

16 F.3d 1219

Unpublished Disposition

NOTICE: THIS IS AN UNPUBLISHED OPINION.

(The Court's decision is referenced in a "Table of Decisions Without Reported Opinions" appearing in the Federal Reporter. Use FI CTA6 Rule 28 and FI CTA6 IOP 206 for rules regarding the citation of unpublished opinions.)

United States Court of Appeals, Sixth Circuit.

Mary GLOVER; Lynda Gates; Jimmie Ann Brown; Manetta Gant; Jacalyn M. Settles; Jane Does, on behalf of themselves and all others similarly situated, Plaintiffs-Appellees,

v.

Perry JOHNSON, Director, Michigan Department of Corrections; Florence R. Crane; G. Robert Cotton; Thomas K. Eardley, Jr.; B. James George, Jr.; Duane L. Waters; The Michigan Corrections Commission; William Kime, Director, Bureau of Programs; Robert Brown, Jr.; Director, Bureau of Correctional Facilities; Frank Beetham, Director, Bureau of Prison Industries; Richard Nelson, Director, Bureau of Field Services; Gloria Richardson, Superintendent, Huron Valley Women's Facility; Dorothy Costen, Director of Treatment, Huron Valley Women's Facility; Clyde Graven, Sheriff, Kalamazoo County; Individually, and in their official capacities, Defendants-Appellants.

Nos. 93-1599, 93-1824. | Feb. 2, 1994.

E.D.Mich., No. 77-71299, Feikens, J.

E.D.Mich.

DISMISSED.

Before: KEITH, RYAN and DAUGHTREY, Circuit Judges.

Opinion

ORDER

*1 Defendants appeal two orders of the district court concerning the implementation of a consent decree in this prisoners' civil rights action. Plaintiffs now move to dismiss the appeals for lack of jurisdiction or as moot. Defendants oppose the motion to dismiss, but move to remand Case No. 93-1599 in accordance with the procedure set forth in *First Nat'l Bank of Salem, Ohio v. Hircsh*, 535 F.2d 343 (6th Cir.1976) (per curiam). Plaintiffs oppose the motion to remand.

The court does not have jurisdiction of these appeals as final judgments pursuant to 28 U.S.C. § 1291. In addition, we cannot accept defendants' argument that the orders grant injunctive relief and therefore are appealable pursuant to 28 U.S.C. § 1292(a)(1). The orders are intermediary orders in an ongoing process whereby the district court is attempting to approve a remedial plan to remedy defendants' contempt of the consent decree. The orders before the court in these appeals do not rise to the level of specificity or have such serious consequences as to be appealable at this time.

It therefore is ORDERED that the motion to dismiss is granted and these appeals are dismissed for lack of jurisdiction. The motion to remand is denied as moot.

Parallel Citations

1994 WL 28808 (C.A.6 (Mich.))