

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Nathaniel Roberts, et al,)	
)	CASE NO. 4:03 CV 2329
Plaintiff(s),)	
)	
v.)	<u>ORDER</u>
)	
Mahoning County, et al,)	
)	
Defendant(s).)	
)	

The Court has received a communication from the Special Master, Vincent M. Nathan, dated December 20, 2005, which states in part that judges of the Municipal Courts in Mahoning County are being treated with direct contempt as a result of the emergency release mechanism which has been established for the operation of the Mahoning County Jail after this Court, by an opinion filed on March 10, 2005, found that the plaintiff class members, inmates at the Mahoning County Jail, were being denied their constitutional rights as inmates.

It is apparent that the limitation on the number of inmates that can be housed in the Mahoning County Jail by reason of the emergency release mechanism, designed to limit the number of inmates at the Mahoning County Jail, has resulted in numerous instances of direct contempt of both municipal court judges and county court judges in Mahoning County.

As a consequence, the Court directs the defendant Sheriff Randall Wellington, to incarcerate any person or persons found, by any of the Municipal Court Judges in Mahoning County or any of the County Court Judges in Mahoning County or any of the Judges of the

(4:03 CV 2329)

Common Pleas Court of Mahoning, County by judgment entry to have been in direct contempt of said judge and without regard to the provisions of the emergency release mechanism in place.

The judgment entry directing the incarceration of such a person in direct contempt shall set forth a summary of the action of the person constituting the direct contempt. The Sheriff shall be under no duty to so incarcerate such a person until the signed order is either directly delivered to the Sheriff or faxed to the Sheriff.

The Court requests that the Special Master monitor and report to this Court on the number of persons so incarcerated so that this Court will be advised of the number of persons being so incarcerated.

The Court directs that Paul Gains, the Prosecuting Attorney of Mahoning County and counsel for the defendants, to provide a copy of this order forthwith to each of the Judges of the Common Pleas Court of Mahoning County, to each of the Judges of the Municipal Courts in Mahoning County, to each of the Judges of the County Court in Mahoning County and to Sheriff Randall Wellington.

IT IS SO ORDERED.

December 21, 2005
Date

/s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge