

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

FILED
SEP 15 2010
BY DAVID W. [Signature] Deputy

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 v.)
)
 SUNFLOWER COUNTY, MISSISSIPPI, et al)
)
 Defendants.)

No. 4:95cv122-B-O

JOINT AGREEMENT TO EXTEND SECOND STIPULATION AND CONSENT DECREE

WHEREAS, this action was brought by the United States of America (“the United States”) pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, to rectify conditions of confinement that allegedly violated the constitutional and Federal statutory rights of inmates housed in the Sunflower County Jail (“Sunflower Jail”), and

WHEREAS, a Consent Order to remedy unconstitutional conditions at the Sunflower County Jail was approved by this Court on April 24, 1995, and

WHEREAS, subsequent compliance tours of the Sunflower Jail by the United States and its expert consultants identified certain remedial measures necessary to bring Sunflower County, Mississippi’s Board of Supervisors, Sheriff, their agents and successors in office (collectively “Sunflower County” or the “Defendants”) into compliance with such Consent Order, and

WHEREAS, a Stipulation amending such Consent Order was approved and entered as an Order of this Court on March 10, 2003, and a Second Stipulation amending said Consent Order was approved and entered by this Court on September 12, 2007, and

WHEREAS, such Stipulation presented agreed objectives and items for compliance and specifically provided for termination of such Second Stipulation and the 1995 Consent Order three years after the entry by this Court of the Second Stipulation as an Order of this Court, i.e., September 12, 2010, and

WHEREAS, the United States and Defendants (jointly "the Parties") agree that substantial progress has been made toward implementation of such objectives, but additional time is needed and requested by the Parties to achieve full compliance with the specified objectives and agreed compliance directives of such Order and Second Stipulation,

NOW, THEREFORE, the Parties agree that such Second Stipulation and Consent Order should be continued and extended until Defendants: (1) reach compliance with each provision, and (2) demonstrate sustained compliance with each provision for one year.

ACCORDINGLY, the Second Stipulation and the 1995 Consent Order should be and are hereby extended by agreement of the Parties until Defendants have reached substantial compliance with all substantive provisions of the Second Stipulation and Consent Order. Certain provisions of the 1995 Consent Order and Second Stipulation will be in compliance as of September 13, 2010, and the United States will monitor those provisions to ensure the Defendants maintain compliance with the provisions for one year. Defendants shall have the burden to demonstrate compliance.


FOR THE UNITED STATES

Date: 9/8, 2010

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WHEREFORE, the provisions of the foregoing Joint Agreement having been agreed to by the parties to this action, are hereby approved as an Order of this Court.

APPROVED AND SO ORDERED, this the 14th day of Sept, 2010.



Honorable Neal B. Biggers
United States District Court
Northern District of Mississippi
911 Jackson Avenue, Room 388
Oxford, MS 38655-1238