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JUL 14 1993

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CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY YOUNG DEPUTY CLERK

12 Attorneys for Defendants
13 COUNTY OF FRESNO, SHERIFF STEVE MAGARIAN

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

14 JOHN B. CRUZ, et al.,
15 Plaintiffs,
16 v.
17 COUNTY OF FRESNO, et al.,
18 Defendants.

No. F-93-5070 REC JFM

STIPULATION RE PRELIMINARY
AND PERMANENT INJUNCTION;
ORDER

19 The parties hereby agree and stipulate to the following
20 Preliminary Injunction:

21 Defendants shall limit and control the population level
22 within the Fresno County South Annex Jail and Main Jail as
23 follows:

- 24 1. Defendants are enjoined from bedding inmates on the
25 floor.
- 26 2. Defendants are enjoined from adding beds to the South
27 Annex Jail and Main Jail during the pendency of this preliminary
28

LODGE

MAY 25 1993

JACK L. WAGNER, CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY YOUNG DEPUTY CLERK

JFM

26

1 injunction.¹

2 3. The South Annex Jail shall temporarily operate two
3 floors at the housing unit capacities set forth below:

4

<u>First Floor</u>	<u>Number of Beds</u>
Dorm A	45
Dorm B	21
Dorm C	54
Dorm D	33
Dorm E	4
Cell F	20
Cell G	<u>36</u>
TOTAL	213

10

<u>Second Floor</u>	<u>Number of Beds</u>
Cell D	6
Cell F	24
Cell G	<u>48</u>
TOTAL	78

15 TOTAL FLOORS 1 AND 2 291

16 4. The South Annex Jail shall operate at the housing unit
17 capacities set forth above within ninety (90) days of the
18 signing of this Order, during which time defendants shall modify
19 the existing dormitories to provide inmates with access to
20 dayroom space, chairs and tables, and wall mounted indoor
21 recreation equipment.

22

23 ¹. The parties intend by this paragraph to not increase
24 the total number of beds in either the South Annex Jail or Main
25 Jail. This paragraph does not operate to limit the replacement
26 of existing beds as contemplated by the dormitory modifications
27 in the South Annex Jail and the Pilot Project for the Main Jail
discussed in the paragraphs below, nor does this Stipulation
preclude the Sheriff from closing portions of, or all of, a jail
facility due to budget shortfalls in his Department's budget.

1 5. The parties shall meet and confer, and shall report to
2 the Court concerning the future of the South Annex Jail after
3 the Fresno County fiscal year 1993/94 budget is finalized.

4 6. The Main Jail shall temporarily operate at its existing
5 bed capacity. During the pendency of this preliminary
6 injunction defendants shall explore the possibility of a Pilot
7 Project in conjunction with California Board of Corrections
8 approval. Defendants anticipate obtaining Board of Corrections
9 approval for this Pilot Project at the July meeting of the
10 Board. Counsel for plaintiffs will be provided with Pilot
11 documents and may provide suggestions and comments to Board
12 staff during the Pilot Process.

13 7. The parties shall meet and confer after the completion
14 of the Pilot Project application process, and shall thereafter
15 report to the Court concerning the status of the Main Jail.

16 8. Counsel for plaintiffs may, at reasonable times upon
17 reasonable notice, inspect the Main Jail and South Annex Jail
18 concerning compliance with this stipulation and concerning the
19 issue of inmate exercise and recreation.

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1 The parties hereby agree and stipulate to the following
2 Permanent Injunction:

3 9. Defendants shall operate the North Annex Jail at the
4 bed capacities set forth below:

5 Second Floor	Number of Beds
6 Pod A	72
Pod B	72
7 Pod C	72
Pod D	72
8 Pod E	72
Pod F	72
9	
TOTAL	432

10 10. Defendants are enjoined from adding beds to the North
11 Annex Jail and from bedding inmates on the floor at the North
12 Annex Jail.

13 11. Defendants shall operate the North Annex Jail
14 utilizing the five additional correctional officers added to the
15 North Annex Jail's staff as part of the settlement concerning
16 plaintiffs' Application for Temporary Restraining Order.

17 12. Inmates in the North Annex Jail shall be provided
18 access to one hour of daily exercise in the North Jail exercise
19 area. Recreation time outside the housing unit will not be made
20 up for those inmates who are away from the housing unit at other
21 activities during the housing unit's regularly scheduled
22 recreation. Inmates housed in discipline isolation will not be
23 provided with recreation time during their length of stay in
24 discipline isolation housing up to a maximum of ten [10]
25 consecutive days.

26 ///


1 13. The Sheriff of Fresno County is authorized by this
2 order to release inmates from the Fresno County Jail System or
3 refuse to accept inmates for booking into the Fresno County Jail
4 System whenever the Fresno County Jail System, or any facility
5 therein, or any specific housing unit therein, reaches ninety
6 percent [90%] of capacity. The Sheriff shall release inmates or
7 refuse to accept newly-committed inmates when the total
8 population of the Fresno County Jail System, or any facility
9 therein, or any housing unit therein, reaches one hundred
10 percent (100%) of capacity.

11 14. In the event that an emergency threatens the Sheriff's
12 ability to comply with these orders, counsel for defendants will
13 notify counsel for plaintiffs no later than the next business
14 day.

15 15. The above orders are effective June 17, 1993.

17 **IT IS SO STIPULATED:**

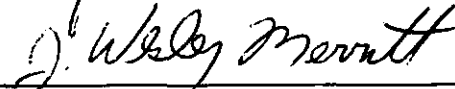
19 DATED: May 18, 1993



JOHN HAGAR

Attorney for Defendants

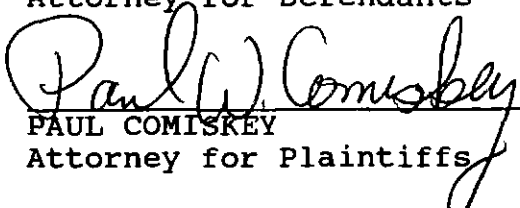
21 DATED: May 25, 1993



J. WESLEY MERRITT

Attorney for Defendants

24 DATED: May 25, 1993



PAUL COMISKEY

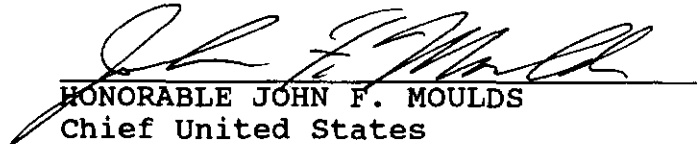
Attorney for Plaintiffs

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ORDER

IT IS SO ORDERED.

DATED: ~~May~~ ^{July} 12, 1993


HONORABLE JOHN F. MOULDS
Chief United States
Magistrate Judge
Eastern District of California