

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



ALFREDO PRIETO,)	
)	
Plaintiff,)	
)	
v.)	1:12cv1199 (LMB/IDD)
)	
HAROLD C. CLARKE, <u>et al.</u> ,)	
)	
Defendants.)	

ORDER

For the reasons stated in the accompanying Memorandum Opinion, Plaintiff's Motion for Summary Judgment [Dkt. No. 74] is GRANTED, the Motion for Summary Judgment by defendants [Dkt. No. 79] is DENIED, and it is hereby

ORDERED that judgment be and is entered in favor of plaintiff; and it is further

ORDERED, ADJUDGED, and DECREED that the Virginia Department of Corrections' automatic and permanent placement of plaintiff in highly restrictive conditions of confinement violates the Due Process Clause of the Fourteenth Amendment; and it is further


ORDERED, ADJUDGED, and DECREED that defendants provide plaintiff with an individualized classification determination using procedures that are the same or substantially similar to the procedures used for all non-capital offenders, and/or that

defendants improve plaintiff's conditions of confinement such that the confinement does not impose an atypical and significant hardship.

The Clerk is directed to enter judgment in favor of plaintiff pursuant to Fed. R. Civ. P. 58 and to forward copies of this Order and the accompanying Memorandum Opinion to counsel of record.

Entered this 12th day of November, 2013.

Alexandria, Virginia



/s/ Leonie M. Brinkema
United States District Judge