## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH DAKOTA SOUTHERN DIVISION

<pre>BERNARD CROWE, et al., )</pre>	
Plaintiffs, )	Civ. No. 72-4101
vs. )	l 
DON R. ERICKSON, et al.,	ORDER Page 118
Defendants. )	1-72
	) 

Upon plaintiffs' motion for an order holding defendants in contempt for violating this Court's Order of August 24, 1973 regarding due process based upon defendants' failure to provide Patrick Pickering with standards, a hearing, or a review of his indefinite administrative segregation, it is hereby

ORDERED, that the continued confinement in "indefinite administrative segregation" is in violation of Patrick Pickering's right to "Due Process" under the Fourteenth Amendment to the United States Constitution given there is no meaningful review under appropriate standards to determine whether the plaintiff remains a threat to the security of the institution and thus be continued in "indefinite administrative segregation."

It is ordered, adjudged and decreed that meaningful standards be developed to determine and review the issues relating to plaintiff Patric Pickering's "indefinite administrative segregation" and that the plaintiff be given proper periodic hearings (under procedures similar to those outlined

with appropriate standards is to be submitted to this Court within sixty (60) days of the filing of this Order. Plaintiff will have ten (10) days in which to respond. The plaintiff will not be ordered released from "administrative segregation" at this time; and it is further

ORDERED, that at this time the Court will exercise its discretion and decline to hold defendants in contempt;

and it is further

ORDERED, that all costs, expenses, and

his action are taxed to the defend

DONE this 6th day of

ATTEST:

William & Shother Clerk

By Marguerit & Casanon Deputy

United States District Court

## CERTIFICATE OF SERVICE

I hereby certify that the undersigned has this day served a true and correct copy of the within ORDER on defendants in this action by mailing same, postage prepaid, to:

Gale E. Fisher, Esq.
MAY, JOHNSON & BURKE
412 West Ninth Street
Sioux Falls, South Dakota 57104

Roy S. Haber

NATIVE AMERICAN RIGHTS FUND

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DATED: 24 October 1974