

IN THE UNITED STATES DISTRICT COURTS FOR THE SOUTHERN
AND MIDDLE DISTRICTS OF ALABAMA

ROBERT G. McCRAY,
Petitioner,

v.

L. B. SULLIVAN,
Respondent.

ROBERT G. McCRAY,
Petitioner,

v.

L. B. SULLIVAN,
Respondent.

JERRY WHITE and ALVIN
CLAYBRONE,
Petitioners,

v.

COMMISSIONER OF ALABAMA
BOARD OF CORRECTIONS,
Respondent.

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

Plaintiffs,

v.

L. B. SULLIVAN, individually
and in his official capacity as
Commissioner of the Alabama Board
of Corrections; et al.,

Defendants,

IRA DE MENT, United States Attorney,
Amicus Curiae.

WORLEY JAMES, et al.,
Plaintiffs,

v.

GEORGE C. WALLACE, individually
and in his official capacity as
Governor of Alabama; et al.,

Defendants,

THE NATIONAL PRISON PROJECT OF THE
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION, INC., and IRA DE MENT,
United States Attorney,

Amici Curiae.

CIVIL ACTION NO. 5620-69-H

FILED

AUG 29 1975

JANE P. GORDON, CLERK
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CIVIL ACTION NO. 6091-70-H

CIVIL ACTION NO. 7094-72-H

✓ CIVIL ACTION NO. 74-57-N

CIVIL ACTION NO. 74-203-N

ORDER AND INJUNCTION

The plaintiffs in the above-captioned cases who are prisoners incarcerated by the State of Alabama in its penal system suing for themselves and for others similarly situated as prisoners in the Alabama prison system charge the defendant state officials who hold them in custody with massive and aggravated violations of the Eighth Amendment to the Constitution of the United States. The G. K. Fountain Correctional Institution, formerly known as the Atmore Prison Farm, and Holman Prison are located within the geographical limits of the Southern District of Alabama. The Mount Meigs Medical and Diagnostic Center and the Draper Prison are geographically situated in the Middle District of Alabama.

Evidence has been taken in each of the cases and the cases are now submitted. ^{1/} Upon these submissions it clearly appears that the plaintiffs' Eighth Amendment rights have been and are being violated to the point that their continued incarceration under the conditions existing in the four prison facilities herein identified constitutes cruel and unusual punishment. The plaintiffs in all cases seek interim emergency relief by asking that the defendants be enjoined from accepting any new prisoners into the Alabama correction system until the population of each prison in the system is no greater than its stipulated designed capacity. The serious overcrowding in these facilities and the serious lack of custodial officers results in the almost complete inability on the part of the Alabama prison officials to control violence within these prisons; this violence includes, but is not limited to, stabbings and sexual assaults by inmates upon other inmates, on a regular and continued basis. Such conditions clearly dictate that the plaintiffs are entitled to interim emergency relief. Failure to grant this interim emergency relief designed to immediately commence a reduction in the prison facilities concerned will continue to subject the plaintiffs and the members of plaintiffs' class to these serious constitutional deprivations. This interim emergency relief is being granted jointly by the two judges having these cases under submission. The Middle District cases and the Southern District cases will otherwise be disposed of separately.

^{1/} Judge Hand in the Southern District cases has filed his findings and conclusions finding Eighth Amendment violations. In the Middle District cases the defendants acknowledged, at the conclusion of the trial in open court, serious Eighth Amendment violations.

Accordingly, it is the ORDER, JUDGMENT and DECREE of these Courts that L. B. Sullivan, individually and in his official capacity as Commissioner of the Alabama Board of Corrections; George C. Wallace, individually and in his official capacity as Governor of Alabama; The Alabama Board of Corrections; Yetta Sanford, Jr., individually and as a member of the Alabama Board of Corrections; J. E. Vickers, individually and as a member of the Alabama Board of Corrections; Thomas F. Staton, individually and as a member of the Alabama Board of Corrections; Max V. McLaughlin, individually and as a member of the Alabama Board of Corrections; Thomas E. Bradford, Sr., individually and as a member of the Alabama Board of Corrections; the Wardens of G. K. Fountain Correctional Center, the Medical and Diagnostic Center, the Draper Prison, and the Holman Prison; their agents, assigns, successors in office, employees, and any others acting in concert with them, be and each is hereby ENJOINED from accepting or permitting the acceptance of any new prisoners, except escapees who have been apprehended and parole violators who have had their paroles revoked, into the Alabama penal system until the population of Draper Prison, G. K. Fountain Correctional Center, Holman Prison and the Mount Meigs Medical and Diagnostic Center is no greater than the designed capacity for said facilities.

It is further ORDERED that the United States Marshals for the Middle and Southern Districts of Alabama forthwith serve each defendant, including the Wardens of G. K. Fountain Correctional Center, Holman and Draper Prisons and the Mount Meigs Medical and Diagnostic Center, with a copy of this injunction.

Done, this the 29th day of August, 1975.


UNITED STATES DISTRICT JUDGE


UNITED STATES DISTRICT JUDGE

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v.

L. B. SULLIVAN,
Respondent.

CIVIL ACTION NO. 6091-70-H

JERRY WHITE and ALVIN
CLAYBRONE,
Petitioners,

v.

COMMISSIONER OF ALABAMA
BOARD OF CORRECTIONS,
Respondent.

CIVIL ACTION NO. 7094-72-H

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

v.

L. B. SULLIVAN, individually
and in his official capacity as
Commissioner of the Alabama Board
of Corrections; et al.,
Defendants,

CIVIL ACTION NO. 74-57-N

IRA DE MENT, United States Attorney,
Amicus Curiae.

WORLEY JAMES, et al.,
Plaintiffs,

v.

GEORGE C. WALLACE, individually
and in his official capacity as
Governor of Alabama; et al.,
Defendants,

CIVIL ACTION NO. 74-203-N

THE NATIONAL PRISON PROJECT OF THE
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION, INC., and IRA DE MENT,
United States Attorney,
Amici Curiae.

WRIT OF INJUNCTION

TO: L. B. Sullivan, individually and in his official capacity as
Commissioner of the Alabama Board of Corrections;

George C. Wallace, individually and in his official capacity as
Governor of Alabama;

The Alabama Board of Corrections;

Yetta Sanford, Jr., individually and as a member of the
Alabama Board of Corrections;

J. E. Vickers, individually and as a member of the Alabama
Board of Corrections;

Thomas F. Staton, individually and as a member of the Alabama
Board of Corrections;

Marion L. Carroll, Jr., as successor to the named defendant
Max V. McLaughlin, individually and as a member of the
Alabama Board of Corrections;

Thomas E. Bradford, Sr., individually and as a member of the
Alabama Board of Corrections;

George R. Bowen, individually and in his official capacity as
Acting Warden of G. K. Fountain Correctional Center;

Bill Long, individually and in his official capacity as
Warden of the Medical and Diagnostic Center;

W. K. Calloway, individually and in his official capacity as
Warden of Draper Prison; and

Walter T. Capps, individually and in his official capacity as
Warden of Holman Prison.

TAKE NOTICE that you, and each of you, your agents, assigns,
successors in office, employees, and any others acting in concert with you,
be and you are hereby ENJOINED as more particularly set out in the order and
injunction made and entered in these cases by the United States District
Courts for the Southern and Middle Districts of Alabama and filed with the
Clerks of said courts on this date, a copy of which is attached hereto and
served herewith.

This writ of injunction is issued pursuant to said order and
injunction.

WITNESS my hand and the seal of the United States District Court for
the Middle District of Alabama on this the 29th day of August, 1975, at
Montgomery, Alabama.

Jane P. Gordon
Clerk of the United States District Court
for the Middle District of Alabama