

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

CLINTON MORSE WATSON,)
Plaintiff,)

NO. 4-78-CV-80106

STEVEN R. WYCOFF, EARL EMERY,)
JOHN KIME, CHARLES N.)
CHADWICK, ERNEST F. WALTERS,)
RICHARD D. DODD, AND)
GLENDALE MORE, JR.,)

Intervenors,)

vs.)

ORDER

ROBERT RAY, PAUL HEDGEPEETH,)
and JIM HELLING,)
Defendants.)

FILED
DEC. 10, 1996
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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

Two motions are ready for ruling in this case. Defendants ask this court to terminate immediately the prospective relief called for in the decree entered in this case in 1981. The plaintiff and intervenors, on behalf of the plaintiff class, have filed a motion to amend the judgment this court entered on December 4, 1996, based on this court's Findings of Fact, Conclusions of Law, and Ruling filed December 4, 1996.

The motions are both denied.

I. Motion to Terminate Prospective Relief. Defendants have filed a motion to terminate the prospective relief called for in the decree entered in this case in 1981 by Honorable William C. Stuart. The decree requires state officials operating the Iowa State Penitentiary in Fort Madison to conduct activities in a prescribed manner to protect the rights of the inmates. This court has retained jurisdiction to enter such orders as may be necessary to enforce the terms of the decree.

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On April 26, 1996, the President signed into law the Prison Litigation Reform Act of 1995 (PLRA), Pub. L. No. 104-134, § 802(a), 110 Stat. 1321, 1321-68 (1996). Pursuant to that statute, Iowa correctional officials have asked the court to terminate provisions in the decree in this case. The United States of America has intervened and filed briefs supporting the defendants' contention that the PLRA properly allows a court to terminate prospective relief based on 18 U.S.C. § 3626(e), one provision of the PLRA. The plaintiff and intervenors, represented by class counsel, contend that section 3626(e) of the PLRA is an unconstitutional violation of the doctrine of separation of powers.

Judges of this court have already decided this constitutional issue in other cases with decrees authorizing prospective relief. In Gavin v. Ray, Civil No. 4-78-CV-70062, Honorable Harold D. Vieter denied the correctional officials' motion to terminate prospective relief, concluding the PLRA statute in question violated the constitutional principle of separation of powers. I have entered orders in Hazen v. Reagen, Civil No. 4-75-CV-80201, and Dee v. Brewer, Civil No. 4-77-CV-80102, denying motions for termination of relief on the same reasoning Judge Vieter set forth in the Gavin ruling.

The constitutional issue of separation of powers presented in this case is indistinguishable from the issue decided adversely to the Iowa correctional officials in Gavin, Hazen, and Dee. The arguments presented by counsel are essentially the same.

I have studied other decisions on the constitutionality of section 3626(e) of the PLRA. I find the reasoning in the decision filed by Judge Vieter, and the decisions on which Judge Vieter relied, to be more persuasive than the reasoning in cases

upholding the constitutionality of that PLRA provision. In particular, I am not persuaded by Plyler v. Moore, 100 F.3d 365 (4th Cir. 1996).

Consequently, the court denies the defendants' motion for termination of the prospective relief provided for in the decree in this case.

II. Motion to Amend Judgment. On December 4, 1996, the court filed rulings on the defendants' motion for partial relief. The court's rulings were entitled "Findings of Fact, Conclusions of Law, and Ruling on Motion for Partial Relief From Final Order," and the clerk of court entered judgment on December 4, 1996, in accordance with those rulings.

On January 14, 1997, the court held a hearing by telephone conference call on the intervenors' motion to amend judgment pursuant to Federal Rules of Civil Procedure 52(b) and 59(e). The court denies the motion to amend judgment.

Defendants ask this court to amend the judgment by adding paragraph D, setting requirements for monitoring and reporting. Plaintiffs' proposed paragraph would require defendants to provide the members of the plaintiff class more detailed information about their plans for the new cellhouse. Plaintiffs contend that this information is necessary for them to adequately prepare for the hearing that the court has scheduled prior to the opening of the new cellhouse on whether the structure complies with the decree in this case. The relief they seek, in essence, is periodic mandatory disclosure of information without the formality of discovery proceedings ordinarily required by the procedural rules.

The court denies the motion because the requirements of rules 52(b) and 59(e) are not satisfied. The present findings of

fact and conclusions of law need not be altered or amended to be adequate. Moreover, the intervenors have not demonstrated that the court's judgment was based on any legal or factual error. See Norman v. Arkansas Dep't of Educ., 79 F.3d 748, 750 (8th Cir. 1996).

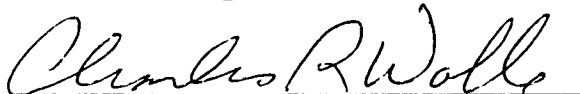
The judgment entered on December 4, 1996, is not modified.

The court is sure the parties understand the importance of good faith exchange of information without the requirements of complying with all formalities of federal discovery rules. The court urges the parties to cooperate in exchanging information. But the plaintiff class has not demonstrated that periodic monitoring and reporting requirements make sense in this case.

III. Conclusion. The court denies the defendants' motion to terminate prospective relief and the intervenors' motion to alter or amend judgment.

IT IS SO ORDERED.

Dated this 10th day of February, 1997.


CHARLES R. WOLLE, JUDGE
UNITED STATES DISTRICT COURT

Watson v. Ray



PC-IA-006-002