

2001 WL 812217

Only the Westlaw citation is currently available.  
United States District Court, E.D. Michigan,  
Southern Division.

Everett HADIX, et al., Plaintiffs,  
v.  
Perry M. JOHNSON, et al., Defendants.

No. 80–CV–73581. | June 27, 2001.

## Opinion

### ***ORDER OF TERMINATION***

FEIKENS, J.

\*1 This case is before me based on a Consent Decree (“Decree”) submitted by the parties for approval by this Court on May 13, 1986. The original decree covered a range of conditions within the State Prison of Southern Michigan (“SPSM”), including sanitation, fire protection, overcrowding and protection from harm, access to courts, medical care, mental health care, and facility organization and management. Over the fifteen years following entry of the Decree, I have conducted numerous compliance and related evidentiary hearings, have been involved in extensive negotiations, and have issued orders necessitated by the circumstances faced by the parties.

The remedial measures required pursuant to the original and subsequent agreements of the parties have resulted in substantial improvements. The most important improvement was the reorganization of SPSM, breaking it up into four separate correctional facilities sharing certain support services and facilities. The reorganization involved substantial operational and physical change, resulting in improved access to programs, services, jobs, greater security and accountability for prisoners and staff, and alleviation of dangerous and unhealthy conditions.

During the last five years, the progress achieved under the Consent Decree has resulted in substantial alleviation of many of the conditions that gave rise to the case. Periodically, as substantial compliance with the requirements of the Decree has been achieved, I have issued orders partially terminating jurisdiction. In addition, certain sections of the Consent Decree have been previously transferred to the United States District Court for the Western District of Michigan (“Western District”), by orders dated June 5, 1992; March 18, 1999; July 12, 2000; and November 15, 2000.

This case has now reached finality. As a result of extended negotiations between the parties, and in order to make it possible to terminate at this time, defendants have agreed to do the following:

1. Make all corrections found necessary by MIOSHA at MSI, and the Director of the Department of Corrections shall request air quality testing by MIOSHA of the textile factory and the welding and painting operations in the metal furniture factory.

2. Adopt the HACCP Program for the Production Kitchen, including the continued use of an outside laboratory for verification, into an operating procedure.

3. Complete the process of identifying all points of cross-connected plumbing and develop and implement a timely corrective program.

4. Direct contact work with asbestos-containing materials is to be done by qualified individuals.

5. Retain the services of an outside contractor to at least semi-annually perform back-to-front sewer cleaning.

6. Continue to meet the standards of the Safe Drinking Water Act, MCLA § 325.1001, *et seq.*

7. Complete the current administrative segregation painting, clean-up and vermin control program by July 15, 2001. The Director shall direct the responsible staff to promptly complete all necessary repairs to the roof of the building.

\*2 8. Make arrangements for plaintiffs’ counsel to meet with central office and field staff that the Director determines are knowledgeable about the ABE/GED program to develop a process that is intended to increase the quality of the ABE/GED programs, such that the students will move more quickly and successfully through the programs.

9. The Memorandum of Understanding, dated June 23, 2000 and filed July 17, 2000, relating to Section IV.H of the Out-of-Cell Activity Plan and identified as Section A on College Programming, remains in full force and effect.

The parties have further agreed that the Due Process Issue (Consent Decree, Introduction, ¶ 6.c) shall be presented to and decided by me.

With the exception of those portions of the Consent Decree transferred to the Western District, with the exception of ¶ 9 above, and with the exception of the Due Process Issue to be decided by this Court, the Court

**Hadix v. Johnson, Not Reported in F.Supp.2d (2001)**

hereby TERMINATES its jurisdiction over all sections of the Consent Decree and implementing orders remaining before this Court.

IT IS SO ORDERED.