

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

NAZARETH GATES, ET AL.

PLAINTIFFS

VS.

NO. 4:71CV6-JAD

HALEY BARBOUR, ET AL.

DEFENDANTS

Lead Case

LOCAL JAILS ORDER OF 2007

This cause comes presently before the court on joint ore tenus motion of the parties to amend and update the court's original ORDER REGARDING USE OF LOCAL JAILS FOR INCARCERATION OF STATE PRISONERS, the LOCAL JAILS ORDER OF 1997, the LOCAL JAILS ORDER OF 2006, and individual county jail approval orders dated prior to 2004 so as to require periodic, updated re-inspection and re-approval in this case for county jails and work program centers housing state prisoners.

Because jail conditions and practices are affected by periodic changes in the offices of Sheriff and Jail staff, and because periodic compliance and renewal of approval inspections improve and help guarantee attention to compliance with county jail orders of the court, all county jail and work center approval orders entered in this case since 2004 already require periodic, updated re-inspection and re-approval for continued housing of state prisoners.

These same periodic compliance monitoring and enforcement requirements should be applied equally to jails and work program centers approved prior to 2004.

The parties agree and stipulate, and the Court specifically finds, that the motion is well taken and should be granted, and that the relief granted is narrowly drawn, extends no further than necessary, and is the least intrusive means necessary to correct violations of the Federal rights herein remedied.

IT IS THEREFORE ORDERED:

1. The ORDER REGARDING USE OF LOCAL JAILS FOR INCARCERATION OF STATE PRISONERS, the LOCAL JAILS ORDER OF 1997, the LOCAL JAILS ORDER OF 2006, and individual county jail approval orders dated prior to 2004 are hereby amended as follows.

2. Mississippi county jails and work program housing currently approved for housing state inmates in this case by order dated prior to 2004 shall, on or before July 1, 2008, obtain and thereafter periodically obtain, an updated compliance and re-approval inspection by plaintiffs' counsel, and an updated consent order re-approving the jail or work center for the housing of state inmates.

3. Any jail or work housing facility described in Paragraph 2 which fails to comply with the said Paragraph's requirements by July 1, 2008 shall be and the same is hereby automatically disapproved for any further housing of state inmates unless counsel

for plaintiffs and defendants consent to an extension of time for good cause shown.

SO ORDERED, this the 26th day of September, 2007.

/s/ JERRY A. DAVIS
UNITED STATES MAGISTRATE JUDGE

/s/ Jim Hood, Attorney General
Attorney for Defendants

/s/ Ronald Reid Welch
Attorney for Plaintiffs