

PC-AL-008-001

U.S. DISTRICT COURT
SO. DIST. AL.
MOBILE, AL. 36602

1997 JUL -8 P 2: 16

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED
CLERK'S OFFICE

JERRY JACOBS, et al.,

Plaintiffs,

v.

ROBERT BRITTON, et al.,

Defendants.

CIVIL ACTION NO. 78-309-H
78-261-H
79-0157-H

ORDER

A motion (Doc. 82) to terminate the consent decree approved in this action on February 22, 1980, was filed on July 1, 1997, by the Attorney General for the State of Alabama and the Commissioner of the Alabama Department of Corrections. The motion is predicated on the Prison Litigation Reform Act (PLRA), specifically 18 U.S.C. § 3626(b)(2) which provides:

In any civil action with respect to prison conditions, a defendant or intervenor shall ~~be~~ 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.

Pursuant to subsection (b)(3) of the PLRA, the Court may only deny such a motion “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)(3) (emphasis added). The Court cannot, at this juncture, make such findings as are required to maintain the consent decree in this action. It is therefore **ORDERED** that the motion to terminate be and is hereby **GRANTED** and the Consent Decree approved by Order dated February 22, 1980, be and is accordingly **TERMINATED**.

DONE this 8th day of July, 1997.



SENIOR DISTRICT JUDGE