

the facts, the evidence shows that, to the extent the weather patterns can be anticipated, the summer of 2018 will likely again be dangerously hot,² and that a Court order will be necessary to ensure that the same constitutional violations do not recur in 2018.³ Further, no intervening precedent changes the Court's legal analysis.

Accordingly, after considering all the evidence before the Court, the arguments of counsel, all applicable filings, and all applicable law, the Court incorporates the findings and conclusions contained in its July 19, 2017 and October 12, 2017 orders. Doc. Nos. 737, 854; *see* Fed. R. Civ. Proc. 65(a)(2). Based on these findings and conclusions, the Court ORDERS that the preliminary relief set forth in its July 19, 2017 order shall continue in effect.

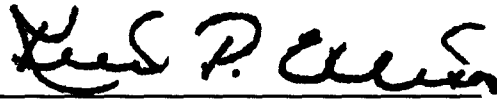
In light of TDCJ's lack of opposition to compliance with the preliminary injunction consistent with the relief described by the proposed settlement agreement pending before the Court, Docket Entries 989-4, pages 9 to 12, TDCJ is hereby ORDERED to do so on a temporary basis. In summary, TDCJ shall maintain the heat index at the Pack Unit housing areas at no greater than 88 degrees Fahrenheit from April 15, 2018 through October 15, 2018 and provide the same relief to the inmates enumerated in Docket Entry 989-5 for their current incarcerations, all subject to the provisions of the proposed settlement agreement. The Court defers any ruling on the approval of the settlement.

² *See, e.g.*, Plaintiffs' 2017 Hearing Exhibit 5; Doc. Nos. 693 & 693-1.

³ *See, e.g.*, Doc. No. 720-11 at 15, Deposition of C. Ginsel as TDCJ 30(b)(6) representative at 57:8-15; Doc. No. 720-13 at 10-12, Deposition of L. Linthicum at 206:21-208:10; Doc. No. 721.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 23rd day of March, 2018.

A handwritten signature in black ink, appearing to read "Keith P. Ellison". The signature is written in a cursive style with a horizontal line underneath.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE