

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

BIG HOUSE BOOKS,
CHARLES OWENS, and
JESS GREEN,

Plaintiffs

v.

Civil Action No. 3:18cv259 DPJ-FKB

PELICIA HALL, Commissioner
of the Mississippi Department of Corrections;
MISSISSIPPI DEPARTMENT OF CORRECTIONS;
JACQUELYN BANKS, Superintendent of the South
Mississippi Correctional Institution; SOUTH MISSISSIPPI
CORRECTIONAL INSTITUTION.

Defendants.

RESPONSE TO ORDER TO SHOW CAUSE

In response to this Court's December 3, 2019 order to show cause why the case should not be dismissed for failure to prosecute, the Plaintiffs submit the following:

Soon after this case was filed in April, 2018, counsel for the parties met and reached an agreement in subsequent weeks that led to a clarification of policy and a change in practice that eliminated the conditions that were the subject of this lawsuit. Specifically, the Defendants stopped their practice of allowing prisoners at the South Mississippi Correctional Institute (SMCI) to receive free books in the mail only if

those books were religious. The Mississippi Department of Corrections clarified its policy during the summer of 2018 to make it clear that free books from recognized distributors (including Plaintiff Big House Books) could be sent to and received by prisoners whether they were religious or secular. In the ensuing months, the Plaintiffs monitored shipments to prisoners from Big House Books and other distributors to insure that the practice had changed and that the new policy was implemented.

Because of the prompt and ongoing progress that was made in resolving this matter, the Defendants never filed an answer and the Plaintiffs never sought a default judgment. After a few months of monitoring, and after the parties negotiated and agreed that the Plaintiffs' counsel would be paid a small amount of attorneys' fees (\$6,000.00) for their work, the parties today filed a joint stipulation of dismissal pursuant to Fed. R. Civ. Proc. 41(a)(1)(A)(ii).

The undersigned counsel apologizes to the Court for not arranging this stipulation of dismissal sooner and for requiring the Court to issue a show cause order.

December 19, 2018

Respectfully submitted,

Robert B. McDuff
ROBERT B. MCDUFF, MSB# 2532
767 North Congress Street
Jackson, MS 39202
(601) 969-0802
rbm@mcdufflaw.com

BETH L. ORLANSKY, MSB# 3938
MISSISSIPPI CENTER FOR
JUSTICE
P.O. Box 1023
Jackson, MS 39205-1023
(601) 352-2269
borlansky@mscenterforjustice.org

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that I have filed the foregoing using the ECF system which caused the document to be served electronically on all counsel of record.

This 19th day of December, 2014.

s/ Robert B. McDuff
Co-Counsel for Plaintiffs