

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED
CLERK U.S. DIST.
W.D. OF TENN. MEMPH.

ARTHUR D. GILLAND,
et al.,

Plaintiff,

vs.

No. 87-2191-G

JACK OWENS, et al.,

Defendants.

ORDER APPROVING MODIFICATION OF CONSENT DECREE,
TERMINATING CONSENT DECREE AND DISMISSING ENTIRE CASE

On June 3, 1993, this court entered an order preliminarily approving the termination of the consent order granting relief in this case and setting a hearing on the issues of modification of the long range plan and termination of the consent order. The order provided an opportunity for objections to the modification of the long range plan and termination of the consent order.

The court received two objections to termination of the decree. One of these was from a group of inmates who identified themselves as the residents of B-pod, fourth floor, at the jail. The other objection was filed by Dock Battles, one of the individual named plaintiffs in the case. Both objections assert that the consent order should not be terminated due to various matters that are unrelated to the issues which were tried in this case and the areas in which the court found constitutional violations. The objections from B-pod, fourth floor, relate

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largely to the inmates' representation in state criminal court and state criminal court procedures. Certain issues were also raised concerning grievance and disciplinary procedures in the jail, which were not dealt with in any way in the consent order. Battles' objections also relate to his pending state criminal proceedings. Because the objections are unrelated to the relief granted by the consent order and to the court's original findings of unconstitutionality, the court has determined that no proof is necessary regarding the objections. The court has fully considered the objections and believe that they provide no basis for refusing to modify the long range plan or terminate the consent decree.

On June 28, 1993, the court conducted a hearing in this matter. The proof established that defendants have complied with all provisions of the consent order and the long range plan, as modified, and that inmate on inmate violence in the jail has decreased dramatically since the trial of the liability issues in this case in 1989. Based on the proof presented at that hearing and the entire record in this matter, the court approves the modification of the long range plan requested in the joint petition of the parties filed in this case May 27, 1993. The court also approves termination of the consent order granting relief and dismisses plaintiffs' original claim in this case. Based on the request of the county defendants, their third party claim against state defendants is dismissed without prejudice.

This order disposes of the entire case. The clerk is directed to send a copy of this order to the inmates who filed

IT IS SO ORDERED.

Julia Smith Gibbons
JULIA SMITH GIBBONS
UNITED STATES DISTRICT JUDGE

June 30, 1998
DATE