

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

FILED
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CLERK
U.S. DISTRICT COURT
EAST. DIST. MICH.

RODERICK WALKER, AMIN HABEEB ULLAH
a/k/a FRANKLIN NEAL, ROMANDO VALEROSO,
FLOYD W. ZEROS, RONALD E. THELEN,
MARVIN MAYBERRY, DONALD SULLIVAN,
DENNIS SPAULDING, JOHN T. CROWN,
JERRY GONYEA, DAVID LY TAL,
LEWIS ROBINSON, and TIMOTHY SPYTMA,
on Behalf of Themselves, and All
Others Similarly Situated,

Plaintiffs,

v

NO: 81-40336

PERRY JOHNSON, Director, Michigan
Department of Corrections; BARRY
MINTZES, Warden, State Prison of
Southern Michigan; DALE FOLTZ,
Warden, Michigan Reformatory at
Ionia; THEODORE KOEHLER, Warden,
Marquette Branch Prison; Individu-
ally and in Their Official Capacities,
State of Michigan, through the
Michigan Department of Corrections,

Defendants.

ORDER

A. Plaintiffs' August 30, 1982 Motion for Rehearing

On August 30, 1982, plaintiffs moved for a rehearing as to the portions of this Court's August 18, 1982 order staying implementation of the Eighth Amendment violation remedies set out in the Court's June 2, 1982 Opinion and Order. See Memorandum Opinion and Order at docket entry #82, Walker v Johnson, 544 F Supp 345 (ED Mich, 1982). Having considered plaintiffs' motion and oral arguments in support thereof, the Court hereby DENIES plaintiffs' motion for a rehearing. Accordingly, the stay granted in the August 18, 1982 order as to the non-procedural due process remedies of the June 21, 1982 opinion and order remains in effect. Defendants' obligation to implement the non-procedural due process

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remedies will remain stayed pending a ruling by the Sixth Circuit Court of Appeals.

B. Amendments to June 21, 1982 Opinion and Order

In the August 18, 1982 Order, the Court required defendants to show cause as to why the additional language proposed by plaintiffs in objections 1 and 2 of plaintiffs' motion for reconsideration should not be added to the procedural due process section of the Court's June 21, 1982 opinion and order. See motion for reconsideration at docket entry #85. Defendants having failed to show cause, the Court hereby GRANTS plaintiffs' motion to add the said language. Accordingly, the June 21, 1982 order is hereby amended to the extent that the following paragraph is added immediately after the first full paragraph on page 41 of the Order (corresponding to immediately after the third full paragraph of the first column at 544 F Supp 366).

"If the results of a misconduct hearing are to be used for placement in administrative segregation, then the major misconduct notice must contain a statement of the administrative segregation sanction that the inmate faces upon conviction."

The June 21, 1982 order is further amended to the extent that the following paragraph is added immediately after the second full paragraph on page 41 of the Order (corresponding to immediately after the fourth full paragraph of the first column at 544 F Supp 366).

"If the results of a misconduct hearing are to be used to assign an inmate to green card status, then the major misconduct notice must contain a statement of the green card status sanction which the inmate faces upon conviction."

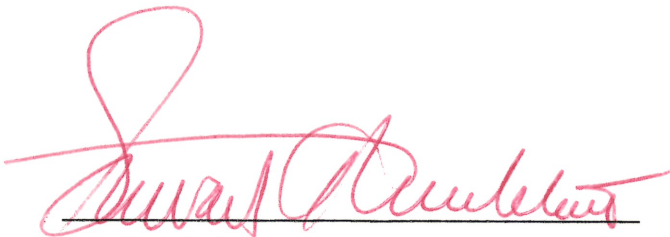
C. Implementation of the Procedural Due Process Portion of the June 21, 1982 Opinion and Order as Amended

In part B of the Court's August 18, 1982 Order, it was indicated that upon resolution of the proposed amendments referred to above, the Court would set a time limit for compliance with the procedural due process portion of the

June 21, 1982 Opinion and Order including the amendments to the said Opinion and Order established in Part B of the present order. The said compliance must occur within thirty (30) days from the date of the present Order. Accordingly, defendants are thus ORDERED to provide the Court with evidence of the said compliance within thirty (30) days from the date of the present Order.

IT IS SO ORDERED.

Dated: 10/21/82



STEWART A. NEWBLATT
United States District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODERICK WALKER, et al.,

Plaintiffs,

v

NO: 81-40336

PERRY JOHNSON, et al.,

Defendants.

UNITED STATES OF AMERICA)
) SS
EASTERN DISTRICT OF MICHIGAN)

I, the undersigned, hereby certify that I have on the
21st day of October, 1982, mailed a copy of the

ORDER

in the above-entitled cause to the following persons at the
addresses given:

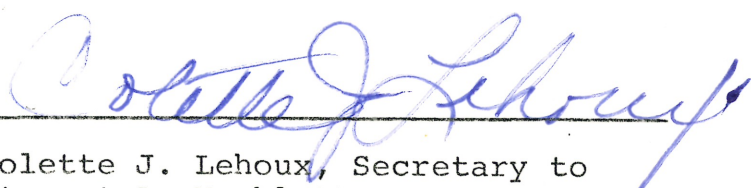
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Colette J. Lehoux, Secretary to
Stewart A. Newblatt
United States District Judge