

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Nathaniel Roberts, et al.,)	
)	CASE NO. 4:03 CV 2329
Plaintiff(s),)	
)	
v.)	<u>ORDER</u>
)	
County of Mahoning, Ohio, et al.,)	
)	(Resolving Doc. No. 95)
Defendant(s).)	
)	

Counsel for the plaintiff class seek an injunction to prevent Sheriff Wellington from laying off 50 deputy sheriffs on or about March 27, 2005, and 90 more on or about April 10, 2005.¹ (See Doc. No. 95). Counsel have also filed a brief in support of the motion for injunction (Doc. No. 99) and defendants' counsel have filed a memorandum in opposition (Doc. No. 101).

In the interim, the Court has already put in place a process to appoint a special master under the provisions of 18 U.S.C. § 3626. The Court intends to appoint said master as soon as possible.

The Sheriff of Mahoning County is faced with what appears to the Court to be an impossible situation, given the reduced budget approved by the Board of Commissioners of Mahoning County. The Board of Commissioners is faced with a similar problem because the electorate fails to respond to the request to vote a sales tax that would help alleviate the situation.

¹ It appears from other recent filings that this latter number may actually be 100. See Doc. No. 103 at 2.

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The motion for an injunction, if granted, has the effect of short-cutting the remedial provisions of 18 U.S.C. § 3626 and places the Court in the position of micro-managing the operation of the entire governmental organization of Mahoning County. It is possible that a judicial order resulting in a reduction in the number of inmates to be housed in the Mahoning County Jail will be the ultimate result of this litigation. But, in the interim, it has been represented to the Court that Sheriff Wellington, faced with an insufficient number of deputies to man the jail and also take care of other mandated duties (such as providing the obvious need for protection for the Common Pleas Judges), as well as other statutory responsibilities (such as providing law enforcement personnel in the unincorporated parts of the County), has already undertaken measures to move inmates from the Mahoning County Jail to other county jails so as to alleviate the overcrowding and understaffing problem.

Against that background, the Court denies the motion of the plaintiff class for an injunction prohibiting the planned layoff of deputy sheriffs in Mahoning County.

IT IS SO ORDERED.

March 25, 2005
Date

s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge