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E-FILED - 3/8/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EUGENE BATCHELDER, et al.,
Plaintiffs,
v.
JAMES M. GEARY, et al.,
Defendants.

No. C-71-2017 RMW

JUDGMENT TERMINATING ACCESS TO
THE COURTS DECREE AND
TERMINATING IN PART AMENDED
DISCIPLINARY PROCEDURES DECREE¹

On November 14, 2005 the court entered its order terminating the Access to the Courts Decree approved by the court on June 20, 1973 and terminating the Amended Disciplinary Procedures Decree approved on August 30, 1977 except to the extent that it requires a disciplined inmate to be provided with a written explanation of the discipline decision and the evidence on which it is based. On August 30, 2006 the court issued its order leaving the Amended Disciplinary Procedures Decree's written statement clause in effect but permitting the County to move to terminate that remaining portion one year from issuance of the August 30, 2006 Order upon a

¹ The court did not prepare a judgment following the issuance of the November 14, 2005 Order or the August 30, 2006 Order as it is not clear that a separate judgment pursuant Fed.R.Civ.P. 58(a) is required in this situation. However, the court has now concluded that it probably is and, therefore, enters this judgment.

1 showing that during that year it fully complied with the written statement requirement. In addition,
2 the court ordered that plaintiffs could move to seek recovery of their reasonable attorney's fees for
3 bringing to the court's attention the County's failure to seek court approval before implementing a
4 change to the Access to the Courts Decree and for their limited success in resisting the County's
5 motion to fully terminate the Amended Disciplinary Procedures Decree. Therefore,

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- 7 1. The Access to the Courts Decree approved by the court on June 20, 1973 is terminated;
- 8 2. The Amended Disciplinary Procedures Decree approved on August 30, 1977 is
9 terminated except to the extent that it requires a disciplined inmate to be provided with a written
10 explanation of the discipline decision and the evidence on which it is based;
- 11 3. The County may move to terminate the remaining portion of the Amended Disciplinary
12 Procedures Decree one year from issuance of the August 30, 2006 Order upon a showing that during
13 that year they fully complied with the written statement requirement;
- 14 4. Plaintiffs may move to seek recovery of their reasonable attorney's fees for bringing to
15 the court's attention the County's failure to seek court approval before implementing a change to the
16 Access to the Courts Decree and for their limited success in resisting the County's motion to fully
17 terminate the Amended Disciplinary Procedures Decree; and
- 18 5. Final judgment on items 1 and 2 above is entered pursuant to Fed.R.Civ.P. 54(b) upon the
19 express determination that there is no just reason for delay and entry of judgment is hereby ordered.

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21 DATED: March 6, 2007



RONALD M. WHYTE
United States District Judge

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1 **Notice of this document has been mailed to:**

2 **Counsel for Plaintiff(s):**

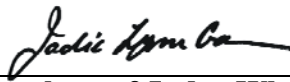
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22 **Dated:** March 8, 2007



Chambers of Judge Whyte

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