

FILED

JAN 1 1991

CLERK OF DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_ COUNTY CLERK *DW*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALEX RODRIGUEZ, et al.,

Plaintiffs,

No. CIV F-90-0601 EDP JFM P

vs.

THE COUNTY OF STANISLAUS,  
et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

Plaintiffs have requested a preliminary injunction and class certification. Argument on plaintiff's request was heard regularly on November 15, 1990. On December 28, 1990, a tour of the Stanislaus County Jail was conducted by the undersigned. After reading the briefs supporting and opposing the request, hearing the arguments of counsel, and good cause appearing therefor, IT IS HEREBY RECOMMENDED that:

1. Plaintiff's motion for class certification of the class of all prisoners held in the Stanislaus County Jail from June 23, 1989, to the present, and all future prisoners, be granted, and that the class be certified pursuant to Fed. R. Civ. P. 23 (b)(2);

1           2. Defendant be enjoined from bedding inmates on the floor  
2 of the jail during the pendency of this action;

3           3. Defendants be enjoined from adding inmate beds during  
4 the pendency of this action;

5           4. Defendant Sheriff be authorized by this order to release  
6 inmates from the Stanisluas County Jail whenever said jail is  
7 within ten percent of being filled, and that said defendant shall  
8 release inmates or shall refuse to accept newly-committed inmates  
9 whenever all beds in said jail are filled;

10           5. The matters of access to the jail by plaintiff's counsel  
11 is a discovery question, not a request for injunctive relief and  
12 will be dealt with in a separate order; and

13           6. In all other respects it is recommended that the request  
14 for preliminary injunction be denied.

15           These findings and recommendations are submitted to the  
16 United States District Judge assigned to the case pursuant to the  
17 provisions of Title 28 U.S.C. § 636(b)(1). Within ten (10) days  
18 after being served with these findings and recommendations, any  
19 party may file written objections with the court and serve a copy  
20 on all parties. Such a document should be captioned "Objections to  
21 Findings and Recommendations." Any reply to the objections shall  
22 be served and filed within ten days after service of the  
23 objections. The parties are advised that failure to file  
24 objections within the specified time may waive the right to appeal

25 /////  
26 /////  
27

United States District Court  
for the  
Eastern District of California  
January 10, 1991

dw

\* \* CERTIFICATE OF SERVICE \* \*

1:90-cv-00601 REC

Rodriguez

v.

Stanislaus County

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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 January 10, 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.

Paul Wayne Comiskey, Esq.  
Prisoners Rights Union  
1909 Sixth Street  
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SS/JFM

REC

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Jack L. Wagner, Clerk

BY:

  
Deputy Clerk