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

BARBARA DOTY, et al.,

Plaintiffs,

No. CIV S-89-1019 LKK JFM P

vs.

COUNTY OF LASSEN, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_ /  
This matter came on regularly for hearing on defendants' motion to vacate, dissolve or modify the preliminary injunction on August 15, 1991. After considering the briefs in support and in opposition to the motion, after hearing the arguments of counsel and good cause appearing therefor, IT IS HEREBY RECOMMENDED that:

The October 18, 1989 preliminary injunction be modified as follows:

- a. The Sheriff shall be required to release inmates from the Lassen County Detention Facility ("New Jail") when the inmate

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1 population exceeds the then-current population capacity as  
2 determined by the Board of Corrections;

3 b. Paragraphs 5, 6, and 7 are vacated;

4 c. The remaining provisions of the preliminary injunction  
5 shall remain in force as applied to the Lassen County Jail ("Old  
6 Jail") only.

7 These findings and recommendations are submitted to the  
8 Honorable LAWRENCE K. KARLTON, United States District Judge,  
9 pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within  
10 ten days after being served with these findings and  
11 recommendations, any party may file written objections with the  
12 court and serve a copy on all parties. Such a document should be  
13 captioned "Objections to Magistrate Judge's Findings and  
14 Recommendations." Any reply to the objections shall be served and  
15 filed within ten days after service of the objections. The parties  
16 are advised that failure to file objections within the specified  
17 time may waive the right to appeal the District Court's order.  
18 Greenhow v. Secretary of Health and Human Services, 863 F.2d 633  
19 (9th Cir. 1988).

20 DATED: September 12, 1991.

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23 JFM:ca:ml

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UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
Eastern District of California  
650 Capitol Mall  
Sacramento, CA 95814  
CERTIFICATE OF SERVICE

Barbara Doty, et al.

v

County of Lassen, et al.

CIV- S 89-1019 LKK JFM P

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 9/13/91, I served a copy of the attached order by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the U.S. Mail at Sacramento California, or by placing said copy into an inter-office delivery receptable located in the Clerk's office.

SERVICE BY MAIL

SERVED BY INTER-OFFICE

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555 Capitol Mall, 10th Floor  
Sacramento, CA 95814-4686

MB/LKK

Paul Comiskey  
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SS/JFM

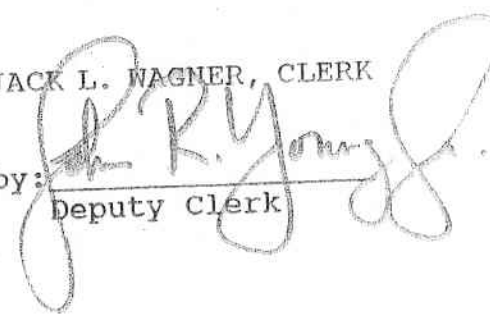
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JACK L. WAGNER, CLERK

by:   
Deputy Clerk