

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

JOHNNY MAYNOR, ANTHONY MURPHREE,)
***et al.*, on behalf of themselves and**)
all others similarly situated,)

Plaintiffs,)

vs.)

MORGAN COUNTY, ALABAMA and)
MORGAN COUNTY SHERIFF GREG)
BARTLETT,)

Defendants.)

Civil Action Number
5:01-cv-0851-UWC

**ORDER GRANTING MOTION FOR MODIFICATION
AND CLARIFICATION OF CONSENT DECREE**

In consideration of the changed circumstance that federal detainees and inmates are now housed in the Morgan County Jail, Plaintiffs' Motion for Modification of the Consent Decree, Doc. 102, is hereby GRANTED.

Paragraph 33 of the Consent Decree, Doc. 45, is hereby AMENDED to include the following provisions:

- a. To the extent that federal inmates and detainees are held in the custody of the Morgan County Jail, the County Defendants shall provide such inmates and detainees with access to the following federal legal materials:
 - 1) the United States Federal Sentencing Guidelines,
 - 2) Federal Criminal Code & Rules (West Group);
 - 3) Title 28 of the Code of Federal Regulations;
 - 4) Complete Manual of Criminal Forms (West Group); and
 - 5) Legal Research in a Nutshell (West Group).

The County Defendants shall obtain new editions of the foregoing publications at least every three years if, in the intervening period, new editions have been published.

Plaintiffs' Motion for Clarification of the Consent Decree is hereby GRANTED. Paragraph 22 of the Consent Decree is hereby AMENDED to include the following provisions:

a. i) The Sheriff of Morgan County shall immediately establish and implement a procedure whereby all funds provided by any source for the feeding of inmates, including funds from the State of Alabama, any municipality, and the federal government, will be used exclusively for the feeding of said inmates incarcerated in the Morgan County Detention Facility. For any year in which there is a shortfall in funds to provide meals for inmates in the County Jail, the Sheriff will not be responsible for the shortfall in funds.¹

ii) Fresh fruit, fresh milk, vegetables, and whole grains will be a regular part of the monthly menu.

iii) Daily meals will be based on the USDA's Food Guide Pyramid. Precise adherence is not required, but indicators of conformance to the guidelines and of providing "nutritionally adequate" means include a variety of foods from all food groups and subgroups; a significant increase in fruits, vegetables, whole grains, and low-fat milk; and the replacement of processed meats with lean meats, poultry, and eggs.

iv) Condiments, including salt, pepper, sugar, mustard, and ketchup, when appropriate, will be regularly provided with each meal.

v) The current nutritionist will be terminated, and a nutritionist acceptable to class counsel shall be employed. The contract of the nutritionist will be reviewed and jointly approved by the Sheriff and class counsel on an

¹The Court makes no determination of whether the Morgan County Commission will be liable for any such shortfall. The issue, should it arise, will be determined when it arises.

annual basis.

vi) All monthly menus will be posted in conspicuous places within the jail facility so that they may be monitored by the inmate population.

vii) Class counsel will conduct quarterly, unannounced inspections of the County Jail facility and financial records regarding all funds received and expended by the Sheriff for the purpose of providing meals to the inmates of the County Jail. Class counsel will be compensated by the County Defendants for such monitoring activities.

To the extent that the provisions of any prior Order of this Court are inconsistent with this Order, the latter shall prevail.

Done the 27th day of January, 2009.

A handwritten signature in black ink, appearing to read "U.W. Clemon", written in a cursive style.

U.W. Clemon
United States District Judge