

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 ERIE COUNTY, NEW YORK,) 09-CV-849S
)
 Defendant.)
 _____)

ORDER ENTERING STIPULATED ORDER OF DISMISSAL

Plaintiff, the United States of America, and Defendant, Erie County, New York, have determined that entering into a Stipulated Order of Dismissal (executed by both Parties on or before August 17, 2011), rather than contested litigation, is the best way to resolve the remaining issues in this case concerning protection from harm, provision of medical and mental health treatment, and environmental health and safety.

On August 18, 2011, the parties filed a Joint Motion for Entry of a Stipulated Order of Dismissal. (Docket No. 225.) Having reviewed the parties' submission, this Court finds that the Stipulated Order of Dismissal (Docket No. 225-1) satisfies the requirements for prospective relief under the Prison Litigation Reform Act, 18 U.S.C. § 3626(a)(1)(A), is narrowly drawn, and extends no further than is necessary and is the least intrusive means necessary to correct the violations of the federal rights at issue.

This case will therefore be dismissed and closed, but this Court shall retain jurisdiction over this matter until the substance of the terms of the Stipulated Order of Dismissal are fulfilled, and either party may move to reopen this case at any time should issues requiring this Court's intervention arise.

This Court retains the power to enforce the Stipulated Order of Dismissal.

IT HEREBY IS ORDERED, that the Joint Motion for Entry of the Stipulated Order of Dismissal (Docket No. 225) is GRANTED.

FURTHER, that the Stipulated Order of Dismissal (Docket No. 225-1) is hereby APPROVED, ORDERED, and ENTERED.

FURTHER, that this Court finds that the Stipulated Order of Dismissal satisfies the requirements of the Prison Litigation Reform Act, 18 U.S.C. § 3626(a)(1)(A).

FURTHER, that this Court shall retain jurisdiction over this matter until the substance of the terms of the Stipulated Order of Dismissal are fulfilled, and either party may move to reopen this case at any time should issues requiring this Court's intervention arise.

FURTHER, that this Court retains the power to enforce the Stipulated Order of Dismissal.

FURTHER, that the Clerk of Court is directed to CLOSE this case.

SO ORDERED.

Dated: August 25, 2011
Buffalo, New York

s/William M. Skretny

WILLIAM M. SKRETNY
Chief Judge
United States District Court