

972 F.2d 353  
Unpublished Disposition

NOTICE: THIS IS AN UNPUBLISHED OPINION.  
(The Court's decision is referenced in a "Table of  
Decisions Without Reported Opinions" appearing in  
the Federal Reporter. Use FI CTA8 Rule 28A, FI  
CTA8 IOP and FI CTA8 APP. I for rules regarding  
the citation of unpublished opinions.)  
United States Court of Appeals,  
Eighth Circuit.

Ralph GREEN, Appellant,  
Mark Jackson; Bob Metcalf; Larry Hays; Dwight  
Couch; Harold Johnson; Ronald Weinlood; David  
Carr; Michael Meredith,  
v.  
Dick D. MOORE; Paul Caspari; George Lombardi,  
Appellees.  
Ralph Green, Appellee,  
Mark Jackson; Bob Metcalf; Larry Hays; Dwight  
Couch; Harold Johnson; Ronald Weinlood; David  
Carr; Michael Meredith,  
v.  
Dick D. Moore; Paul Caspari; George Lombardi,  
Appellants.

Nos. 91-3679 and 91-3681 | Submitted: June 12,  
1992. | Filed: August 3, 1992.

Appeal From the United States District Court for the 91-  
3681 Eastern District of Missouri.

E.D.Mo.

AFFIRMED.

Before ARNOLD, Chief Judge, HEANEY, Senior Circuit  
Judge, and MAGILL, Circuit Judge.

### Opinion

PER CURIAM.

\*1 Inmates at the Missouri Eastern Correctional Center  
(MECC) at Pacific, Missouri appeal from an order of the  
United States District Court for the Eastern District of  
Missouri modifying a 1986 consent decree dealing with  
conditions at the correctional center. The State of

Missouri cross-appeals the district court's refusal to  
modify that portion of the decree dealing with 24-hour  
nursing care. We affirm.

In the mid 1980s, the inmates of MECC commenced a  
class action against certain prison officials alleging  
constitutional violations as a result of prison conditions. A  
consent decree was entered on June 13, 1986. One  
provision of the Consent Decree stated that the  
corrections officials were to "set aside ... continuously ...  
sixteen single-occupancy cells within the general  
population housing of the MECC." Another provision  
stated that the corrections officials were "to secure ...  
appropriations ... to provide for having at least one  
registered or licensed practical nurse on duty and  
physically present at the MECC at all times, including the  
night shift from 11:00 p.m. to 6:30 a.m." In 1990, among  
other things, the inmates moved to enforce the consent  
decree. They asserted that the defendants had not  
continuously *set aside* sixteen single cells.

We affirm the district court's decision concerning the  
single-occupancy requirement. The court's actions  
complied with the recent Supreme Court decision in *Rufo*  
*v. Inmates of Suffolk County Jail*, 116 L.Ed.2d 867  
(1992), and this court's opinion in *McDonald v.*  
*Armontrout*, 908 F.2d 388 (8th Cir. 1990). The defendants  
met their burden by showing changed circumstances and  
by establishing that experience over time has shown that  
sixteen general population beds were continuously  
available notwithstanding the increased prison population.  
We emphasize, however, at least sixteen single-  
occupancy cells *must* be available in general population  
cells at all times for inmates who need single-cell housing  
even if it is necessary to move out the current inmates of a  
cell to make room for an inmate requiring single celling.

We also agree with the district court with respect to the  
24-hour nursing requirement. Again, we emphasize the  
district court's directive that the defendants should  
continue to utilize every resource to attempt to employ  
staff to provide nursing care twenty-four hours a day at  
MECC.

### Parallel Citations

1992 WL 181425 (C.A.8 (Mo.))