

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

NAZARETH GATES, ET AL.

PLAINTIFFS

VS.

NO. 4:71CV6-JAD

HALEY BARBOUR, ET AL.

DEFENDANTS

Lead Case

LOCAL JAILS ORDER OF 2007

This cause comes presently before the court on joint ore tenus motion of the parties to amend and update the court's LOCAL JAILS ORDER OF 1997, filed April 7, 1997, and the LOCAL JAILS ORDER OF 2006, filed March 6, 2006, in order to require county jail and work facility authorities to respond to Notices of Noncompliance with the orders of this court by filing all responses directly with the Commissioner of Corrections, with the attorney for the plaintiff class, and with the Special Attorney General assigned to the Department of Corrections, no longer filing same with the Clerk of Court.

The parties agree and stipulate, and the Court specifically finds, that the motion is well taken and should be granted, and that the relief granted is narrowly drawn, extends no further than necessary, and is the least intrusive means necessary to correct violations of the Federal rights herein remedied.

IT IS THEREFORE ORDERED:

1. The LOCAL JAILS ORDER OF 1997, and the LOCAL JAILS ORDER OF 2006 are hereby amended and superseded as follows.

2. Whenever plaintiffs' counsel shall give written Notice of Noncompliance with an order of this court to a local jail's Sheriff and Board of Supervisors' Attorney, said local jail's Sheriff and Board of Supervisors' Attorney shall have thirty (30) days from receipt of said Notice within which to file with plaintiffs' attorney, copied to the Commissioner of Corrections and the Special Asst. Attorney General assigned to the Department of Corrections, affirmative, verified (sworn) evidence of full compliance in all respects complained of in said Notice.

3. If, within the time required in Paragraph 2, *supra*, a local jail's Sheriff and Board of Supervisors' Attorney fail to file the verified evidence required in Paragraph 2, *supra*, then plaintiffs' counsel may file with the Court a second "Notice of Noncompliance", copied to said Sheriff and Board of Supervisors' Attorney, copied to the Commissioner of Corrections, and to the Special Asst. Attorney General assigned to the Department of Corrections.

4. Said local jail's Sheriff and Board of Supervisors' Attorney shall then have a second thirty (30) days from the date of the court filing of record in Paragraph 3, *supra*, within which to file directly with plaintiffs' attorney, copied to the Commissioner of Corrections and to the Special Asst. Attorney General assigned to the Department of Corrections, affirmative, verified (sworn)

evidence of full compliance in all respects complained of in said Notice.

5. Any local jail whose Sheriff and Board of Supervisors' Attorney does not fully comply with the court filing requirements of Paragraph 4, will be and the same is hereby automatically disapproved for the further incarceration of state prisoners.

6. A jail automatically disapproved under these provisions, but subsequently achieving full or substantial compliance, may be considered for re-approval under existing procedures.

SO ORDERED, this the 5th day of November, 2007.

/s/ JERRY A. DAVIS
UNITED STATES MAGISTRATE JUDGE

/s/ Jim Hood
Attorney General,
Attorney for Defendants

/s/ Ronald Reid Welch
Attorney for Plaintiffs

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