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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
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FILED

FEB 19 1994

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U.S. DIST. COURT  
MIDDLE DIST. OF ALA.  
DEPUTY CLERK, BY *JR*

GUST BIBB, et al., )  
 )  
Plaintiffs, )  
 )  
v. ) CIVIL ACTION NO. 76-380-N  
 )  
SHERIFF MAC SIM BUTLER, et al., )  
 )  
Defendants. )

JOINT MOTION TO DISMISS

Come now the plaintiffs, by and through their attorney and the defendants by and through their attorney and moves this Honorable Court to dismiss this case and states as reasons the following:

1. The Montgomery County Detention Facility has the capacity to hold 340 inmates. Because of the increase in crime in Montgomery County and the failure of the State of Alabama to pick up the inmates in a timely fashion, the number of inmates exceeded said 340, which put it in an overcrowded condition.

2. Through the joint efforts of all parties, certain systems have been instituted which have allowed the number of prisoners to decrease dramatically and as of February 11, 1992, there were only 300 prisoners being housed in said facility (see Exhibit "A" attached hereto).

3. The plaintiffs agree that this problem has presently been solved and both the plaintiff and defendants agree to the following:

(a) To continue to do everything possible to keep the inmate population below 340 inmates;

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(b) If the number of inmates exceed 340, the attorney for defendants will notify the attorney for plaintiffs;

(c) The defendants will see that when the court docket is transcribed and certified by a Montgomery County Circuit Judge, said transcript shall be immediately sent to the Alabama Department of Corrections and they shall have 15 days from the receipt of said certified transcript to pick up any state sentenced prisoners.

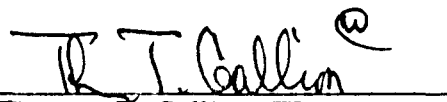
WHEREFORE, the parties do jointly request this Honorable Court to dismiss this action for reasons stated above.

Respectively submitted,



Richard D. Shinbaum  
Attorney for Plaintiff

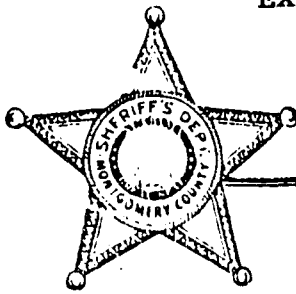
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SHERIFF



DAN JONES

MONTGOMERY COUNTY MONTGOMERY, ALA. 36103  
P. O. DRAWER 4219

C. L. HUGGINS  
CHIEF DEPUTY

MEMBER ALABAMA SHERIFF'S ASSOCIATION

OFFICE PHONE 832-4980  
JAIL PHONE 832-4985  
INVESTIGATION 832-2532

February 11, 1992  
DATE

MEMORANDUM

FROM: WILLIE MCKITT, JR., ADMINISTRATOR  
MONTGOMERY COUNTY DETENTION FACILITY

SUBJECT: Daily Detention Facility Population Report

Status of Prisoners in the Montgomery County Detention Facility as of 9:00 A.M. this date is as follows:

State-Sentenced Prisoners	Males	<u>17</u>
	Females	<u>2</u>
County Hard Labor-Sentenced Prisoners	Males	<u>40</u>
	Females	<u>6</u>
Federal Prisoners	Males	<u>0</u>
	Females	<u>0</u>
Non-Sentenced Prisoners	Males	<u>221</u>
	Females	<u>14</u>
SUB-TOTAL:		<u>300</u>
State Prisoners in Other Institutions		<u>          </u>
TOTAL:		<u>300</u>

The Order of the Federal District Court in the case of Gustt Bibb, et. al. v. Montgomery County Jail Officials, et al., Civil Action No. 76-380-N, in the United States District Court for the Middle District of Alabama, Northern Division, and its subsequent amendments mandate that no more than 200 persons shall be incarcerated at any one time in the new Montgomery County Detention Facility, barring renovation or expansion of that facility, by Court Order entered May 26, 1987. The Court further ordered that if the number of inmates exceeds 200, the Defendant Commissioner of Corrections shall remove and transfer any State Inmates contributing to this excess within fifteen days.

WMC:cs

CC: Sheriff Dan Jones  
Dr. M. Shinbaum, Director of Classifications  
Mr. Tommy Gallion, Attorney  
Montgomery County Commission  
MCDF Status Report File