

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

U.S. v. Michigan



PC-MI-0007-0009

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
STATE OF MICHIGAN, et al.,  
Defendants,

Civil No. 684-63-CA  
HON. RICHARD A. ENSLEN

STIPULATION OF DISMISSAL AS TO  
ALL ISSUES EXCEPT FOR MENTAL HEALTH

The parties to this action, the United States of America, Plaintiff, and the State of Michigan, et al., Defendants, stipulate and agree that:

1. On July 16, 1984, the Court entered a Consent Decree to assure constitutional conditions within Michigan's prisons in the following areas:

- a. Medical and Mental Health Care;
- b. Fire Safety;
- c. Sanitation, Safety and Hygiene;
- d. Crowding and Protection from Harm; and,
- e. Access to Court and Legal Mail.

2. The parties stipulate that the termination clause of the Consent Decree entered July 16, 1984, ¶R at 5, which requires compliance with all the terms of the Decree prior to termination of Court jurisdiction, is hereby vacated.

3. The parties stipulate that termination of the Court's jurisdiction may be sought by either party as to any provision of the Decree when Defendants are in compliance with constitutional requirements.

4. Over the intervening years, the parties have monitored Defendants' compliance with the Consent Decree, the State Plan for Compliance and additional plans and orders entered in this case. The parties now agree and stipulate that Defendants are in substantial compliance with the Consent Decree and have achieved the goal of the Decree by assuring at least constitutional conditions with respect to: medical care; fire safety; sanitation, safety and hygiene; crowding and protection from harm; and, access to courts and legal mail.

5. The parties agree that all outstanding mental health issues in this case have been addressed in the Stipulation Regarding Mental Health Issues filed April 20, 1992. The parties contemplate that by June 15, 1993, Defendants will have achieved substantial compliance with the Stipulation Regarding Mental Health Issues filed April 20, 1992, and that at that time either party, jointly or unilaterally, may seek termination of the mental health provisions of the Consent Decree. Nothing in this Stipulation should be construed as an admission that constitutional violations currently exist as to mental health care.

6. Accordingly, inasmuch as the parties agree that Defendants have met constitutional conditions in the areas of

Medical Care; Fire Safety; Sanitation, Safety and Hygiene, and Crowding and Protection From Harm; Access to Courts and Legal Mail, the parties agree that the Consent Decree should be dismissed and jurisdiction and supervision of the Court terminated as to these issues.

Respectfully submitted,

For the United States:

For the State of Michigan, et al.:

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Date: April 27, 1992

Date: April 29, 1992