

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

MARTIN HARRIS, et al., : CIVIL ACTION  
 :  
 Plaintiffs, :  
 :  
 v. :  
 :  
 :  
 JOAN REEVES, et al., :  
 :  
 :  
 Defendants. : NO. 82-1847

**MOTION OF THE CITY OF PHILADELPHIA AND THE  
HONORABLE EDWARD G. RENDELL, IN HIS OFFICIAL  
CAPACITY AS ITS MAYOR, TO MODIFY THE DECEMBER 30,  
1986 CONSENT DECREE AND THE MARCH 11, 1991 DECREE**

For the reasons set forth in the accompanying Memorandum of Law, the City of Philadelphia and the Honorable Edward G. Rendell, in his official capacity as its Mayor, respectfully move the Court for an Order pursuant to Fed.R.Civ.P. 60(b)(4)-(6) modifying the consent decrees agreed to in this litigation by the previous City administration by severing and vacating certain provisions of the decrees concerning prison population limits and the non-admission or release of prisoners despite commitment orders of the Pennsylvania courts. The provisions sought to be severed and vacated are those which establish a "maximum allowable population" for the Philadelphia prisons and the component institutions, require the non-admission of detainees, and require the release of detainees.

Harris v. City of Philadelphia



JC-PA-0001-0004

These provisions are paragraphs 2 f-g, 3-5 of the December 30, 1986 Consent Decree and paragraphs 17-19 and 30 of the March 11, 1991 Consent Decree as well as any amendments thereto.

Respectfully submitted,

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EDWARD G. RENDELL  
MAYOR OF PHILADELPHIA

CONSENT DECREE MOTIONS

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTIN HARRIS, <u>et al.</u> ,	:	CIVIL ACTION
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
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	:	
Defendants.	:	NO. 82-1847

O R D E R

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_, 1991,  
upon consideration of the Motion of the City of Philadelphia and  
its Mayor, Edward G. Rendell, in his official capacity, to Modify  
the Provisions Of The December 30, 1986 Consent Decree and the  
March 11, 1991 Consent Decree and any response to the Motion, it  
is hereby ORDERED and DECREED that the any and all provisions of  
the consent decrees (1) establishing a maximum allowable  
population for the Philadelphia Prisons, (2) requiring the non-  
admission of Philadelphia prisoners, and (3) requiring the  
release of Philadelphia prisoners are hereby severed from the  
remaining provisions of the decrees and are vacated.  
Specifically paragraphs 2 f-g, 3-5 (as amended) of the December  
30, 1986 consent decree and paragraphs 17-19 and 30 of the March  
11, 1991 consent decree are hereby vacated. The remaining  
provisions of these decrees shall remain in effect.

By the Court:

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Shapiro, J.