

FEB 2 12 30 PM 1979

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE

DISTRICT OF ALABAMA, NORTHERN DIVISION

JANE P. GORDON, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALA.
DEPUTY CLERK

BRIET BANK

N. H. NEWMAN, AND OTHERS,

Plaintiffs,

v.

STATE OF ALABAMA, ET AL.,

Defendants,

UNITED STATES OF AMERICA,

Amicus Curiae.

CIVIL ACTION NO. 3501-N

*Appointed
as Special
Master file*

JERRY LEE PUGH, for himself
and all others similarly
situated,

Plaintiffs,

v.

LARRY D. BENNETT, individually
and in his official capacity as
Commissioner of the Alabama
Board of Corrections, ET AL.,

Defendants,

BARRY E. TEAGUE, United States Attorney,

Amicus Curiae.

CIVIL ACTION NO. 74-57-N

WORLEY JAMES, ET AL.,

Plaintiffs,

v.

LARRY BENNETT, individually
and in his official capacity
as Commissioner of the Alabama
Board of Corrections, ET AL.,

Defendants,

THE NATIONAL PRISON PROJECT OF
THE AMERICAN CIVIL LIBERTIES UNION
FOUNDATION, INC., and BARRY E.
TEAGUE, United States Attorney,

Amici Curiae.

CIVIL ACTION NO. 74-203-N

Pugh v. Sullivan



PC-AL-010-005

O R D E R

Upon consideration of the findings of fact and conclusions of law made and entered in this case this date, and pursuant thereto, it is the ORDER, JUDGMENT and DECREE of this Court that Fob James, as Governor of the State of Alabama, be and he is hereby appointed temporary receiver of the prison system of the State of Alabama.

It is further ORDERED that this appointment as receiver be for a period of not less than one year, unless and until the receiver requests to be relieved or the Court orders a termination of the receivership before a year elapses.

It is further ORDERED that this appointment be for the purpose of carrying out the duties imposed by the Constitution of the United States and by the orders of this Court as set forth in Newman v. Alabama, 349 F. Supp. 278 (1972), aff'd, 503 F.2d 1320 (5th Cir. 1974), cert. denied, 421 U.S. 948 (1975) and in Pugh v. Locke, 406 F. Supp. 318 (1976), aff'd and remanded sub nom., Newman v. Alabama, 559 F.2d 283 (5th Cir. 1977), cert. denied in pertinent part, 46 U.S.L.W. 3802 (June 27, 1978).

It is further ORDERED that the Board of Corrections of the State of Alabama transfer to the Governor Fob James, as receiver all of its functions, duties, powers and authority to manage, supervise and control all penal and correctional institutions in the State of Alabama and all funds now held or controlled and all other duties and functions imposed upon the said Board under the laws of Alabama, including without limitation the power to hire, discharge, suspend and supervise the Commissioner of Corrections, deputy commissioners, and any other personnel employed by the Board.

It is further ORDERED that the members of the Board of Corrections, and all other defendants in these actions, their agents, servants, and employees, and all persons in active concert or participation with them, be and are hereby ENJOINED from failing to immediately comply with this order and from interfering in any manner, either directly or indirectly, with the receiver in the performance of his functions and duties as receiver.

It is further ORDERED that the members of the Board of Corrections, and all other defendants in these actions, their agents, servants, employees and attorneys, and all persons in active concert or participation with them, be and are hereby ENJOINED from failing to cooperate with the receiver in the performance of his functions and duties as receivers.

It is further ORDERED that the temporary receiver file with this
Court quarterly reports.

Done, this the 2nd day of February, 1979.


UNITED STATES DISTRICT JUDGE