

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

JOHN RAINER and MICHAEL ROSS,
et al.,

Plaintiffs,

UNITED STATES OF AMERICA,

Plaintiff-Intervenor

v.

LLOYD S. JONES, Sheriff,
SIMPSON COUNTY, MISSISSIPPI,
et al.,

Defendants.

Civil Action No.
J78-0135 (N)

JOINT MOTION FOR TERMINATION OF AGREED ORDER
AND DISMISSAL OF CASE

The United States of America, intervenor, private plaintiffs John Ranier, Michael Ross, et al.¹, and the Defendants, Simpson County, Mississippi, the Sheriff of Simpson County, and the Simpson County Board of Supervisors ("Defendants" or "Simpson County"), hereby jointly move this Court to enter an order terminating the outstanding court order entered in this case which includes the November 9, 1995 Agreed Order, and dismissing this case with prejudice.

¹ Private plaintiffs are a certified class of all pretrial individuals as well as inmates incarcerated in the Simpson County Jail.

1. In June 1993, pursuant to its authority under the Civil Rights of Institutionalized Act ("CRIPA"), 42 U.S.C. § 1997, the United States initiated an investigation into conditions at the Simpson County Jail in Mendenhall, Mississippi.

2. On November 17, 1993, the United States issued a findings letter based on its investigation and found that conditions at the Simpson County Jail violated the inmates' constitutional rights.

3. In April 1995, the United States intervened in the above-captioned case. 42 U.S.C. § 1997. After successful negotiations, the parties entered into an Agreed Order which this Court approved on November 9, 1995.

4. The Agreed Order required the Defendants to remedy unconstitutional conditions at the Simpson County Jail regarding policies and procedures; fire safety; inmate housing and detention; staffing; operational procedures and classification; ventilation and temperature control; plumbing and lighting; maintenance and sanitation; food and water service; medical care; exercise and recreation; visitation and outside contact; hygiene and personal items; access to courts; the disciplinary system; and suicide prevention measures and care for special needs inmates.

5. Subsequent monitoring found that while improvements had been made, unconstitutional conditions remained in some areas. Accordingly, on November 14, 2003, the United States and the Defendants entered into a Voluntary Agreement, that was not filed

in Court, which outlined in greater detail the remedies the Defendants were required to implement to correct the remaining unconstitutional conditions.

6. The United States has consistently monitored compliance with the Agreed Order and subsequent Voluntary Agreement. The United States provided technical assistance, conducted tours of the Simpson County Jail, interviewed staff and inmates and reviewed facility documents and Defendants' comprehensive compliance reports. Defendants have willingly cooperated fully throughout this entire process.

7. The 1995 Agreed Order provides that jurisdiction be retained by this Court until a finding by the Court that the Defendants have faithfully implemented all terms of the Agreed Order. Agreed Order, Section V, paragraph 8. The 1995 Agreed Order further provides that if the parties all agree that the Defendants have faithfully implemented all terms of the Agreed Order, the parties shall jointly petition the Court for dissolution of the Agreed Order and dismissal of the case. Agreed Order, Section V, paragraph 9.

8. Based on monitoring of the Agreed Order and the Voluntary Agreement, including site inspections of the Simpson County Jail, the parties all agree that the Defendants have faithfully implemented and complied with all the terms of the 1995 Agreed Order and the subsequent Voluntary Agreement, and that termination of this action is appropriate.

WHEREFORE, the parties jointly move this Court to enter the attached proposed Order vacating the outstanding 1995 Agreed Order and dismissing this action.

AGREED TO BY:

COUNSEL FOR UNITED STATES:


Date: October 19, 2006

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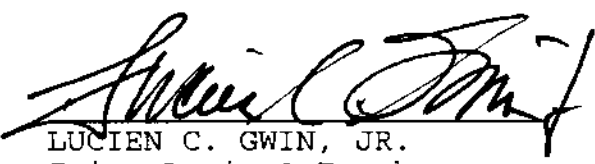
Date: October 9, 2006


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