

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

LOUIS HAMILTON, ET AL.

CIVIL ACTION

VERSUS

NO. 69-2443

ERNEST N. MORIAL, ET AL.

SECTION "A" (5)

**ORDER ADOPTING MAGISTRATE'S REPORT & RECOMMENDATION**

The Court having considered the petition, the record, the applicable law, the Magistrate Judge's Report and Recommendation (Rec. Docs. 2007 & 2032), the Plaintiffs' *partial* objection to the Report and Recommendation (Rec. Doc. 2038), and the State Defendants' objection to the Report and Recommendation (Rec. Doc. 2012), hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. However, the Court adopts the suggested verbiage contained in Plaintiffs' *partial* objection to the notice. Plaintiffs' suggested additions to the notice are reasonable and will not alter the substance of the Magistrate Judge's Report and Recommendation. Further, no party has objected to the suggested modifications.

This litigation has been on-going for nearly 40 years. Under the leadership of Magistrate Judge Chasez much has been accomplished prior to the arrival of Hurricane Katrina in August 2005. Hurricane Katrina had a devastating impact on the City of New Orleans and since that time operations at the Orleans Parish Prison have changed substantially. In her well-reasoned opinion,

Magistrate Judge Chasez noted that "[t]he needs of the City are still evolving and further systemic litigation of prison issues at this time under the umbrella of this case do not seem needed." (Rec. Doc. 2007 at 4). The Court agrees.

Magistrate Judge Chasez has done an outstanding job through the years and all parties to this litigation were fortunate to have her preside over this case. But this litigation has now run its natural course and the time has come to end it.

Accordingly;

**IT IS ORDERED** that the pending **Motions to Dismiss (Rec. Docs. 1973, 1977, & 1986)** are **GRANTED IN PART AND DENIED IN PART** for the reasons given in the Report and Recommendation;


**IT IS FURTHER ORDERED** that:

- 1) all claims enunciated by plaintiffs herein, whether the subject of a consent decree or not, be dismissed without prejudice.
- 2) plaintiffs' counsel, the ACLU National Prison Project, be discharged as counsel for plaintiffs herein.
- 3) all consent decrees, judgments, orders, minute entries or settlement agreements entered into the record of this case setting forth or establishing any economic or financial responsibilities or obligation between or among the Sheriff, the City of New Orleans and/or the State of Louisiana, as well as the rights of such parties to seek judicial modification thereof,

shall remain in full force and effect, in their entirety, until further orders of the Court, and this Court expressly retains jurisdiction thereof.

4) a notice be placed in a conspicuous area on all current tiers of the jail wherein inmates are housed. The approved notice is attached to his order. The time period for posting of the notice in the jail shall be thirty (30) days.

June 20, 2008

  
UNITED STATES DISTRICT JUDGE

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

LOUIS HAMILTON, et al., : Civil Action No. 69-2443  
 : & Consolidated Cases  
 Plaintiffs, : Section A (5)  
 :  
 v. :  
 :  
 ERNEST N. MORIAL, et al., :  
 :  
 Defendants. :

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NOTICE OF DISMISSAL WITHOUT PREJUDICE

The above captioned litigation has been pending in the United States District Court for the Eastern District of Louisiana for some number of years. This case is a class action which dealt with allegations that certain conditions at the Orleans Parish Prison fall below minimum constitutional standards prohibiting cruel and unusual punishment. The class action was brought on behalf of all present and future inmates housed at Orleans Parish Prison. The lawsuit did not ask for monetary damages, but only for an order declaring certain conditions unconstitutional and an injunction to prohibit unconstitutional practices. Different portions of the lawsuit were settled by the parties at different times.

For several years, portions of this case have been administratively closed by order of the Court. In 2001, the Court administratively closed all issues in the case pertaining to medical care and environmental issues, except for HIV and women's health issues. (Rec. Doc. 1631). In 2004, the Court administratively closed the psychiatric care aspects of the case. (Rec. Doc. 1816).

This notice is to advise you of a Court order dismissing, without prejudice, all claims raised by plaintiffs in this litigation, whether administratively closed or otherwise.

This is no way implicates any claims which you, as individuals, believe you have based upon your personal incarceration in the Orleans Parish Prison.

The Court order further discharges the ACLU National Prison Project as counsel for plaintiffs in connection with the class action litigation known as Hamilton v. Morial. You are entitled to receive copies of the dismissal order upon request from Orleans Parish Criminal Sheriff's Office deputies.

If you would like to direct comments regarding this dismissal to the ACLU National Prison Project, you may write to: Eric Balaban, National Prison Project, ACLU Foundation, 915 15th St. NW, 7th Floor, Washington, D.C., 20005. All such correspondence will be treated as confidential, legal mail.