

U.S. v. Michigan



PC-MI-0007-0010

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

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

No. G-84-63

Honorable Richard A. Enslin

JOINT MOTION OF THE UNITED STATES AND STATE OF MICHIGAN
TO DISMISS PORTIONS OF THE CONSENT DECREE

The United States of America, Plaintiff, and the State of Michigan, et al., Defendants, pursuant to Rules 60(b)(5) and (6), Federal Rules of Civil Procedure, move the Court to dismiss the provisions of the Consent Decree filed on July 16, 1984, with which the parties agree that Defendants are in substantial compliance, and have achieved the goals of the Decree by assuring at least constitutional conditions. These provisions pertain to: medical care; fire safety; sanitation, safety and hygiene; crowding and protection from harm; access to the courts and legal mail.

The parties further move the Court to approve the modification of paragraph R of the Consent Decree to read:

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.

Filed simultaneously with this motion is the parties' "Stipulation Of Dismissal Of All Issues Except Mental Health." The Stipulation sets forth the parties' position that Defendants are in substantial compliance with the Consent Decree and have achieved at least constitutional conditions with respect to the issues pertaining to medical care; fire safety; sanitation, safety and hygiene; crowding and protection from harm; access to the courts and legal mail. Furthermore, the Stipulation replaces the termination clause (Paragraph R) of the Consent Decree and allows termination as to specific provisions as set forth above. Nothing in this motion or accompanying memorandum of law in support of this motion should be construed as an admission that constitutional violations currently exist as to mental health care issues.


The Court is respectfully referred to the accompanying memorandum of law in support of this motion.

Respectfully submitted,

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