

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ADVOCACY CENTER, et al.

CIVIL ACTION

Plaintiffs,

NO: 10-1088

VERSUS

LOUISIANA DEPARTMENT OF
HEALTH AND HOSPITALS, et al.

SECTION: R(2)

Defendants.

ORDER

Before the Court is defendants Louisiana Department of Health and Hospitals, Alan Levine, Mark Andres, and Michelle Duncan's motion to terminate consent decree and dismiss this matter with prejudice. Plaintiffs filed suit on April 12, 2010 alleging that defendants were not timely admitting criminal defendants who had been judicially determined incompetent to Feliciana Forensic Facility for restorative treatment in violation of the Due Process Clause of the United States Constitution.¹ A Consent Decree was entered on April 13, 2011, which required defendants to (1) ensure that criminal defendants committed to Feliciana Forensic Facility were admitted into the facility in a timely manner, (2) and file a monthly report to the Court and plaintiffs' counsel detailing the number of incompetent detainees admitted to the facility.² Section VI of the Consent Decree and Modified Consent Decree provide that

¹ R. Doc. 1.

² R. Doc. 185. The Consent Decree was subsequently modified by an Amended Consent Decree on November 15, 2011. R. Doc. 219.

"[t]he matter shall be dismissed following three years from July 10, 2011, provided that Defendants have substantially complied during that time."³

Defendants now move the Court to terminate the Consent Decree in accordance with Section VI of the agreement. Defendants contend that they have substantially complied with the terms of the Consent Decree and that the three-year period has elapsed. Plaintiffs concede that defendants have substantially complied with the Consent Decree and do not oppose defendants' motion to terminate the Consent Decree and to dismiss this matter with prejudice.⁴

The Court, having considered the parties' briefing, the record, and the applicable law, finds that defendants have substantially complied with the terms of the Consent Decree and are therefore entitled to termination of the Consent Decree in accordance with Section VI of the agreement.

Therefore, IT IS ORDERED that the Consent Decree⁵ and Amended Consent Decree⁶ are hereby terminated.

IT IS FURTHER ORDERED that this case is DISMISSED WITH PREJUDICE.

New Orleans, Louisiana, this 8th day of December, 2014.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

³ R. Doc. 185 at 9.

⁴ R. Doc. 256.

⁵ R. Doc. 185.

⁶ R. Doc. 219.