

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE NEW MEXICO

DEC 21 1993

Robert M. March
CLERK

DWIGHT DURAN, et al.,

Plaintiffs,

vs.

Civil Action No. 77-721-JB

BRUCE KING, et al.,

Defendants.

ORDER TO VACATE MODIFIED DECREE,
AS TO INMATE ACTIVITY, AT THE CENTRAL
NEW MEXICO CORRECTIONAL FACILITY

THIS MATTER comes before the court on defendants' unopposed Motion to Vacate the Modified Decree, as to Inmate Activity, at the Central New Mexico Correctional Facility. 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 the Central New Mexico Correctional Facility with the exception of inmate activity.

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



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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. On January 29, 1993, this Court vacated the Modified Decree as to the Central New Mexico Correctional Facility with the exception of the area of inmate activity.

6. The parties have stipulated that the area of inmate activity at the Central New Mexico Correctional Facility may now also be vacated in that defendants have remained in substantial compliance during the period of self-monitoring and self-reporting. Further, that defendants have filed comprehensive compliance reports, as ordered, in a timely fashion and that plaintiffs had an opportunity to verify the accuracy of such reports and filed any objections they had.

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

IT IS THEREFORE ORDERED:

A. That the Modified Decree be vacated as to the area of inmate activity at the Central New Mexico Correctional Facility.

DONE THIS 21st DAY OF DECEMBER, 1993.

BY THE COURT:

JUAN G. BURCIAGA

JUAN G. BURCIAGA
District Judge