

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BILLY JOE TYLER, et al.,)
)
 Plaintiffs,)
)
 UNITED STATES OF AMERICA,)
)
 Plaintiff-Intervenor,)
)
 v.)
)
 RAYMOND T. PERCICH, et al.,)
)
 Defendants.)

FILED

APR 11 1975

No. 74-470
WILLIAM D. BUND, Clerk
U. S. DISTRICT COURT
E. DISTRICT OF MO.

ORDER

On October 2, 1974, we entered final judgment herein ordering the St. Louis City Jail closed. In our supplemental order dated October 15, 1974, we set forth in more detail the particular respects in which we found the conditions at the jail were constitutionally impermissible. The closure order has been stayed in order to afford the defendants the opportunity to bring the institution into compliance with constitutionally acceptable standards.

On appeal, the Court of Appeals for the Eighth Circuit affirmed our judgment and remanded the cause for continued supervision and determination as to whether the judgment has been complied with and with authority to modify our prior order upon an evidentiary showing of compliance with constitutional requirements. Subsequently, pursuant to our authorization, the United States of America intervened as a party plaintiff with the right to conduct discovery, file motions and briefs and present evidence and arguments. Our purpose in ordering such intervention in

the post-judgment status of the case was to relieve appointed counsel for plaintiffs of some of the burden of monitoring compliance.

Intervening plaintiff has been most helpful in reporting to the Court on jail conditions and making recommendations in light of such reports. It is now obvious that great strides have been made by defendants in their efforts to alleviate the intolerably barbaric conditions which existed at the jail prior to October 2, 1974. At our instance, the parties (intervenor-plaintiff and defendants) have met and conferred in a cooperative attempt to resolve differences as to what, if any, further action by defendants is required in order to bring the jail into full conformity with the Constitution. As the result of such discussions, many areas of disagreement have been eliminated and others narrowed.

It appearing that there remain some differences between the parties, IT IS HEREBY ORDERED (1) that within 10 days hereof intervenor-plaintiff restate and define (a) the specific respects in which it contends that the St. Louis City Jail does not now conform to minimum constitutional requirements, (b) the specific respects in which defendants have declined to effect additional improvements in jail conditions which are deemed constitutionally essential by intervenor-plaintiff, (c) what specific further action on the part of defendants is requested by intervenor-plaintiff, and (d) what legal procedures or proceedings are now available to intervenor-plaintiff for said purposes, with supporting authority, and (2) that within 5 days thereafter, defendants

reply by restating with specificity their position with respect to each of said issues.

In complying with this order, all parties shall bear in mind the present posture of this case, namely, that final judgment has been entered ordering the jail closed subject to our right to modify the closure order if we find that the constitutionally impermissible conditions at the jail as set forth in our supplemental order of October 15, 1974, have been corrected and that the jail is in compliance with constitutional standards.

Dated this 11th day of April, 1975.


UNITED STATES DISTRICT JUDGE