

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ALEX RODRIGUEZ, et al.,  
Plaintiff,  
v.  
THE COUNTY OF STANISLAUS,  
et al.,  
Defendant.

No. CV-F-90-601 EDP JFM P  
ORDER RE PRELIMINARY  
INJUNCTION AND CLASS  
CERTIFICATION

Plaintiffs have filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to United States Magistrate Judge John F. Moulds pursuant to 28 U.S.C. § 636(b)(1)(b) and Local General Order No. 262.

On January 10, 1991, Magistrate Moulds filed Findings and Recommendations. On January 18, 1991, defendants timely filed objections to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 305, this court has reviewed the record in this action and the arguments of the parties. The court concurs with the Magistrate's Findings and Recommendations

1 except that the court is persuaded that the objections thereto  
2 made by defendants shall be incorporated into the court's order.

3 ACCORDINGLY, IT IS ORDERED:

4 1. Plaintiffs' motion for class certification of the  
5 class of all prisoners held in the Stanislaus County Jail from  
6 June 23, 1989, to the present, and all future prisoners, is  
7 granted. The class is certified pursuant to Rule 23(b)(2),  
8 Federal Rules of Civil Procedure. The class certified by this  
9 order may be revised upon motion into subclasses if necessary.

10 2. Defendants are enjoined from bedding inmates on the  
11 floor of the Stanislaus County Jail during the pendency of this  
12 action.

13 3. Defendants are enjoined from adding inmate beds to  
14 the Stanislaus County Jail during the pendency of this action.

15 4. Defendant Sheriff is authorized by this order to  
16 release inmates from the Stanislaus County Jail whenever said  
17 jail is within ten percent of being filled, and defendant Sheriff  
18 shall release inmates or shall refuse to accept newly-committed  
19 inmates whenever all beds in the Stanislaus County Jail are  
20 filled.


21 5. The foregoing paragraphs do not act as a limitation  
22 upon defendants' ability or discretion to construct additional  
23 jail housing at other locations, or to utilize programs such as  
24 Public Inebriate Centers as an alternative to jail incarceration.

25 6. The matters of access to the Stanislaus County Jail  
26 by plaintiffs' counsel is a discovery question, not a request for

1 injunctive relief and will be dealt with by a separate order; and

2 7. In all other respects the request for preliminary  
3 injunction is denied.

4 DATED: February 25, 1991

5  
6   
7 \_\_\_\_\_  
8 ROBERT E. COYLE  
9 United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

hh

United States District Court  
for the  
Eastern District of California  
February 27, 1991

\* \* CERTIFICATE OF SERVICE \* \*

1:90-cv-00601

Rodriguez

v.

Stanislaus County

---

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 February 27, 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  
Prisoners Rights Union  
1909 Sixth Street  
Sacramento, CA 95814

Judge Coyle  
Magistrate Moulds  
Staff Attorney

Richard P Herman  
229 Marine Ave  
P O Box 328  
Balboa Island, CA 92662

Paul T. Persons  
1834 Arroyo Canyon  
Chico, CA 95928

Dan Stormer  
Stormer & Litt  
3550 Wilshire Boulevard  
Suite 1200  
Los Angeles, CA 90010

John H Hagar Jr  
P O Box 86935  
Los Angeles, CA 90086-0935

Michael Harold Krausnick  
Stanislaus County Counsel  
1100 H Street  
Second Floor

Jack L. Wagner, Clerk

BY: 

Deputy Clerk