

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

JAN 29 1993

Robert M. Much
CLERK

DWIGHT DURAN, et. al
Plaintiffs.

vs.

Civil No. 77-0721-JB

BRUCE KING, et. al.
Defendants.

Duran v. Apodaca



PC-NM-001-028

ORDER TO VACATE MODIFIED DECREE AT CENTRAL, WESTERN AND SOUTHERN
NEW MEXICO CORRECTIONAL FACILITIES

THIS MATTER comes before the court on defendants' unopposed Motion to Vacate the Modified Decree at Central, Western and Southern new Mexico Correctional Facilities. The Court finds and orders as follows:

1. In this Court's order confirming the 29th Report of the Special Master ("29th Report"), filed January 29, 1992, the Court approved the Special Master's findings of substantial compliance in all areas of the Court's orders at Southern New Mexico Correctional Facility and Western New Mexico Correctional Facility. In addition, the Court approved the Special Master's findings of substantial compliance in all areas, with the exception of inmate activity, at the Central New Mexico Correctional Facility.

2. In its order confirming the 29th Report, the Court established a schedule and procedures for self-monitoring and self-reporting by Defendants which were to address all areas in which the Special Master had made findings of substantial compliance. The periods of self-monitoring and self-reporting for each facility were not shorter than six months nor longer than one year in accordance with the Modified Decree.

3. The Defendants filed comprehensive compliance reports, as ordered, in a timely fashion. Plaintiffs had an opportunity to verify the accuracy and completeness of such reports and filed any objections they had.

4. The Modified Decree, approved by this Court on December 20, 1991, provides that, if the Defendants remain in substantial compliance during the period of self-monitoring and self-reporting, the provisions of the Modified Decree which pertain to a particular facility shall be vacated with respect to that particular facility.

5. The Southern New Mexico Correctional Facility and the Western New Mexico Correctional Facility are facilities as to which the Defendants have demonstrated substantial compliance for a reasonable period of time as required by the Modified Decree. Likewise, the Central New Mexico Correctional Facility, except as to the area of inmate activity, is a facility as to which Defendants have demonstrated substantial compliance for a reasonable period of time.

6. Plaintiffs do not object to this motion nor to the relief prayed for herein.

IT IS THEREFORE ORDERED:

A. That the Modified Decree be vacated as to the Western New Mexico Correctional Facility.

B. That the Modified Decree be vacated as to the Southern New Mexico Correctional Facility.

C. That the Modified Decree be vacated as to the Central New Mexico Correctional Facility, excepting the area of inmate activity.

D. That this Court retains jurisdiction over the Western, Southern and Central New Mexico Correctional Facilities to the extent permitted by the Modified Decree and the provisions of the 29th Report of the Special Master.

DONE THIS JAN 29 1993 DAY OF JANUARY, 1993

BY THE COURT:

JUAN G. BURCIAGA

JUAN G. BURCIAGA
DISTRICT JUDGE