UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

<u>'</u>					
DATE FILED:	X	28	[<u>(* 8</u>		
DOC #:	-√)	1-0			
ELECTRONICALLI FILED					

75 Civ. 3073 (HB)

MATTRESSES AND **FOOD STORAGE**

ORDER RE:

CONTAINERS

			_	
JAMES	BENJA	AMIN.	et al	

- against -

MARTIN HORN, et al.,

Plaintiffs,

Defendants.

Hon. HAROLD BAER, JR., District Judge:

WHEREAS this Court entered an Order, dated April 26, 2001, on various environmental conditions in the New York City jails; and

WHEREAS the Plaintiffs move for a new order that would enforce and supplement the April 26, 2001 Order; and

WHEREAS the Defendants move to terminate the April 26, 2001 Order in its entirety; and

WHEREAS in a letter to this Court dated May 13, 2008, the Office of Compliance Consultants ("OCC") recommended, based on its inspections, that this Court terminate the section of the Order that governs the provision of clean, intact mattresses and ample food storage containers with tight-fitting covers; and

WHEREAS this Court understands that the Plaintiffs and Defendants agree that the Order's provisions on mattresses and food storage containers may be terminated, and that the OCC may make an additional inspection of these areas six months hence for the purpose of determining whether any violation of a federal right has occurred which would warrant reinstatement of some or all of the Order's provisions; and

WHEREAS this Court further understands that the parties disagree as to the measure of compliance with the Order that the OCC must determine six months hence in order to avoid reinstatement of the Order's provisions on mattresses and food storage containers; it is hereby

ORDERED that the provisions of the April 26, 2001 Order that pertain to mattresses and food storage containers are terminated; and it is further

ORDERED that the Plaintiffs may apply to this Court for reinstatement of such

provisions of the April 26, 2001 Order if the OCC finds, six months hence, that the Defendants have not achieved a 90% level of compliance in <u>each</u> facility of the New York City jails (<u>e.g.</u>, OBCC and AMKC are each one "facility").

IT IS SO ORDERED. New York, New York August 22, 2008

U.S.D.J.