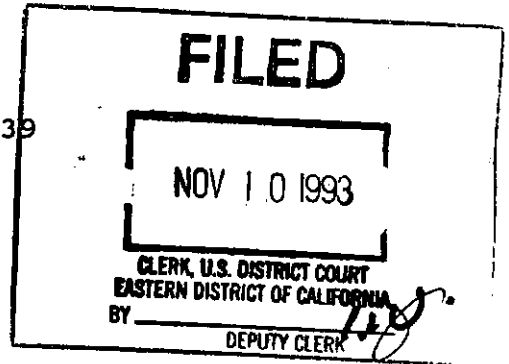


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COUNTY OF FRESNO, SHERIFF STEVE MAGARIAN



JFM

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN B. CRUZ, et al.,)
)
)
Plaintiffs,)
)
v.)
)
COUNTY OF FRESNO, et al.,)
)
Defendants.)

No. F-93-5070 REC JFM

JOINT STATUS REPORT

Date: November 18, 1993
Time: 11 a.m.
Courtroom: The Honorable
John Moulds

The parties have met and conferred and set forth below a joint status report for the status conference of November 18, 1993.

The parties have now resolved the issue of the population capacity for the Main Jail and have filed with the Court a stipulation and proposed order. The County has begun complying with the terms of that stipulation and with the terms of the Board of Corrections' Pilot Project.

1 Since their last appearance in Court counsel for the
2 parties have met and conferred on November 1, 1993 and November
3 9, 1993. Plaintiffs' experts Ray Nelson and Dr. Bernauer have
4 again inspected various portions of the Jail. Counsel for
5 plaintiffs has inspected the law library and the South Annex.
6 The County has made the decision to operate all floors of the
7 South Annex after the anticipated completion of construction in
8 January 1994.

9 The following issues remain for trial:

10 A. Recreation in the Main Jail

11 Plaintiffs' expert, Dr. Ed Bernauer, has made an extensive
12 study of the exercise needs of the inmates at the Main Jail and
13 the available facilities to meet those needs. Defendants have
14 extended full cooperation in the development of an exercise
15 plan. Dr. Bernauer will have a completed proposal for exercise
16 for the inmates by December 1, 1993. It is hoped that this
17 issue can be resolved by negotiation.

18 B. Recreation in the South Annex Jail

19 Exercise in the South Annex Jail continues to be a
20 problematic issue. Plaintiffs intend to give full attention to
21 this issue after resolution of exercise in the Main Jail.

22 C. Population Capacity for the South Annex Jail

23 The population in the dormitories exceeds Board of
24 Corrections rated capacity. Physical improvements and reduced
25 population have improved the situation. The parties are
26 continuing to discuss the issue to see if appropriate population
27 numbers can be agreed upon.

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D. Law Library Access


The Law Library inventory is adequate, and the staff librarians are knowledgeable and helpful. There is a liberal policy of providing inmates with handouts and forms to deal with common legal problems. Plaintiffs' concern with the Law Library involves the amount of access time provided to inmates. It is hoped that this issue can be resolved by negotiation.

The parties believe that these issues can be resolved. However, the parties propose establishing a discovery cut off date and pretrial date at this time. The issues for trial will be limited to those above if they are not resolved.

DATED: November 9, 1993


J. WESLEY MERRITT
Attorney for Defendants

DATED: November 9, 1993


PAUL COMISKEY
Attorney for Plaintiffs

A:Cruz.JointStatusRept