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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARRIL HEDRICK, DALE
ROBINSON, KATHY LINDSEY,
MARTIN C. CANADA, DARRY
TYRONE PARKER, individually
and on behalf of all others
similarly situated,

Plaintiffs,

v.

JAMES GRANT, as Sheriff of
Yuba County; Lieutenant FRED
J. ASBY, as Yuba County
Jailer; and JAMES PHARRIS,
ROY LANDERMAN, DOUG WALTZ,
HAROLD J. "SAM" SPERBECK,
JAMES MARTIN, as members of
the YUBA COUNTY BOARD OF
SUPERVISORS,

Defendants.

No. 2:76-cv-00162-GEB-EFB

ORDER

In connection with Defendant County of Yuba's Motion to Terminate Consent Decree under 18 U.S.C. § 3626(b), the Court has reviewed the consent decree signed by the parties on November 2, 1978, and questions, *sua sponte*, whether it should be modified or terminated, in whole or in part, under Federal Rule of Civil Procedure ("Rule") 60(b). See Gilmore v. People of the State of Cal., 220 F.3d 987, 1007 (9th Cir. 2000) ("[T]he [PLRA] standard

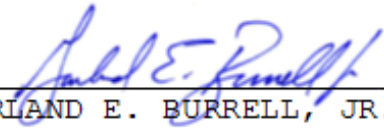
1 does not eviscerate a district court's equitable discretion
2 [under Rule 60(b)]."); Jones'El v. Schneider, No. 00-C-421-C,
3 2006 WL 2168682, at *1 (W.D. Wisc. July 31, 2006) (stating "the
4 Prison Litigation Reform Act . . . does not bar this court from
5 examining the continuing validity of the consent decree
6 under . . . Rule 60"); see also Kingvision Pay-Per-View Ltd. v.
7 Lake Alice Bar, 168 F.3d 347, 351-52 (9th Cir. 1999) (indicating
8 a district judge may *sua sponte* modify or vacate a judgment under
9 Rule 60(b) after providing notice to the parties).

10 Accordingly, the parties are provided the opportunity
11 to brief whether the consent decree, or any portion thereof,
12 should be modified and/or terminated under Rule 60(b). See
13 generally, United States v. Asarco Inc., 430 F.3d 972, 979 (9th
14 Cir. 2005) (discussing standard "for modifying a consent decree
15 under Rule 60(b)"); Youngblood v. Dalzell, 925 F.2d 954, 961 (6th
16 Cir. 1991) (stating that in determining whether to terminate a
17 consent decree under Rule 60(b), "the district court may properly
18 consider the length of time over which this particular decree has
19 been in effect and the continuing efficacy of its enforcement").
20 Any brief shall be filed no later than March 31, 2014. Responses
21 to any brief filed shall be filed no later than April 4, 2014.
22 The hearing scheduled to commence at 9:00 a.m. on April 8, 2014,
23 remains on calendar for oral argument as the parties have jointly
24 requested. (See Joint Statement Regarding Def. Yuba County's Mot.
25 to Terminate Consent Decree 2:20-21, ECF No. 129.)

26 Further, since it appears from reviewing Plaintiffs'
27 Proposed Findings of Fact and Conclusions of Law Regarding
28 Defendant Yuba County's Motion to Terminate Consent Decree, (ECF

1 No. 129-1), that Plaintiffs do not seek continued enforcement of
2 each of the remedies granted in the consent decree, Plaintiffs
3 are requested to identify, with citation to page and line number,
4 the specific portions of the consent decree, which they contend
5 remain enforceable.¹ Plaintiffs may provide the requested
6 information in their brief concerning whether the consent decree
7 should be modified and/or terminated under Rule 60(b), if one is
8 filed, or in a separate document filed no later than March 31,
9 2014.

10 Dated: March 26, 2014

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15 GARIAND E. BURRELL, JR.
16 Senior United States District Judge
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28 ¹ For example, the consent decree contains a section titled "Female Trusty Program." (Consent Decree 43:1-46:10.) Plaintiffs' proposed findings do not address the "Female Trusty Program."