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PHOENIX, ARIZONA 85003

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Harris v. Cardwell



PC-AZ-005-002

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FILED

OCT 7 1977

W. J. FURSTENAU, CLERK  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
BY W. J.  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

|                             |   |                        |
|-----------------------------|---|------------------------|
| MUNI FRED HARRIS, et al.,   | ) |                        |
|                             | ) |                        |
| Plaintiffs,                 | ) | NO. CIV 75-185 PHX-CAM |
|                             | ) |                        |
| vs.                         | ) |                        |
|                             | ) |                        |
| HAROLD J. CARDWELL, et al., | ) | <u>O R D E R</u>       |
|                             | ) |                        |
| Defendants.                 | ) |                        |
|                             | ) |                        |

In accordance with the previous orders of the Court, the matter of the plaintiffs' application for a preliminary injunction came on for further review on the 3rd day of October, 1977. The Court heard evidence on the 3rd and 4th days of October, 1977.

The Court finds that the conditions at the Arizona State Prison at Florence continue to constitute cruel and unusual punishment in violation of the inmates' rights protected by the eighth amendment to the Constitution of the United States, and that the plaintiff class is likely to be successful in this action, and further that the plaintiff class will suffer irreparable harm if immediate relief is not granted.

In accordance with the foregoing, the Court hereby enters the following orders:

1. The defendants are ordered to reduce the male inmate population at the Arizona State Prison at Florence (other

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1 than in the facility referred to as the women's division) to not  
2 more than 1,750 by the 31st day of December, 1977.

3 2. The defendants are ordered to provide the Court, the  
4 counsel for the plaintiffs, and the United States Attorney for the  
5 District of Arizona, with the following:

6 (a) On a daily basis, copies of the statistical  
7 sheets showing the number and location of inmates in all  
8 institutions within the jurisdiction of the Arizona  
9 Department of Corrections.

10 (b) Information concerning any inmate who is a  
11 member of the plaintiff class and who hereafter suffers  
12 personal injury, said information to contain, as a mini-  
13 mum, the name of the inmate, the date, time and place of  
14 injury, a description of the injury received, a descrip-  
15 tion of the circumstances giving rise to the injury, and  
16 a statement as to what care and treatment (if any) was  
17 provided for the injury.

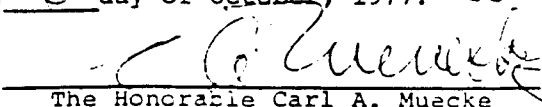
18 (c) A weekly report showing the movement from the  
19 Arizona State Prison at Florence of any member of the  
20 plaintiff class, said report to show, as a minimum, the  
21 name of each inmate moved, whether the inmate was  
22 released from custody and, if not released from custody,  
23 the institution or facility to which he was moved.

24 3. Those inmates now and hereafter housed in the  
25 facility referred to as the women's division of the Arizona State  
26 Prison at Florence are part of the plaintiff class.

27 4. This matter is set for hearing on the 5th day of  
28 January, 1978, at 9:30 a.m., at which time the Court will hear  
29 evidence, review the matter, and make such further orders as are  
30 deemed necessary.

31 DONE IN OPEN COURT this 6<sup>th</sup> day of October, 1977 1343

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The Honorable Carl A. Muecke  
United States District Judge