

FILED

SEP 7 - 1966

JAMES P. WELSH, Clerk

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

ROBERT CHARLES JORDAN, JR.,

Plaintiff, -

v.

CLETUS J. FITZHARRIS, et
al.,

Defendants.

No. 44786

FINAL JUDGMENT AND DECREE

The above-entitled action having come on regularly for trial and having been tried before the Court without a jury on August 9, 11, 12, 15, 16, 17, 18 and 19, 1966, the Honorable George B. Harris, Chief Judge of this Court, presiding, and the Court having by a Supplemental Memorandum Opinion and Order filed on September 7, 1966, accepted as its findings of fact and conclusions of law its Memorandum Opinion and Order of September 6, 1966,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, for the reasons set forth in said findings of fact and conclusions of law that defendants Walter Dunbar, Cletus J. Fitzharris, R. H. Donnelly, C. L. Swagerty, George F. Johnston, Al DeCarli, William T. Kiepura, Edward Kunkel and the officers, agents, servants and employees of each of them be and are hereby perpetually enjoined from detaining the plaintiff

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as to
C. J.
Cletus J. Fitzharris

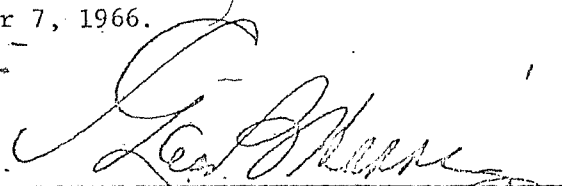
Robert Charles Jordan, Jr., or any inmate, in any cell at the Correctional Training Facility, Soledad, California,

- (1) which lacks natural or artificial lighting in keeping with the institutional standards applicable to regular living quarters; or
- (2) which lacks ventilation sufficient to remove therefrom human odors stronger than are found in regular living quarters in the institution; or
- (3) which lacks either through natural or artificial means, an even temperature in keeping with institutional standards applicable to regular living quarters; or
- (4) which lacks means of assuring beyond the possibilities of human error that the toilet facility is flushed sufficiently often to preclude accumulation of human waste therein throughout a substantial portion of any eight hour period; or
- (5) where human waste is present beyond the confines of the toilet facility for a substantial portion of any eight hour period, provided that in any instance where a number of inmates cause such condition and it is not possible by concerted effort to remove such waste within said period of time, "a substantial portion of any eight hour period" shall be construed to mean "any period of time beyond that required to remove said waste"; or

- (6) which lacks means for washing with water and soap before the serving of each meal; or
- (7) which lacks means for dental hygiene consisting of a toothbrush; or
- (8) where said Robert Charles Jordan, Jr. shall not be supplied with wearing apparel of some nature;
- (9) provided that if any person hereby enjoined deems it necessary to deprive said Robert Charles Jordan, Jr., or any inmate, of all wearing apparel in order to prevent said Jordan, or any inmate, from inflicting injury to himself, he may be so deprived, provided further that a medical doctor shall be notified thereof in writing within twenty-four hours of the deprivation;
- (10) that the foregoing specifications and each of them shall not preclude the court from hereafter requiring the said defendants, and the officers, agents, servants and employees of each of them, to keep and maintain procedures and practices compatible with minimum standards, which said minimum standards are more particularly referred to in the memorandum of decision of this court dated September 6, 1966; that in aid of the enforcement of the within provisions of this decree, the court reserves jurisdiction.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said defendants pay to Charles B. Cohler, Esq., 111 Sutter Street, San Francisco, California, the sum of \$366.20, being costs and disbursements reasonably and necessarily incurred by said Charles B. Cohler as counsel appointed by the Court for said plaintiff Robert Charles Jordan, Jr.

DATED: September 7, 1966.


United States District Judge