



PC-NM-001-002

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DWIGHT DURAN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Civil Action No. 77-721-C
	)	
JERRY APODACA, et al.,	)	
	)	
Defendants.	)	

ORDER

The parties to the above styled litigation have presented the Court with a Joint Request For Partial Consent Decree which would result in a settlement of the issues raised by the allegations in Paragraph 28 of the Amended Complaint relating to correspondence policies and practices. The Court has considered the said Joint Request and the terms of the proposed settlement and has determined that the proposed Partial Consent Decree would be in the interest of justice to the parties and should be entered.

Wherefore, premises considered, the defendants, individually and in their official capacities, their agents, employees, successors in office and any others acting in concert with them, are hereby enjoined from failing to implement fully and within the times prescribed each of the following requirements:

1. Policy Statement PNM-77-IM-60001.1, 07-27-77, Subject: Correspondence Regulations, will be replaced by the Policy Statement attached to this order as Exhibit A. The new policy statement will be provided to all prisoners and will be operational as soon as is practical after this order is entered but in no event later than 21 days after the entry of said order.

2. There will be no requirement that prisoners sign a waiver of their right to object to the opening of their mail or to take legal action to assure continuing adherence to constitutional standards in correspondence policies and practices.

3. Records will be maintained for at least one year after the signing of this order indicating any documents rejected by the three member Publication Review Panel along with the reasons for the rejection. In addition, the documents rejected will be retained. The described records and documents will be made available to counsel for the plaintiffs for examination and copying at any time upon reasonable notice. In the event counsel for the plaintiffs subsequently determine that the policy statement is being executed in such a manner as to apparently violate constitutional rights of prisoners, they may by appropriate motion with the Court raise the issues presented for a determination by the Court as to what relief, if any, should be granted.

4. The allegations of Paragraph 28 of the Amended Complaint relating to correspondence policies and practices are dismissed from the trail of this case. The Court retains jurisdiction to enforce this order.

Done this \_\_\_\_\_ day of \_\_\_\_\_, 1979.

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Santiago E. Campos  
United States District Judge