

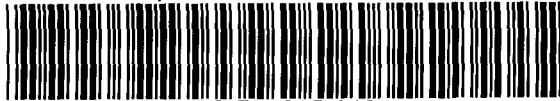
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IMPRISONED CITIZENS UNION, ET. AL. : CIVIL ACTION

vs.

MILTON SHAPP, ET. AL.

Imprisoned Citizens Union v. Shapp



PC-PA-005-012

: Nos. 70-3054
70-2545
71-513
71-1006

ORDER

AND NOW, to wit, this 27th day of April, 1998, upon consideration of defendants' Motion to Terminate All Outstanding Orders for Prospective Relief pursuant to the Prison Litigation Reform Act, Pub. L. No. 104-134, 110 Stat. 1321 (1996) (codified in part at 18 U.S.C. § 3626), filed September 23, 1997 (Doc. No. 775), plaintiffs' Motion in Opposition to Defendants' Motion to Terminate Preliminary Relief and in the Alternative to Declare the Prison Litigation Reform Act Unconstitutional or to Certify the Transfer of this Action's Consent Decree with Related Orders to the Commonwealth Court of Pennsylvania, filed September 30, 1997 (Doc. No. 776), plaintiffs' Motion to Have Defendants and Their Agents Held in Civil Contempt, filed October 8, 1997 (Doc. No. 778), defendants' Brief in Support of Constitutionality of Section 802 of the Prison Litigation Reform Act, filed October 7, 1997 (Doc. No. 779), defendants' Memorandum in Further Explication of the Relationship Between Plaintiffs' Motion for Contempt and Defendants' Motion to Terminate Prospective Relief, filed October 10, 1997 (Doc. No. 781), defendants' Response in Opposition to Plaintiff's Motion to Have Defendants and Their Agents Held in Civil Contempt, filed October 16, 1997 (Doc. No. 783), plaintiffs' Reply Memorandum, filed October 20, 1997 (Doc. No.

784), Defendants' Corrected Memorandum of Law in Opposition to Plaintiff's Motion to Have Defendants and Their Agents Held in Civil Contempt, filed October 21, 1997 (Doc. No. 788), Intervenor United States of America's Memorandum of Law Concerning the Constitutionality of the Challenged Provisions of the Prison Litigation Reform Act, filed October 22, 1997 (Doc. No. 791), plaintiffs' Amended Motion for Contempt, filed October 28, 1997 (Doc. No. 797), and defendants' Memorandum of Law in Support of Defendants' Response to Plaintiffs' Amended Motion for Contempt, filed November 6, 1997 (Doc. No. 805), after oral argument on November 19, 1997, for the reasons set forth in the attached Memorandum, **IT IS ORDERED** as follows:

1. The termination provisions of the Prison Litigation Reform Act, 18 U.S.C. § 3626(b)(2), are constitutional.
2. Because the Court has found the termination provisions of the Prison Litigation Reform Act, 18 U.S.C. § 3626(b)(2), to be constitutional and because plaintiffs have not made a factual showing of a current and ongoing violation of a federal right as required by the Prison Litigation Reform Act, Defendants' Motion to Terminate All Outstanding Orders for Prospective Relief is **GRANTED** and the Consent Decree, as amended, is **TERMINATED**.
3. Plaintiff's Motion in Opposition to Defendants' Motion to Terminate Preliminary Relief and in the Alternative to Declare the Prison Litigation Reform Act Unconstitutional is **DENIED**.

4. Plaintiff's Motion to Certify the Transfer of this Action's Consent Decree with Related Orders to the Commonwealth Court of Pennsylvania is **DENIED.**

5. Plaintiff's Motion to Have Defendants and Their Agents Held in Civil Contempt and Amended Motion for Contempt are **DENIED.**

BY THE COURT:


JAN E. DUBOIS