



KeyCite Red Flag - Severe Negative Treatment
Decision Vacated by Laaman v. Warden, New Hampshire State Prison,
1st Cir.(N.H.), January 17, 2001

1999 WL 33486690

Only the Westlaw citation is currently available.
United States District Court, D. New Hampshire.

Jaan LAAMAN, et al.
v.
Ronald POWELL, et al.

No. 75-CV-258-SD/B, 77-CV-256-SD/B,
87-CV-301-SD/B. | April 20, 1999.

Attorneys and Law Firms

Daniel J. Mullen, Esq., Attorney General's Office,
Concord, for all defendants.

Alan Linder, Esq., NH Legal Assistance, Portsmouth, for
all plaintiffs.

Opinion

ORDER

BARBADORO.

*1 Plaintiffs filed a Motion for Contempt on June 15, 1993, claiming that the defendants have violated the Laaman Consent Decree. On October 6, 1995, they filed an assented-to motion to amend their contempt motion. Senior Judge Shane Devine held an evidentiary hearing on the motion on December 11-14, 1995. Judge Devine had the motion under advisement at the time of his death on February 22, 1999. On April 5, 1999, the case was

reassigned to me.

The Prison Litigation Reform Act of 1995 ("PLRA"), 18 U.S.C. § 3626 (Supp.1998) significantly changed the rules governing consent decrees addressing prison conditions. In pertinent part, the PLRA provides that "in any civil action with respect to prison conditions, a defendant or intervener shall be entitled to the immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the federal right, and is the least intrusive means necessary to correct the violation of the federal right." *Id.* The First Circuit has construed the term "prospective relief" as used in the PLRA to include consent decrees. *See Inmates of Suffolk County Jail v. Rouse*, 129 F.3d 649, 654 (1st Cir.1997). The court also has rejected a challenge to the PLRA's constitutionality. *Id.* at 655-60.

It does not appear from a review of the record that the Laaman Consent Decree can survive in light of the enactment of the PLRA. Further, if the consent decree is terminated, the Motion for Contempt would become moot as the only relief plaintiffs seek is the prospective reinforcement of a decree that would no longer be in effect. Accordingly, on or before May 15, 1999, the plaintiffs shall file a memorandum, limited to 25 pages, explaining why the Consent Decree should not be terminated and the pending Motion for Contempt be deemed moot. Defendants shall file a responsive memorandum, limited to 25 pages, on or before June 15, 1999.

SO ORDERED.