

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

01 SEP 25 PH 4: 04

U.S. DISTRICT COURT
N.D. OF ALABAMA

JOHNNY MAYNOR, ANTHONY MURPHREE,)
CHRISTOPHER NICHOLS, YVETTE BARBEE,)
JOSEPH BOWIE, JAMES BROWN, KELVIN)
COWAN, McARTHUR GREEN, KRISTY LEIGH)
GRIFFIN, CARRIE JACKSON, CLEVELAND)
OWENS, WILLIE PERRY, ALNAS RUSSELL,)
MAURICE SEARS, BILLY RAY SMITH, MICHAEL)
VAUGHN, individually and on behalf of all present)
and future inmates of the Morgan County Jail at)
Decatur, Alabama,)

Plaintiffs,)

vs.)

MORGAN COUNTY, ALABAMA; STEVE CRABB,)
Sheriff of Morgan County, and MYRA YATES,)
Jail Administrator, in their official capacities;)
LARRY BENNICH, JEFF CLARK, DON STISHER,)
STACY GEORGE, and FAYE SPARKMAN,)
members of the MORGAN COUNTY COMMISSION,)
in their official capacities; DON SIEGELMAN,)
Governor of Alabama, and MIKE HALEY,)
Commissioner of the Alabama Department of)
Corrections, in their official capacities,)

Defendants.)

dc
ENTERED
SEP. 25 2001

Civil Action Number

01-0851-NE

PERMANENT INJUNCTION

The findings set forth in the Court's Preliminary Injunction of April 17, 2001, are incorporated herein by reference. These preliminary findings have not been contested by Defendants Governor Siegelman and Commissioner Haley ("the State Defendants"). The Court therefore converts the preliminary findings into final factual findings.

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Based on these findings, the Defendant **MIKE HALEY, in his official capacity as Commissioner of the Alabama State Department of Corrections**, his agents, managers, supervisors, employees, and successors in office is hereby **PERMANENTLY ENJOINED** from failing to transfer at least one state ready inmate from the Morgan County Jail to a state prison for each state ready inmate transferred to a state prison from any other county jail in the State of Alabama, until otherwise ordered by the Court.

The Permanent Injunction is necessitated by the continuing failure of Commissioner Haley and his predecessors to timely remove state ready inmates from the Morgan County Jail, in the absence of an actual or threatened contempt order. The resulting overcrowding, when coupled with the other dangerous conditions in the Morgan County Jail, violates the Eighth Amendment rights of the Plaintiff class to be free from cruel and unusual punishments.

The remedy imposed by the Permanent Injunction is narrowly tailored to maintain compliance with minimal federal constitutional standards, it extends no further than is necessary to correct the violation of the federal right, and it is the least intrusive means of remedying the constitutional violation. As found earlier, available space presently exists in the Alabama state prisons to accommodate the state ready Morgan County inmates. The requirement of the Permanent Injunction will not adversely impact public safety or the operation of a criminal justice system.

Done this 25th day of September, 2001.



Chief United States District Judge
U.W. Clemon