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14 OF KERN and CARL SPARKS

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MAR 27 1991
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15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF CALIFORNIA

17 JERRY ANDERSON, et al.,) NO. CV-F-90 205 REC-P-JFM
18 and all others similarly)
19 situated,) ORDER
20 Plaintiffs,)
21 vs.)
22 COUNTY OF KERN and CARL)
23 SPARKS, Sheriff, in his)
24 official capacity,)
25 Defendants.)
26

27 Defendants' oral motion for modification of the
28 preliminary injunction came before this Court on March 8, 1991.
29 Holly Gallagher, Deputy County Counsel, and John Hagar appeared
30 for defendants. Richard Herman appeared for plaintiffs. In

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1 accordance with the stipulation of the parties as expressed in
2 open court, IT IS HEREBY RECOMMENDED that a modification of the
3 preliminary injunction ordered September 28, 1990, agreed to
4 by the parties and containing the following terms, should
5 issue:

6 1. That one floor of the Central Receiving
7 Facility, commonly referred to as A-deck, will re-open
8 as a Type I holding facility for the hours of 9:30 p.m.
9 to 6:00 a.m., seven days a week, beginning March 11,
10 1991.

11 2. The disciplinary isolation cell, identified
12 as cell A-4-5, will not be used to house inmates.

13 3. There will be two sheriff deputy post
14 positions on A-deck between 9:30 p.m. and 6:00 a.m.
15 The Sheriff will meet and confer in good faith with Ray
16 Nelson for placement of the assigned work stations for
17 these two post positions to maximize observation and
18 care of the prisoners housed on A-deck.

19 4. A nurse will be available on site to evaluate
20 inmate medical problems between 9:30 p.m. and 6:00 a.m.
21 Any inmate in need of medical intervention including
22 medical detoxification will be transferred to Kern
23 Medical Center or the Lerdo facility for further
24 medical care.

25 5. All sheriff deputies staffing the post
26 positions on A-deck will have completed suicide

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Prevention training certified by the Board of Corrections, Standards and Training for Corrections Program. If any deputy sheriff assigned to those post positions has not completed this class, training will be given by the County of Kern on suicide prevention will be given within two weeks.

6. Defendants will provide plaintiffs documentation of this training and a copy of the jail suicide prevention plan.

7. Any inmate suspected of suicidal tendencies will be transferred to Kern Medical Center or the Lerdo facility.

8. This modification of the preliminary injunction ordered September 28, 1990 shall remain in effect until further order of the Court. Either party may move to modify this order without prejudice from this stipulation.

9. This modification of the preliminary injunction ordered September 28, 1990 may be entered immediately by the District Court. The parties waive the right to file objection to this recommendation.

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I RECOMMEND ENTRY OF THIS ORDER.

Dated: 5-8-91


UNITED STATES MAGISTRATE

IT IS SO ORDERED.

Dated: May 29, 1991


UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE BY MAIL

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I, Betty L. Fowler, declare:

I am a resident of the County of Kern, California; that I am over the age of eighteen (18) years of age and not a party to the within titled cause of action; that I am employed by the County of Kern.

On March 25, 1991, I served a copy of the attached document described as ORDER on the parties of record in said cause by placing a true and correct copy thereof enclosed in a sealed envelope and addressed as follows:

Paul W. Comiskey, Esq.
PRISONERS RIGHTS UNION
1909 Sixth Street
Sacramento, CA 95814

RICHARD P. HERMAN. Esq.
229 Marine Avenue
Balboa Island, CA 92662

PAUL PERSONS. Esq.
1834 Arroyo Canyon
Chico, CA 95928

Peter Haviland, Esq.
Dan Stormer. Esq.
LITT & STORMER
3550 Wilshire Blvd., Ste. 1200
Los Angeles, CA 90010

H.A. SALA, Esq.
1211 Chester Avenue
Bakersfield, CA 93301

MICHAEL J. WEBB, Esq.
1430 Truxtun Avenue, Suite 460
Bakersfield, CA 93301

1 I am readily familiar with my law office's practice of
2 collection and processing correspondence for mailing. Under
3 that practice, mail is deposited with the U.S. postal service
4 on that same day with postage fully prepaid. I am aware that
5 on motion of the party served, service is presumed invalid if
6 postal cancellation date or postage meter date is more than one
7 day after the date of deposit for mailing in affidavit.

8 I declare under penalty of perjury under the laws of
9 the State of California that the foregoing is true and correct.
10 Executed on March 25, 1991, at Bakersfield, California.

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Betty L. Fowler

* * CERTIFICATE OF SERVICE * *

1:90-cv-00205

Anderson

v.

Kern, County of

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 May 23, 1991, 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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Prisoners Rights Union
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Sacramento, CA 95814

Richard P Herman
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P O Box 328
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REC JFM S/A

Michael Joseph Webb
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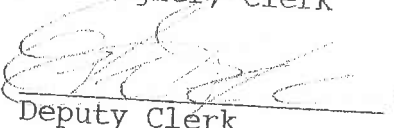
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DAG
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Deputy Attorney General
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Jack L. Wagner, Clerk

BY: 
Deputy Clerk