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Attorneys for Defendants County of Merced
and Sheriff Tom Sawyer

MAR 31 1993

BDL

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICHOLAS TORRES, et al.)
)
Plaintiffs,)
)
vs.)
)
THE COUNTY OF MERCED)
et al.)
)
Defendants.)

NO. CIV-S 93-0357 GEB JFM
STIPULATION AND ORDER

FILED
APR 16 1993

CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *[Signature]*

1 The parties hereby agree and stipulate to the following
2 injunctive orders:

3 1. Defendants are enjoined from bedding inmates on the
4 floor.

5 2. The maximum assigned bed capacity at the Main Jail is
6 182.

7 3. Defendants are enjoined from adding beds to the Main
8 Jail in each and every housing unit which exists on the date this
9 stipulation is executed.¹

10 4. The Sheriff of Merced County is authorized by this
11 order to release inmates from the Merced County Jail whenever the
12 Merced County Jail system, or any specific housing unit therein, is
13 within ten percent [10%] of being filled. The Sheriff shall
14 release inmates or refuse to accept newly-committed inmates
15 whenever all beds in the Main Jail are filled.

16 5. Either party hereto may seek to modify or terminate
17 this Stipulation pursuant to the standards set forth in Rufo v.
18 Inmates of Suffolk County Jail, ___ U.S. ___, 112 S.Ct. 748 (1992).

19 ///
20 ///
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26 ¹. This stipulation does not encompass any additional jail
27 structures to be built in the future, whether contiguous or
28 attached, that are not presently within the physical confines of
the presently constructed Jail. Specifically, the parties
acknowledge that this Stipulation does not include nor prohibit the
Jail renovations currently in the process of construction.

IT IS SO STIPULATED:

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DATE: March 17

DENNIS L. MYERS
Merced County Counsel

By: Allen R. Berrey
Allen R. Berrey
Attorney for Defendants

DATE: March 25, 1993

Paul W. Comiskey
Paul Comiskey
Attorney for Plaintiffs

ORDER

~~It is so ordered.~~

It is so recommended.

DATE: 4-13-93

John F. Moulds
Honorable John F. Moulds
Chief United States Magistrate Judge
Eastern District of California

It is so ordered.

DATED: April 15, 1993

Paul E. Bennett
UNITED STATES DISTRICT JUDGE

* * CERTIFICATE OF SERVICE * *

2:93-cv-00357

Torres

v.

Merced

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on April 16, 1993, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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Prisoner Rights Union
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GEB

SF

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Jack L. Wagner, Clerk

BY: Brian Whalen
Deputy Clerk