Judge

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UNITED STATES OF AMERICA)
) SS
EASTERN DISTRICT OF MICHIGAN)

PROOF OF MAILING

I, the undersigned, hereby certify that I have on the
28th day of February, 1983, mailed a copy of the
ORDER

in the above-entitled cause to the following persons at the
addresses given:

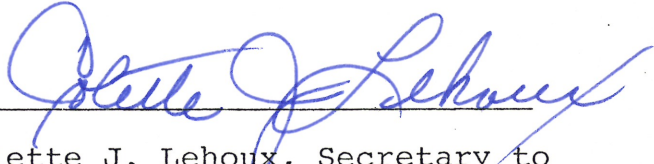
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Colette J. Lehoux, Secretary to
Stewart A. Newblatt
United States District Judge