

JUL-03-2001 11:26

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

FILED

JUL 3 2001

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

GEORGE GOFF,
Plaintiff,

No. 4:90-CV-50365

vs.

ORDER

CHARLES HARPER, et. al.,
Defendant.

This matter comes before the Court upon plaintiffs' motion requesting that the Court order the defendant to respond to written interrogatories. After careful consideration of the parties' written and oral arguments, the defendant is hereby ordered to respond to the plaintiff's interrogatories.

The Eighth Circuit stated that "...Prison Officials have represented to this court during oral argument that they in good faith have implemented the Plan approved by the district court on their own volition..." Goff v. Harper, 235 F.3d 410, 415 (8th Cir. 2000). Whether the Plan (i.e. construction of a Special Needs Unit, increase in the number of available psychologists etc.) has in fact been implemented is an issue that is seriously contested by the plaintiffs. In an order dated April 9, 2001, this Court stated that "[i]n order to apply the balancing principles as set out in Turner, this Court is persuaded that the hearing to be held should cover any and all matters set out in these original orders."¹ The Circuit Court further set out that "[a] remand to review its order under the Turner standards will allow parties to address the issues before the Court." Goff, 235 F.3d at 415.

This Court is therefore persuaded that in order to fully assess the status of the Plan's implementation and to comply with the Eighth Circuit's ruling, the plaintiff's interrogatories should be answered.

¹Findings of Fact and Conclusions of Law dated June 5, 1997 and Order of August 6, 1999.

Pleading # 403

Goff v. Harper



PC-IA-001-012

JUL-03-2001 11:26

P.05

The defendant shall have ten (10) days to answer the plaintiff's written interrogatories.
IT IS SO ORDERED.

DATED this 3 day of July, 2001.



Donald E. O'Brien
Senior Judge, United States District Court
Northern District of Iowa