UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

RONALD PAUL ADAMS, *et al.*,	)	
	)	
Plaintiffs,	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff-Intervenor,	)	
	)	
vs.	)	CIVIL ACTION NO. 74-70-S
	)	
NATHAN MATHIS, *et al.*,	)	
	)	
Defendants.	)	

MEMORANDUM OPINION AND ORDER

On July 2, 1997 the Attorney General for the State of Alabama and the Commissioner of the Alabama Department of Corrections ("Movants") moved this Court pursuant to the Prison Litigation Reform Act ("PLRA") to terminate the Partial Consent Decree entered February 21, 1977 and the Order entered by this Court on February 28, 1978. The United States Department of Justice (Plaintiff-Intervenor) filed its memorandum in opposition on July 22, 1997 and the Plaintiffs filed their response on August 6, 1997. After careful consideration of the arguments of counsel, the relevant precedent and the record as a whole, the Court finds the motion should be granted.

BACKGROUND

Plaintiffs are a class of inmates in the Houston County Jail. The complaint was filed November 18, 1974 seeking injunctions to remedy overcrowding, poor sanitation, inadequate nutrition, medical care, and recreational opportunities. The litigation resulted in the above

mentioned Decree and Order.

DISCUSSION

The PLRA at 18 U.S.C. § 3626(b)(2)(emphasis added) states:

> Immediate termination of prospective relief.--In any civil action with respect to prison conditions, a defendant or intervener shall be entitled to the immediate termination of any prospective relief if the relief *was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.*

Movants aver that they are entitled to immediate termination of the Order and Decree because they contain no findings that they are narrowly drawn to correct a violation of a federal right. Plaintiffs contend that although the findings required by the PLRA are not explicitly made, they can easily be implied from the totality of the Decree, Order and published opinions. See Adams v. Mathis, 458 F. Supp. 302, (M.D. Ala. 1978) and 614 F. 2d 42 (5th Cir. 1980). This Court understands Plaintiffs' arguments and agrees that said sources do state that there were constitutional violations and that the relief ordered tended to correct them. However 18 U.S.C. § 3626(b)(2) requires a greater showing. Plaintiffs' must demonstrate further that the Decree and Order was "*narrowly drawn*" to extend "*no further than necessary* to correct the violation of the Federal right" and "is the *least intrusive means* necessary to correct the violation of the Federal right." The PLRA establishes a very high legal hurdle which the Plaintiffs are not able to clear.

Plaintiffs go to great lengths to argue that prior to the enactment of the PLRA the limitations on remedies were fully consistent with the requirements of 18 U.S.C. § 3626(b)(2). Under this argument this section of the PLRA is superfluous and all prospective relief would stand under it. This Court does not see 18 U.S.C. § 3626(b)(2) as a codification of the status quo. The

section sets a rigorous standard consistent with Congress' purpose of relieving states of the onerous burdens of complying with consent decrees, and other prospective relief, that often reach far beyond the dictates of federal law. The Order and Decree in question have been in effect for two decades. This appears to this Court to be a glaring example of the type of situation the PLRA was enacted to correct. This Court will not strain at its harness to concoct findings which would thwart Congress in their purpose.

Plaintiffs also argue that this Court hold a hearing to determine the applicability of 18 U.S.C. § 3626(b)(3) which states:

> Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct a current or 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.

18 U.S.C. § 3626(b)(2) does not mention a hearing but rather "written findings based on *the record*." This Court understands 18 U.S.C. § 3626(b)(3) to provide the reviewing court an opportunity to make the findings the granting court could have made on the record. However § 3626(b)(3) will not allow such findings to save the prospective relief if the *current* circumstances do not support such findings. Had there been recent motions by either party, the record might have provided the information necessary for such a finding in this case. The fact that the record is two decades old makes it virtually worthless for purposes of "current or ongoing violations" and only serves to highlight the reason Congress enacted the PLRA. If *the record* is fresh enough to provide useful information to the court it can be used for the purpose of keeping narrowly drawn prospective relief. These are hardly our facts and this Court will not use a statute designed to limit litigation as an excuse to spawn further litigation. Two decades is a graciously long life for

the relief in question, and we need not mourn its passing.

CONCLUSION

18 U.S.C. § 3626(b)(2) requires "the immediate termination of any prospective relief if relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn," that the relief "extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right." No such findings were made by the Court in issuing the Decree and Order in question. This Court also finds that the record of this case, which was filed November 18, 1974, will not permit the written findings mentioned in 18 U.S.C. § 3626(b)(3).

It is therefore ORDERED, ADJUDGED and DECREED that the Movants' motion filed July 2, 1997 is hereby GRANTED and the February 21, 1977 Partial Consent Decree and February 28, 1978 Order of this Court in the above styled case are hereby TERMINATED.

DONE this the 1st day of Oct., 1997.

UNITED STATES DISTRICT JUDGE

EOD 10/1/97