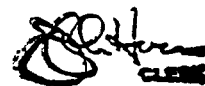


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED

MAR 13 1997



WILLIAM R. CODY, individually and on )  
behalf of all other persons similarly )  
situated, )

Plaintiff, )

vs. )

CAROLE HILLARD, President of the )  
Board of Charities and Corrections; )  
FRANK BROST, Vice President; TED )  
SPAULDING, Member; )  
D.A. GELLHOFF, Member; LYLE )  
SWENSON, Member; JAMES SMITH, )  
Executive Secretary; HERMAN SOLEM, )  
Warden of the South Dakota State )  
Penitentiary; sued individually and in )  
their official capacities, )

Defendants. )

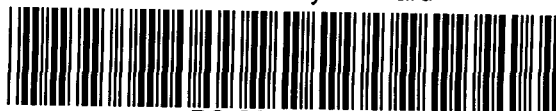
CIV. 80-4039

ORDER TO DISSOLVE  
CONSENT DECREE

Defendants moved the Court pursuant to Federal Rule of Civil Procedure 60(b) for an order to dissolve the consent decree entered in this matter on July 8, 1985, and the supplemental orders thereafter issued by the Court at various times and dates. Following receipt of the motion, all parties were provided with notice and an opportunity to respond. They have done so and the final submission was made by plaintiff on March 5, 1997.

The Court having considered the motion herein filed does determine that the consent decree has served its purposes and is no longer needed in order to serve the public interest.

Cody v. Hillard



PC-SD-001-016

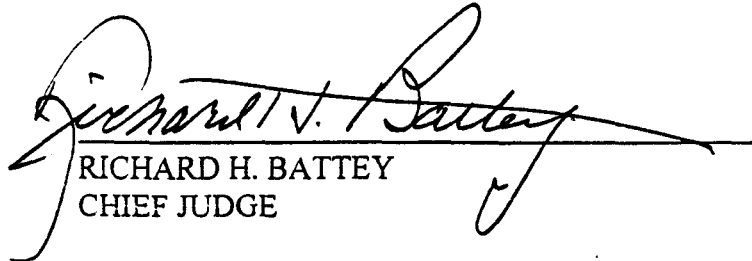
Throughout the period of the consent decree, lasting as it has for over ten years, the defendants have conscientiously and in good faith complied substantially with its terms. Notwithstanding defendants' compliance, plaintiff invites the Court to continue its jurisdiction. However, in the absence of ongoing substantial violations, the Court declines the invitation. Board of Educ. of Oklahoma City Public Schools v. Dowell, 498 U.S. 237, 111 S. Ct. 630, 112 L. Ed. 2d 715 (1991). The Court sees no need for a further evidentiary hearing. It is

ORDERED that the consent decree dated July 8, 1985, and all supplemental orders are hereby vacated.

IT IS FURTHER ORDERED that the Court shall terminate its continuing jurisdiction retained by its judgment of July 18, 1985, terminating the Court's supervision of the consent decree heretofore in effect.

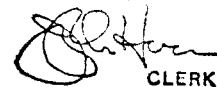
Dated this 13th day of March, 1997.

BY THE COURT:

  
RICHARD H. BATTEY  
CHIEF JUDGE

NOTICE OF ENTRY

The original of this document was entered on the docket of the Clerk of the United States District Court for the District of South Dakota on 3-13-97.

  
CLERK