

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

WALTER D. BALLA, et. al.,)
)
Plaintiffs,)
)
vs.)
)
IDAHO BOARD OF CORRECTION,)
et al.,)
)
Defendants.)
_____)

Case No. CV81-1165-S-EJL

JUDGMENT

The Court entered a Memorandum Decision and Order on September 26, 2005, denying Defendants' Motion to Terminate Injunctive Relief. Therein, the Court found that there were ongoing constitutional violations that necessitated the preservation of a permanent injunction previously issued in the case. Based on the Court's Memorandum Decision and Order, and good cause appearing therefore:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Defendants' Motion to Terminate (Docket No. 439 and 568-1) is DENIED. The following sections of the permanent injunction in *Balla v. Idaho State Board of Correction (Balla II)*, 656 F. Supp. 1108 (D. Idaho 1987) remain in effect: .

(A) Housing no more than one-hundred seventeen (117) inmates in Unit 9 at any time;

(B) Housing no more than one hundred eight (108) inmates in Unit 10 at any time;

(C) Housing no more than one hundred eight (108) inmates in Unit 11 at any time;
and

(D) Housing no more than one hundred forty-four (144) inmates in A-Block (Unit13)
at any time.

The effective date of the preservation of the previous injunctive orders is October 28, 2005.

2. No more than two (2) inmates shall be housed in any cell for any period of time at any time and that no inmates be housed at any time in day rooms or other non-designed cell areas or forced to sleep on mattresses on the floor. This order shall take effect September 26, 2005.

3. Defendants shall attend to all plumbing disorders in the housing units within twenty-four (24) hours of oral or written report to the Idaho State Correctional Institution (ISCI) staff and that those plumbing disorders be remedied within three (3) working days from such report. This order shall take effect on September 26, 2005.

4. This Court retains ancillary jurisdiction over this matter to enforce the provisions of the permanent injunction.

5. Plaintiffs' Motion for Attorney Fees and Costs (Docket No. 550) is GRANTED. Plaintiffs are entitled to costs in an amount of \$ 5,804.53 and attorney fees in an amount of \$ 150,054.15. The attorney fees and costs shall be paid within twenty (20) days of this Order's date.

Dated this 9 day of December, 2005.



Judge James M. Fitzgerald
United States District Court