

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERRY ANDERSON, et al.,

Plaintiffs,

vs.

COUNTY OF KERN, et al.,

Defendants.

No. CIV F-90-0205 REC JFM P

ORDER

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Plaintiffs, state prisoners proceeding pro se, have filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to United States Magistrate Judge John F. Moulds pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On February 20, 1991, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within ten (10) days. On March 4, 1991, plaintiffs filed timely objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 305, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

A. The Findings and Recommendations filed February 20, 1991 are adopted in full;

B. The October 2, 1990, preliminary injunction is modified to read as follows:

1. The Kern County Jails will have a system-wide prisoner population cap of 2,200. The rated capacity for each of the following jails is as follows and will not be exceeded:

a. Kern County Receiving Center: 292 inmates;

b. Womens' Minimum Facility: 96 inmates;

c. Mens' Minimum Facility: 704 inmates (this figure

may be adjusted so long as the total population remains within the overall cap).

The Lerdo Pretrial Facility shall single cell its inmates in existing cells except that it may house up to twelve (12) prisoners in the day rooms if at least two cells adjacent to said day rooms are left unoccupied to provide access to toilets and wash basins for those prisoners housed in day rooms.

2. No prisoner will be housed in the Kern County Jails who does not receive a bed, bedding and mattress. There will be no prisoners sleeping on the floor.

3. All prisoners in the Lerdo Pretrial Facility will be provided with access to the day rooms from at least 6:00 a.m. to 11:00 p.m. seven days a week, except for those persons who may legitimately be denied such access due to medical and/or disciplinary segregation.

4. Every arrestee shall be process promptly, normally within two hours, but not exceeding four hours, and provided with a bed, with bedding and mattress, within the appropriate classification. This provision shall not apply to prisoners held for detoxification, to those awaiting bail, or to those who, pursuant to statute, cannot be placed in the general population within two hours.

5. To meet the population limits set above, the sheriff or his designee may release prisoners when the total population of the jails or the population of any housing unit within the jails has reached ninety percent of the population limit, and the sheriff or his designee shall release prisoners when the total population of the jails or any unit thereof reaches one hundred percent of the population limit.

6. This preliminary order shall remain in effect until further order of court.

DATED: March 22, 1991.

/ca:cw

  
UNITED STATES DISTRICT JUDGE

United States District Court  
for the  
Eastern District of California  
March 24, 1991

\* \* CERTIFICATE OF SERVICE \* \*

1:90-cv-00205

Anderson

v.

Kern, County of

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on March 24, 1991, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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