

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

NAZARETH GATES, ET AL.

PLAINTIFFS

VS.

NO. 4:71CV6-JAD

HALEY BARBOUR, ET AL.

DEFENDANTS

Lead Case

LOCAL JAILS ORDER OF 2006

This cause comes presently before the court on joint ore tenus motion of the parties to amend and update the court's LOCAL JAILS ORDER OF 1997, filed April 7, 1997, in order to require county jail and work facility authorities more promptly to respond to Notices of Noncompliance with the orders of this court.

The parties agree and stipulate, and the Court specifically finds, that the motion is well taken and should be granted, and that the relief granted is narrowly drawn, extends no further than necessary, and is the least intrusive means necessary to correct violations of the Federal rights herein remedied.

IT IS THEREFORE ORDERED:

1. The LOCAL JAILS ORDER OF 1997 is hereby amended and superseded as follows.

2. Whenever plaintiffs' counsel shall give written Notice of Noncompliance with an order of this court to a local jail's Sheriff and Board of Supervisors' Attorney, said local jail's Sheriff and Board of Supervisors' Attorney shall have thirty (30) days from

receipt of said Notice within which to file with plaintiffs' attorney, copied to the Commissioner of Corrections and the Special Asst. Attorney General assigned to the Department of Corrections, affirmative, verified (sworn) evidence of full compliance in all respects complained of in said Notice.

3. If, within the time required in Paragraph 2, *supra*, a local jail's Sheriff and Board of Supervisors' Attorney fail to file the verified evidence required in Paragraph 2, *supra*, then plaintiffs' counsel shall file with the Court a second "Notice of Noncompliance", copied to said Sheriff and Board of Supervisors' Attorney, to the Commissioner of Corrections, and to the Special Asst. Attorney General assigned to the Department of Corrections.

4. Said local jails' Sheriff and Board of Supervisors' Attorney shall then have thirty (30) days from the date of the court filing required in Paragraph 3, *supra*, within which to file with the Court (copied to the parties in Paragraph 3) affirmative, verified (sworn) evidence of full compliance in all respects complained of in said Notice.

5. Any local jail whose Sheriff and Board of Supervisors' Attorney do not fully comply with the court filing requirements of Paragraph 4, will be and the same is hereby automatically disapproved for the further incarceration of state prisoners.

6. A jail automatically disapproved under these provisions, but subsequently achieving full or substantial compliance, may be

considered for re-approval under existing procedures.

7. The provisions of this Order shall apply to any local jail whose Sheriff and Board of Supervisors' Attorney previously received a Notice of Noncompliance from plaintiffs' counsel and did not file with plaintiffs' counsel the required, verified evidence of full compliance within 30 days of Notice receipt. In all such cases, plaintiffs' counsel may proceed by filing a second Notice of Noncompliance with the Court as provided in Paragraphs 3, *et seq.*

SO ORDERED, this the 6th day of March, 2006.

/s/ JERRY A. DAVIS
UNITED STATES MAGISTRATE JUDGE

/s/ Jim Hood, Attorney General,
Attorney for Defendants

/s/ Ronald Reid Welch
Attorney for Plaintiffs