UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

FRED PIERCE, et al.; Plaintiffs, v. COUNTY OF ORANGE, et al.; Defendants.	SACV 01-0981 ABC (MLGx) CV 75-3075 ABC ORDER DENYING MOTION TO EXTEND AND GRANTING MOTION TO TERMINATE INJUNCTIVE RELIEF

Pending before the Court are the parties' cross-motions to extend and terminate the injunctive relief based upon violations of the Americans with Disabilities Act ("ADA") granted by the Court in its June 28, 2011 Order ("Order"). (Docket No. 779.) Plaintiffs Fred Pierce, *et al.* filed their Motion for Order Extending Injunctive Relief for an Additional Two Years on June 3, 2013. (Docket No. 831.) Defendant County of Orange (the "County") filed its Motion to Terminate Injunctive Relief on August 12, 2013. (Docket No. 839.) Briefing on the motions was delayed as a result of a discovery issue regarding inmate medical records and the Health Insurance Portability and Accountability Act. After that issue was resolved, the parties opposed the motions on December 16, 2013 and replied on January 21,

2014. (Docket Nos. 863, 864, 877, 878.) The Court heard oral argument on February 10, 2014. For the reasons set forth below, the Court **DENIES** Plaintiffs' motion to extend injunctive relief and **GRANTS** Defendant's motion to terminate the injunction.

I. The Monitor's Ninth Quarterly Report

On December 6, 2013, Keith Rohman, the Court-appointed Monitor (the "Monitor") submitted a Ninth Quarterly Report to the Court, which contains his most recent evaluation of compliance with the injunction. The Court indicated it would consider the Ninth Quarterly Report in ruling on the pending motions. (Docket No. 871.)

A. Areas Where the Monitor Has Found Compliance

The Monitor has found compliance in the following areas:

1. Housing

The Monitor found housing at Theo Lacy Facility ("TLF"), Central Men's Jail ("CMJ"), and Intake Release Center ("IRC") in compliance. The Monitor noted physical modifications to Tank 13 of the Central Women's Jail ("CWJ"), which are discussed below, as the basis for not finding full compliance there. (Report at 15-19.)

2. Access to Recreation in CMJ, CWJ, and IRC

The Monitor found compliance, except for recreation at Mod O and TLF, which are discussed below. (Report at 20-21.)

3. Access to Programs

The Monitor found compliance with program access across all facilities. (Report at 24-26.)

4. Access to Visitation

The Monitor found compliance regarding regular (barrier) visits. The Ninth Report noted non-compliance as to non-barrier visits, which is addressed below.

5. Access to Transportation

The Monitor found compliance concerning transportation. (Report at 26.)

6. Systemwide Modifications

The Monitor found compliance as to training and stated, "Should the Order be extended, the Monitor will observe Academies training in 2014." (Report at 28-29.) He found Defendant was not in compliance related to grievance forms, addressed below. (Report at 30-31.)

7. Physical Modifications

With the exception of the lift in Module K at the IRC and the construction of Tank 13 at CWJ, discussed below, all physical modifications are complete.

B. Areas Where the Monitor Has Not Yet Found Compliance

1. Inclusion in the Pierce Class

The biggest point of contention between the parties is Defendant's compliance regarding identification of inmates for inclusion in the Pierce class. The Monitor complains that Defendant lacks documentation to support its classification decisions and it is therefore unclear how and when Defendant determines who is included in the class. Defendant submits the declaration of Dr. C. Hsien Chiang, Medical Director of Correctional Health Services, to explain why inmate medical records support Defendant's decisions to include or exclude inmates from the class.

2. Defendant's Policies and Procedures

a. Recreation at Mod O and TLF

After reviewing the Monitor's August 2012 Report, the Court issued an order encouraging Defendant to "ensur[e] that outdoor recreation is offered at times with at least a reasonable probability

of class member's taking advantage of it." (Docket No. 828.) The Monitor reports that Defendant "appears to have significantly reduced the number of recreation offers before 6 a.m. in the ninth quarter, although several offers were extended between 6 a.m. and 6:30 a.m. [He] noted that the timing of some offers shifted later, however, to 11 p.m. and after midnight." (Report at 20-21.)

The Monitor also asserts that Defendant "skirts the edge" of compliance as to recreation at CMJ. (Report at 22.) The Monitor "expressed concern" that "permitting Pierce inmates to choose to be housed in [CMJ] might lead them to believe that meant they were relinquishing their rights to take recreation at the Green Sector." Id.

b. Access to Visitation

The Monitor questions access to non-barrier visits with respect to two women who qualified for JAMF (James A. Musik Facility). (Report at 24.) The Monitor's Ninth Report states, "Assuming that both women were qualified, the Department's documents contained no information offering them non-barrier visits in the Attorney Bonds area of CWJ." Id.

c. Training

The Monitor states that because Defendant did not finish training its staff until July 2013, he has not had an opportunity to assess compliance in this area and believes "it would be beneficial for him to 'observe Academies training in 2014.'" (Pl. Reply at 11; Report at 29.)

d. Grievances

The Monitor faulted Defendant for "fail[ing] to provide" grievance forms for his review, stating that the forms "presented

claims under the ADA and are relevant to the Monitor's assessment of the Department's compliance." (Report at 31.)

3. Physical modifications

Tank 13 is almost complete. The parties have reached an impasse on how to resolve the fact that a lift is not possible in Module K. (Report at 26-28.)

II. LEGAL STANDARD

The Prison Litigation Reform Act ("PLRA") provides that "[i]n any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party . . . 2 years after the date the court granted or approved the prospective relief." 18 U.S.C. § 3626(b)(1)(A)(I). "Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct a current and ongoing violation of the Federal right, extends no further than necessary to correct the violation of the Federal right, and that the prospective relief is narrowly drawn and the least intrusive means to correct the violation." Id. § 3626(b)(3); Gilmore v. People of the State of California, 220 F.3d 987, 1008 (9th Cir. 2000). This review of an injunction under the PLRA is often referred to as a "need-narrowness-intrusiveness" inquiry. Pierce v. County of Orange, 526 F.3d 1190, 1205 (9th Cir. 2008) (citation omitted).

In analyzing whether to terminate or extend an existing injunction, courts must assess present circumstances, not past conditions. Gilmore, 220 F.3d at 1010 (the "'record' referred to in § 3626(b)(3) cannot mean the prior record but must mean a record reflecting conditions as of the time termination is sought"); Pierce v. County of Orange, 519 F.3d 985, 998 (9th Cir. 2008) (same). The

dual requirements of current and ongoing violations are necessary to ensure "court orders do not remain in place on the basis of a claim that a current condition that does not violate prisoners' Federal rights nevertheless requires a court decree to address it, because the condition is somehow traceable to a prior policy that did violate Federal rights, or that government officials are 'poised' to resume a prior violation of federal rights." Para-Professional Law Clinic at SCI-Gratherford v. Beard, 334 F.3d 301, 304-05 (3d Cir. 2003).

The parties dispute whether Plaintiff or Defendant bears the burden of proof where there are cross-motions to extend and terminate the injunction. As the Ninth Circuit noted in Pierce, "there may be some tension in our case law in this area[.]" Pierce, 529 F.3d at 1206 n.16; compare Graves v. Arpaio, 623 F.3d 1043, 1048 (9th Cir. 2010) ("When a party moves to terminate prospective relief under § 3626(b), the burden is on the movant to demonstrate that there are no ongoing constitutional violations, that the relief ordered exceeds what is necessary to correct an ongoing constitutional violation, or both.") and Clark v. California, 739 F. Supp. 2d 1168, 1175 (N.D. Cal. 2010) (ruling that "defendants, as the party moving for termination, bear the burden of proving that no such violations exist") with Mayweathers v. Newland, 258 F.3d 930, 936 (9th Cir. 2001) (Section 3626(a)(2) "imposes a burden on plaintiffs to continue to prove that preliminary relief is warranted").[1]

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[1] Interestingly, Plaintiffs concede that they bear the burden of proving that continued enforcement of the injunction is necessary to address ongoing constitutional violations, which is the flip side of Defendant's burden. See Clark, 739 F. Supp. 2d at 1176 ("Plaintiffs bear the burden of proving that enforcement or modification of the [injunction] is necessary to address defendants' violations of federal law.").

In this case, the Court notes that the assignment of the burden of proof is not dispositive of any issues raised by the parties. Even if the burden of proving the injunction is no longer necessary is placed on Defendant, the Court finds that Defendant has carried that burden here.

III. DISCUSSION

Defendants contend that no current and ongoing violations of federal rights exist and that the injunction should be terminated. Plaintiffs, using the Monitor's reports as a guide, identify three broad categories of Defendant's alleged non-compliance with the injunction that they claim warrant extending injunctive relief: (1) classification and booking of class members; (2) policies and procedures regarding recreation, visitation, training, and grievances; and (3) physical modifications. The Court addresses each in turn.

A. Classification and Booking of Class Members

The Order provides the following definition for "Class Members":

> The class is defined as inmates with mobility or dexterity disabilities, including wheelchair bound inmates. As used herein, the term "'disability' means a disability as defined by the Court's Findings." Rulings 6:23-24. With regard to inmates with temporary or intermittent disabilities, the class includes "pretrial detainees whose impairments substantially limit a major life activity, regardless of duration." See, Rulings 8:8-25.

Order at 5. The Order states that "[Correctional Health Services] personnel will be responsible for working with security staff to identify class members, coordinate appropriate housing, and determine medical eligibility for programs." (Order at 4.)

1. Neither the Monitor Nor Class Members are Medically Qualified to Opine on Pierce Classification Decisions

The Monitor lacks medical expertise to support his assessment that class members have been potentially missed, belatedly identified, or inexplicably added or removed from the class. Likewise, the class members interviewed by the Monitor are not medically qualified to determine whether they should be included in the Pierce class. Although the Court's Order empowered the Monitor to "subcontract with experts or consultants to assist in the monitoring process" (Order at 2), the Monitor did not engage a qualified medical professional to review the medical records.

Plaintiffs make no attempt to dispute Dr. Chiang's credentials or qualifications. Id. Nor do Plaintiffs dispute that Dr. Chiang is an expert under Federal Rule of Evidence 702. Instead, Plaintiffs argue that Dr. Chiang "speculates as to why medical staff made certain decisions and notations in the records." (Pl. Opp. at 19; Pl. Reply at 6.) As Defendant aptly points out, Dr. Chiang is the Medical Director of Correctional Health Services and he reviews, interprets, and relies on medical records in treating class members. Fed. Rule Evid. 702 (expert witness may rely on types of data that "experts in [a] particular field would reasonably rely on").

The class members' medical files contain medically relevant information about the existence of a disability. Dr. Chiang's explanation refutes Plaintiffs' conclusions about each of the class members challenged by the Monitor. (Supp. Chiang Decl. ¶¶ 36-44.) The basis for Defendant's decisions on whom to include in the Pierce class is tracked in the medical records, which satisfy the Court's Order requiring that Correctional Health Services (the providers of

medical and mental health services to inmates) "identify[] potential class members during the triage process." (Order at 4, 20.)

2. The Lack of a Summary or "Checklist" Is Not a Current and Ongoing ADA Violation

Plaintiffs rely on the Monitor's reports to conclude that because there is no summary document noting the reasons why an inmate was added to or removed from the Pierce class, Defendant "lacks a documented system" and the Monitor "can not evaluate a system that does not exist." (Docket No. 880 at 3.) In his report, however, the Monitor admits his concerns are based primarily on "guesswork and inference" from inmate interviews and medical records. (Seventh Report at 10; see, e.g., Report at 11 ["Concerning the class member with the fractured ankle and foot, it is unclear why she did not receive canvas shoes and a second crutch in mid-September, but was issued them three weeks later in the minutes before she spoke with the Monitor's team."].)

The Monitor's approach does not establish an ADA violation, which requires "the existence of a mobility or dexterity impairment substantial enough to impair a major life activity." 42 U.S.C. § 12102. Instead, after conceding that the Order "does not directly address class members' medical treatment," the Monitor asserts that "the quality of medical care falls reasonably within the spirit of the Order and the ADA." (Report at 11.) However, disagreements concerning the administration of medical treatment, including decisions relating to prescribing medication, are outside the purview of the ADA. See Simmons v. Navajo County, Ariz., 609 F.3d 1101, 1022 (9th Cir. 2010) ("[The ADA] would not be violated by a prison's simply failing to attend to the medical needs of its disabled prisoners. . .

. The ADA does not create a remedy for medical malpractice.") (citations omitted). Complaints regarding medical treatment are outside the scope of the injunction.

Because he cannot interpret medical records, the Monitor looks for a summary document to trace decisions regarding class designation. But such a document is neither medically necessary nor a requirement of the Court's Order. Armstrong v. Schwarzenegger, 622 F.3d 1058, 1074 (9th Cir. 2010), a case cited by Plaintiffs for the proposition that a tracking system is necessary, is distinguishable. There, it was undisputed that the state had no adequate tracking system and an earlier court order expressly required "some form of tracking system . . . in order to enable [defendants] to comply with the Act." Id. Here, Defendant does have a tracking system in which doctors examine inmates and subsequently note ADA issues in the inmate's medical records. The Court never ordered that a summary document be created to track the doctors' decisions regarding class designation. In short, Plaintiffs' dissatisfaction with the lack of a summary document does not lead to the conclusion that no system exists.[2]

3. Plaintiffs Did Not Give Defendant an Opportunity to Cure

The "Enforcement Procedures" section of the Order outlined a procedure for the parties to utilize to resolve disputes, including seeking the Court's assistance during the pendency of the injunction:

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[2] It appears Defendant may have implemented the "checklist" attached as Exhibit 43 to the Panuco Declaration to respond to the Monitor's concerns. Given the Court's finding that such a checklist was not a requirement of the Order, Plaintiffs' claim that it did not find the checklist in inmate James Hahn's medical records (Pl. Reply at 7) is irrelevant.

"Upon reasonable cause to allege non-compliance, Plaintiffs' counsel shall provide the Sheriff's Department with notice and opportunity to correct the non-compliance or to make modifications. . . . The parties shall endeavor in good faith to resolve reported disputes informally. If an issue identified by Plaintiffs' counsel is not corrected or modified within 30 days of providing notice, either party may apply to the Court for a hearing regarding the issue." (Order at 23.) Plaintiffs acknowledge that the Monitor "reported in the fifth, sixth, seventh, and eighth quarter[s], that he could not assess the County's classification decisions, because no documents exist that track how and why these decisions were made." (Docket No. 880 at 2.)

Defendant contends that Plaintiffs' counsel have not fulfilled the obligation to meet and confer and provide Defendant an opportunity to cure. (Declaration of Christine Sprenger ¶ 4.) Because the Monitor did not believe it to be appropriate to meet with Dr. Chiang,[3] it was Plaintiffs' obligation to provide notice and an opportunity to correct pursuant to the Court's Order. Instead, Plaintiffs' counsel has simply relied on the Monitor's Reports. This is most troubling and runs counter to procedures contemplated in the Court's Order. The Court's Order states that "the parties shall endeavor in good faith to resolve reported disputes informally." (Order at 23.) Declining the opportunity to have Dr. Chiang explain Defendant's classification decisions is contrary to the spirit of the Court's Order.

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[3] The Monitor has taken the position that he is under no obligation to resolve alleged compliance issues with the County before issuing the reports. Sprenger Decl. ¶ 6; Eighth Report at 7 ("While the Department has advised the Monitor to speak with Dr. Chiang to get a 'clear and medically sound reason for each of [the 15] inmates' inclusion or exclusion from the Pierce class,' we question why this conversation is necessary.").

In summary, despite their knowledge that the Monitor had raised this issue multiple times, Plaintiffs never utilized the meet and confer process and never asked the Court for assistance in resolving disputes regarding Defendant's classification decisions. If Plaintiffs viewed this as a serious problem, they should have raised it before the two-year expiration of the injunction.

B. Department's Policies and Procedures

1. Recreation

Plaintiffs request that the Court order that "documented offers of recreation to class members must be made between 6:00 a.m. and no later than 10:30 p.m." (Pl. Reply at 10.) As to early morning offers, Plaintiff's reply does not address the evidence submitted by Defendant that all inmates rise every day by 4:45 a.m. for counts, meals, court appearances, and other daily functions. (McHenry Decl. ¶ 12.) The Court finds this evidence significant in analyzing whether offer times are reasonable. For example, offers made before 6:00 a.m. are not *per se* unreasonable if inmates are active by 4:45 a.m.

As to both early morning and late night offers, many factors contribute to the recreation schedule (*e.g.*, Title XV requirements, the number and classification of inmates to whom recreation must be offered each day, limited recreation space) and no inmate is able to select recreation times based on his or her preference. (McHenry Decl. ¶¶ 11-13.) The ADA does not require that class members receive preferential treatment (limited recreation times between 6:00 a.m. and 10:30 p.m.). See Fortyune v. Am. Multi-Cinema, Inc., 364 F.3d 1075, 1086 (9th Cir. 2004) (ADA regulations were "designed to place those with disabilities on equal footing, not to give them an unfair advantage"). Defendant's recreation offers comply with the Order and

are not a basis to extend the injunction.

Plaintiffs also contend Defendant "skirts the edge" of compliance by not offering inmates at CMJ the opportunity to recreate at the Green Sector. (Report at 22; Pl. Reply at 9-10.) The Monitor "expressed concern" that "permitting *Pierce* inmates to choose to be housed in [CMJ] might lead them to believe that meant they were relinquishing their rights to take recreation at the Green Sector." (Pl. Supp. Brief at 7.) Plaintiffs ask the Court to order prospective relief and "clarify that inmates at CMJ must be offered the opportunity to take recreation at Green Section, and that these offers must be documented." (Pl. Reply at 10.) According to Defendant, such offers are already being made by the Pierce Compliance Officers and documented pursuant to Department policy. (Miller Decl. ¶ 15.) For this reasons and because "skirting the edge" of compliance does not rise to the level of a federal rights violation, the Court declines to extend this aspect of the injunction.

2. Visitation

As to visitation, Plaintiffs request the Court clarify that class members must be offered non-barrier visits each time they have a visitor and that these offers must be documented. (Pl. Reply at 11.) Plaintiffs base this request on the Monitor's Ninth Report that he could not determine whether non-barrier visits had been offered to two female inmates who qualified for them. (Report at 24.)

Defendant responds that non-barrier visits have longer wait times and require more security than barrier visits; they also require visitors to undergo a physical search of their person and property before the visit. (Def. Reply at 14-15; Miller Decl. ¶ 9.) These factors lead many inmates and their visitors to prefer a barrier

visit. Id. Pierce Compliance Deputies meet with class members on a bi-weekly basis to discuss any issues, concerns, requests and complaints, including visitation rights. Id. ¶ 4. Per Department policy, all Pierce class members sign an "Acknowledgement [sic] of Rights/Programs" form, which includes whether they qualify for non-barrier visits. Id. ¶ 5. With respect to the two female class members referenced by the Monitor, both were made aware of their right to a non-barrier visit and did not request one. (Miller Decl. ¶¶ 10-14.) As a result, the Monitor's conclusion that "such visits were not considered" is inaccurate. Thus, there is no current and ongoing violation of a federal right to justify extending the injunction.

3. Training

For training, Plaintiffs seek to extend the injunction because Defendant should have been in compliance with the Booking Loop provisions within 30 days of entry of the injunction, but it "was nearly two years late to develop Booking Loop policies [sic]" and "didn't finish training its staff until July 2013." (Pl. Reply at 8.) Plaintiffs assert that class member Hahn "waited for upwards of 16 hours in the loop before being housed," and then, about a month later, spent 10 hours in the loop before being assigned to permanent housing. (Pl. Opp at 12.) The booking loop provision in the Order provides, "Class members who have special or chronic medical needs [must] be *specially accommodated or expedited* through the booking process." (Order at 9, emphasis added.) Defendant submits evidence that Hahn was placed in an ADA compliant holding cell during his booking process. (Declaration of Frederick ¶¶ 6-7.) The records also show that Hahn spent less than 12 hours in the booking loop on either date. Id. ¶¶ 6-7. The account of one class member who was accommodated by

being placed in ADA compliant cells does not violate the injunction and does not justify extending it.

Similarly, Plaintiffs' account of a "booking loop incident" where one 75-year-old class member informed the Monitor that he spent two lengthy stays in the booking loop following a return trip from the hospital (Report at 12-14) is not a basis for extending the injunction. The records reflect that this class member was held in an ADA cell at all times, both in the booking loop and his housing locations. (Frederick Decl. ¶¶ 9-10.) As such, the Monitor's criticism of Defendant for not moving "the class member temporarily to more appropriate housing" is unfounded because holding a class member in an ADA-compliant cell, even one in the booking loop, fully complies with the Court's Order.

At bottom, Plaintiffs' admission that Defendant "finish[ed] training its staff" in July 2013 establishes that there is no current and ongoing constitutional violation as to training. That the Monitor believes "it would be beneficial for him to 'observe Academies training in 2014'" does not support extending the injunction. (Pl. Reply at 11.)

4. Grievances

Lastly, Plaintiffs request that the grievance provisions in the Order be clarified and extended to include inmate message slips because the Monitor noted that inmates filed message slips far more readily than grievances. (Report at 138.) First, to be clear, Defendant is not in violation of the grievance provisions in the Order as it currently exists. Secondly, it does not appear that Defendant has withheld inmate message slips from the Monitor. See, e.g., Pl. Reply at 12, n.4 (stating inmate's medical file "contains at least 35

inmate message slips over the last five months"). Finally, Plaintiffs have presented no evidence of current and ongoing federal violations that would justify extending the injunction in this manner. The Monitor's suggestion that message slips could help him gauge compliance is not evidence of non-compliance. Thus, the Court finds it unnecessary to amend or extend this aspect of the Order.

C. Physical modifications

The unfinished construction projects are not a current and ongoing violation of the Order necessitating further relief.

1. Tank 13

According to Plaintiffs, Tank 13 of the CWJ has an anticipated completion date of February 14, 2014. (Docket No. 863 [Pl. Opp. To Mot. To Terminate] at 13.) In the meantime, female class members have been housed in ADA-compliant locations. (Report at 18.) The only concern is that the County may not be able to offer ADA-compliant housing to all female class members in CWJ should the class size grow. Pl. Reply at 13 ("[T]he County's current failure to have sufficient housing on hand *could lead to* female class members not being accommodated.") (emphasis added). Defendant points out that there is sufficient housing now and therefore no current and ongoing violation. See Para-Professional Law Clinic at SCI-Graterford v. Beard, 334 F.3d 301, 304 (3d Cir. 2003) (holding that where defendants contemplated closing a clinic at some point in the near future, there was no current and ongoing violation). Thus, Plaintiffs' hypothetical scenario does not justify extending the injunction.

2. Module K

As for the special lift in Module K of the IRC, Defendant has determined there is no viable option for a lift that is both code

compliant and appropriate for use in a correctional facility. (Declaration of Tom Davis ¶¶ 6-10.) The Order states, "[A]s the re-occupation of the CWJ is uncertain, Defendant also identifies a plan to utilize Module K in the IRC." (Order at 4.) Given that CWJ reopened as planned and no female class members are being housed in Module K, there is no current and ongoing violation.

The parties are "at an impasse" as to Module K. (Pl. Reply at 13.) Plaintiffs want Defendant to "codify a policy that class members will not be housed in Module K of the IRC." Id. Defendant wants "to maintain flexibility to house class members whose classification level prohibits them from participating in the group programs conducted in the classrooms which would be rendered inaccessible to class members." (Docket No. 839 at 20.) Ironically, Plaintiffs' counsel opposes Defendant's proposal because "this type of arrangement would pose a significant burden on the jail staff[.]" (Pl. Reply at 13.)

Defendant's proposal to maintain flexibility as to housing female class members if an issue arises in the future is eminently reasonable. A bright line prohibition that class members will never be housed in Module K is not the exclusive means of satisfying ADA requirements. Moreover, Defendant is in the best position to consider the burden on its jail staff. (Def. Reply at 14.) The Court therefore **EXCUSES** Defendant from the Module K aspect of the Order.

IV. CONCLUSION

"It is well established that judges and juries must defer to prison officials' expert judgments." Norwood v. Vance, 591 F.3d 1062, 1066 (9th Cir. 2009). "[T]he problems of prisons in America are complex and intractable, and, more to the point, they are not readily susceptible of resolution by decree. Most require expertise,

comprehensive planning, and the commitment of resources, all of which are peculiarly within the province of the legislative and executive branches of government." Procunier v. Martinez, 416 U.S. 396, 404-05 (1974).

In light of the reality that "courts are ill equipped to deal with the increasingly urgent problems of prison administration and reform" (id.), and having found that the injunction is no longer necessary because the three areas in which Plaintiffs seek to extend the injunction do not present current or ongoing violations, the Court **DENIES** Plaintiffs' motion to extend injunctive relief and **GRANTS** Defendant's motion to terminate the injunction.

IT IS SO ORDERED.

DATED: February 10, 2014

Audrey B. Collins

AUDREY B. COLLINS
UNITED STATES DISTRICT JUDGE