

ORIGINAL

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

SEP 17 2007

Stephan Harris, Clerk  
Cheyenne

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

BRAD SKINNER, on his own behalf. )  
and on behalf of all other persons )  
similarly situated, )

Plaintiffs, )

Civ. No. 02-CV-033 B

vs. )

ROBERT LAMPERT, Director of the Wyoming )  
Department of Corrections, and MICHAEL )  
MURPHY, Warden of the Wyoming State )  
Penitentiary, in their official capacities, )

Defendants. )

---

---

**ORDER TERMINATING PROSPECTIVE RELIEF**

---

---

**FINDINGS OF FACT**

1. On February 15, 2002, Plaintiff, Brad Skinner filed a Prisoner Civil Rights Complaint Pursuant to 42 U.S.C. § 1983, claiming violation, by Defendants, of the Eighth Amendment based on Defendants' failure to protect inmates of Wyoming State Penitentiary (WSP) from assault by other inmates.

2. On August 5, 2002, the Court certified a Plaintiff class of inmates to include all present and future inmates of WSP. *Skinner v. Uphoff*, 209 F.R.D. 484 (D.Wyo. 2002)

3. On November 27, 2002, the Court granted Plaintiff's Motion for Summary Judgment. *Skinner v. Uphoff*, 234 F.Supp.2d 1208 (D. Wyo. 2002).

4. On October 10, 2003, the Court entered its Final Decree Adopting and Incorporating Defendants' Second Proposed Remedial Plan, with Modifications, and Granting in Part and Denying in Part Plaintiff's Objections to the Plan (Final Decree).

5. On August 8, 2006, the Court entered its Order Denying Defendants' Motion for Termination, Modifying Prospective Relief, and Granting in Part and Denying in Part Plaintiffs' Six Contempt Motions. *Skinner v. Lampert*, 457 F.Supp.2d 1269 (D. Wyo. 2006).

6. More than one year has passed since the entry of the Order Denying Defendants' Motion for Termination.

7. On August 16, 2007, Defendants filed Defendants' Second Motion for Termination of Prospective Relief.

8. On September 10, 2007, Plaintiffs filed a Notice of Non-Objection to Defendants' Second Motion for Termination.

9. Defendants have taken various measures to remedy the two constitutional violations which were the subject of the Court's Order Denying Termination.

10. The Court is unaware of any current and ongoing violations by Defendants of Plaintiffs' Eighth Amendment right to reasonable protection from harm from assault by other inmates.

### **CONCLUSIONS OF LAW**

1. Pursuant to the Prison Litigation Reform Act, 18 U.S.C. § 3626(b)(1)(A)(ii), Defendants were entitled to file their Second Motion for Termination on or after August 8, 2007.

2. The Final Decree and the Order Denying Termination and Modifying Prospective Relief, are orders granting prospective relief pursuant to the Prison Litigation Reform Act, 18 U.S.C. § 3626(g)(7).

3. The prospective relief ordered by the Court no longer remains necessary to correct current and ongoing violations of the federal right which was the subject of this suit.

4. The Plaintiffs do not oppose the termination of the prospective relief previously ordered in this case.

5. Defendants' Second Motion for Termination should be granted.

THEREFORE, IT IS HEREBY ORDERED that the prospective relief previously ordered by the Court in the above-captioned matter is hereby terminated.

DATED this 17<sup>th</sup> day of September, 2007.

  
\_\_\_\_\_  
CLARENCE A. BRIMMER  
UNITED STATES DISTRICT COURT JUDGE