

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED *October 3, 1973*
WILLIAM J. SRSTKA
Clerk
Janet M. Hansen
Deputy

BERNARD CROWE, et. al.)
)
Plaintiffs)
)
vs.)
)
DON R. ERICKSON, et. al.)
)
Defendants)

4101
Civ. No. 72-~~1401~~

ORDER TO SHOW CAUSE

Page 106

This matter coming before this court on affidavit of Stephen Pevar, Esq., attorney for plaintiffs, and it appearing to the court:

I.

That on August 24, 1973, this court entered an Order in the above entitled action, enjoining and restraining defendants and their agents from, inter alia:

- "imposing any form of solitary confinement or from withholding any good time from inmates at the South Dakota State Penitentiary as a result of disciplinary action taken against them without providing the following: a. Sufficient written notice of what conduct might subject them to disciplinary action and the penalties to be imposed for any particular infraction...b. Advance written notice of the charge against him...d. ...the opportunity to be represented at the hearing...e. the opportunity to confront and cross-examine his accusers and opposing witnesses and call witnesses on his own behalf... f. ...a summary of the testimony taken and evidence in support of and in defense of the charge...
- 4. In addition, the defendants shall file with the Court a list of rules and regulation...and the maximum and minimum punishments...[within] 30 days...


II.

That from the affidavit of Stephen Pevar, Esq., it appears that defendants have imposed and are imposing solitary confinement and/or on less of good time since the issuance of the above described...


show cause, if any they may have, why they should not be adjudged guilty of and punished for contempt of this court by reason of their failure to comply with the provisions of the Order of this court dated August 24, 1973, and more fully set forth above.

It is further ordered and decreed that service of this Order to Show Cause, together with the affidavit of Stephen Pevar, Esq., be served upon defendants by and through service upon attorney for defendants Gale E. Fisher, Esq., or other attorney of the firm of May, Johnson, & Burke, 412 West Ninth Street, Sioux Falls, South Dakota, 57104, and that the clerk of this court make such service by sending a copy of this Order and the affidavit by certified mail to the above address within four days of the hearing in this matter. Dated this 3rd day of October, 1973.


BY THE COURT:


Fred J. Nichol
Chief Judge

ATTEST:


William J. Srstka, clerk

(SEAL OF COURT)

By 
deputy