

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MAR 18 1993

LUTHER D. THOMAS, Clerk
By: *LL* Deputy Clerk

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF GEORGIA, THE GEORGIA BOARD
OF JUVENILE JUSTICE, and THE GEORGIA
DEPARTMENT OF JUVENILE JUSTICE,

Defendants.

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) Civil Action
) No.

) 1 98-CV- 836
)
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JOINT MOTION FOR CONDITIONAL DISMISSAL

Plaintiff, the United States of America, and Defendants, the State of Georgia, et al., having entered into the Memorandum of Agreement attached as Exhibit A, move pursuant to Fed. R. Civ. P. 41(a)(2) for an order conditionally dismissing this action. The dismissal would be conditioned upon Defendants' achieving substantial compliance with the terms of the Memorandum of Agreement. The parties request that the Court place this case on its inactive docket until further order of the Court, while retaining jurisdiction over the case until a final dismissal with prejudice.

Under the terms of the Memorandum of Agreement, "[i]f the State fails to substantially comply with the terms of this Agreement, and if efforts to resolve and mediate the enforcement dispute pursuant to ¶ 138 are unsuccessful, the United States may take appropriate legal enforcement action, including filing a

motion to restore the case to the Court's active docket."

Exhibit A at ¶ 137. The Memorandum of Agreement also includes procedures and standards for termination of the Memorandum of Agreement. Exhibit A at ¶¶ 140 - 142.

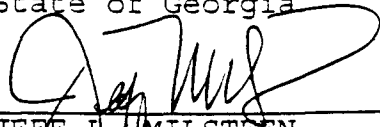
For the foregoing reasons, this Court should enter an order conditionally dismissing this action. A proposed order is attached.

Respectfully submitted,

FOR THE STATE OF GEORGIA:

FOR THE UNITED STATES:

THURBERT E. BAKER
Attorney General
State of Georgia

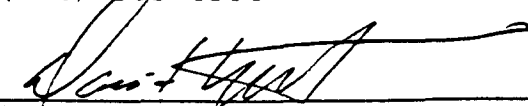


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