

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 76-6086-CIV-MIDDLEBROOKS

GEORGE S. JONAS, *et al.*,

Plaintiffs,

v.

EDWARD J. STACK, *et al.*,

Defendants. _____/

ORDER DENYING MOTIONS AND TO SHOW CAUSE

THIS CAUSE is before the Court on several motions filed by two individuals. (DE 879, 880, 882, 883). Renard Fleuridor (“Fleuridor”) alleges he is a “Broward County Inmate” and that the facilities are overcrowded in violation of the consent decree entered in this case. (DE 880). Greg Jones (“Jones”) alleges he is a pre-trial detainee and that the “Broward County North Broward Bureau” is excessively cold in violation of the consent decree. (DE 883). Both Fleuridor and Jones seek to be substituted as a class plaintiff and \$25,000 in sanctions. On May 4, 2015, a Joint Status Report responding to Fleuridor and Jones’ complaints was filed by the Plaintiffs’ Class, the Sheriff of Broward County, and Broward County. (DE 893).

As explained in the Joint Status Report, based on Fleuridor’s filings, the Sheriff produced reports as to the number of temporary beds used at Broward County Jail. The Court’s appointed Population Management Expert is updating a plan to reduce the Jail’s population and preparing a report on his recommendations. As to Fleuridor’s complaint about the inadequate distance between his temporary bed and the floor, the Sheriff disseminated a Training Bulletin to all responsible staff requiring them to provide two sanitary mattresses to all prisoners assigned to a temporary bed and

reiterating the “first in, first out, policy of temporary bed assignment. The Training Bulletin also directs BCJ staff to ensure that there is “safe placement and sufficient spacing” as required by BO SOP 7.10.1. Plaintiffs are continuing to monitor information provided by the Sheriff as to whether there are any violations of the Florida Model Jail Standards and the ACA Standards.

As a result of Jones’ filings, the Sheriff has provided indoor temperature readings for certain dates and has agreed to provide Plaintiffs with monthly temperature readings for each unit of the facilities for six months, as well as grievance records of temperature complaints. Plaintiffs and the Sheriff agree that a reasonable interpretation of the normal comfort standard to be within a range of 68 to 74 degrees and that, due to the close quarters and medical considerations, maintaining temperatures on the cool side of the range is desirable and beneficial.

Both Fleuridor and Jones’ filings resulted in the investigation of their complaints and Plaintiffs’ monitoring of current conditions to ensure compliance with the consent decree. However, based on the fact that these issues are under investigation and being monitored by Plaintiffs’ counsel, as well as the nature of the injury described in the complaints, I find that sanctions are inappropriate.

Plaintiffs’ Class and Defendants entered into a consent decree on July 27, 1994, which was approved by Judge William Hoeverler on January 31, 1995. The consent decree has be modified by several stipulations of the parties. Based on the passage of time since this consent decree was entered, the Parties shall show cause why the consent decree should not be dissolved or amended.¹

¹ Consent decrees are “not intended to operate in perpetuity.” *Board of Education v. Dowell*, 498 U.S. 237, 248 (1991). “The party seeking termination of [a consent] decree must show that the basic purposes of the decree have been fully achieved and that there is no significant likelihood of recurring violations of federal law once the decree has been lifted.” *Allen v. Alabama State Bd. of Educ.*, 164 F.3d 1347, 1350 (11th Cir. 1999) (citing *Bd. of Educ. of Oklahoma City Public Schools v. Dowell*, 498 U.S. 237, 246-50 (1991)).

Accordingly, it is

ORDERED AND ADJUDGED as follows:

(1) Fleuridor's Motion for Substitution of Parties (DE 879) is **DENIED**.

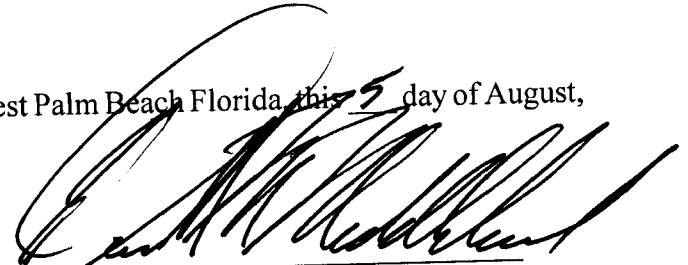
(2) Fleuridor's Motion for Monetary Sanctions (DE 880) is **DENIED**.

(3) Jones' Motion for Leave to File Contempt Complaint and to Substitute Party (DE 882) is **DENIED**.

(4) Jones' Motion for Monetary Sanctions (DE 883) is **DENIED**.

(5) The Parties shall **SHOW CAUSE** by **August 31, 2015** why the consent decree should not be dissolved or amended.

DONE AND ORDERED at Chambers in West Palm Beach Florida, this ⁵ day of August, 2015.



DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

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