

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

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|---|---|------------------|
| UNITED STATES OF AMERICA |) | |
| Plaintiff, |) | |
| |) | Civil No. 86/265 |
| v. |) | |
| |) | |
| TERRITORY OF THE VIRGIN ISLANDS, et al. |) | |
| Defendants. |) | |
| _____ |) | |

JOINT MOTION FOR ENTRY OF STIPULATED ORDER

Pending before the Court is the United States’ Motion for an Order to Show Cause Why Defendants Should Not Be Held in Contempt [ECF No. 833]. Oral argument on this Motion is currently scheduled for September 25, 2014. In the days leading up to oral argument, the parties were able to reach agreement on the issues raised in the motion and the necessary relief to be ordered by the Court.

The Territory has agreed to stipulate that it is in non-compliance with the Settlement Agreement, entered as an Order of this Court on May 14, 2014 [ECF No. 689-1]. The Territory also agreed to stipulate to the relief outlined in the attached Stipulated Order, as an appropriate remedy for their non-compliance with the Agreement. Finally, the Territory agreed to stipulate that the relief is compliant with the Prison Litigation Reform Act, 18 U.S.C. § 3626(a).

The United States maintains its position, outlined in its Motion and Reply brief, that the facts and law support a finding of contempt. The Territory maintains that it is not in contempt, but stipulates that it is not in compliance with the Agreement. Because the Territory will stipulate to a finding of non-compliance with the Agreement, and because the Territory will stipulate to the relief requested by the United States, the United States believes the entry of a

Stipulated Order is the most expeditious route to resolving the issue and moving the Territory towards compliance with the Agreement.

Accordingly, the United States of America and the Territory of the Virgin Islands jointly move this Court to enter a Stipulated Order, attached hereto as Exhibit 1. If the Court grants this Joint Motion and enters the attached Stipulated Order, the United States will agree to withdraw its original contempt motion without prejudice. The United States and the Territory also recognize that the entry of a Stipulated Order will have no effect on the Court's September 25, 2014 status conference and the Court's ability to investigate the Territory's efforts towards compliance during that conference.

Respectfully submitted,

FOR THE UNITED STATES

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CERTIFICATE OF SERVICE

I certify that on September 24, 2014, I electronically filed the foregoing using the CM/ECF system, which will send notification to the following:

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