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4/30/01

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U.S. v. Commw. of the Northern Mariana Islands



PC-MP-001-001

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14 UNITED STATES DISTRICT COURT FOR
15 THE NORTHERN MARIANA ISLANDS

16 UNITED STATES OF AMERICA,	) CIV No.
17	)
18 Plaintiff,	) STIPULATION REQUESTING ENTRY
19	) OF CONSENT DECREE AND
20 v.	) SUPPORTING MEMORANDUM
21	)
22 COMMONWEALTH OF THE NORTHERN	)
23 MARIANA ISLANDS, GOVERNOR OF THE	)
24 NORTHERN MARIANA ISLANDS,	)
25 COMMISSIONER OF THE DEPARTMENT OF	)
26 PUBLIC SAFETY, SECRETARY OF THE	)
27 DEPARTMENT OF LABOR AND	)
28 IMMIGRATION, SECRETARY OF THE	)
29 DEPARTMENT OF COMMUNITY AND	)
30 CULTURAL AFFAIRS,	)
31	)
32 Defendants.	)
33	)

26 Plaintiff United States and Defendants Commonwealth of the
27 Northern Mariana Islands, et al., jointly and respectfully
28 request this Court to enter the Consent Decree agreed to by the

1 parties. The Consent Decree is attached hereto. In support of
2 this Motion, the parties state as follows:

3 1. The United States is filing its Complaint concurrently
4 with the proposed Consent Decree and this Stipulation.

5 2. Paragraph 5 of the proposed Decree stipulates: For
6 purposes of this lawsuit only and in order to settle this matter,
7 the Defendants stipulate that this Decree complies in all
8 respects with the provisions of the Prison Litigation Reform Act,
9 18 U.S.C. § 3626(a). The parties further stipulate and agree
10 that the prospective relief in this Decree is narrowly drawn,
11 extends no further than necessary to correct the violations of
12 federal rights set forth in the Complaint, is the least intrusive
13 means necessary to correct these violations, and will not have an
14 adverse impact on public safety or the operation of a criminal
15 justice system. Accordingly, the parties agree and represent to
16 the Court that the Decree complies in all respects with the
17 provisions of 18 U.S.C. § 3626(a), and may serve as the factual
18 and legal basis for a court order issued pursuant to those
19 provisions.

20 3. Paragraph 6 of the proposed Decree stipulates: The
21 issue of liability has not been litigated. The parties ask the
22 Court to approve this Decree without a full hearing on the
23 merits, on the basis of the United States' Complaint and the
24 above stipulation.

25 4. Paragraph 7 of the proposed Decree stipulates: This
26 Decree is not intended to have any preclusive effect except
27 between the parties. Should the issue of the preclusive effect
28 of this Decree be raised in any proceedings other than this civil

1 action, the parties agree to certify that this Decree was
2 intended to have no such preclusive effect.

3 5. The Consent Decree is a full and fair resolution of the
4 issues raised in the United States' Complaint.

5
6 Wherefore, the parties jointly request this Court to sign
7 the attached Order and sign and enter the attached Consent
8 Decree.

9
10 For the Plaintiff:

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13 Civil Rights Division

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