

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MICHAEL A. AUSTIN, etc., et al.,

Plaintiffs,

vs.

FOB JAMES, JR., et al.,

Defendants.

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CASE NO. 95-T-637-N

6/28/96

STIPULATION

Without being ordered to do so by the Court, the Department of Corrections has ceased the practice of chaining inmates together. It has adopted the practice of individual chains for inmates. It believes that the latter practice allows more productive and efficient management of inmates, with increased safety and security.

Based upon the pleadings and all prior proceedings, the Defendant Commissioner of the Department of Corrections knows of no reason to resume the practice of chaining inmates together because of its inherent inefficiency and marginal safety. He, on behalf of himself and his agents and successors, agrees not to resume the practice of chaining inmates together in the future.

The parties agree that Defendant Governor Fob James should be dismissed from the case. To date, no evidence has been adduced of any violation of the Eighth Amendment with regard to the practice of chaining inmates together on the part of Governor James. The evidence reflects that former Commissioner Jones originated the idea of chaining inmates together and was responsible for implementing the practice. There is no evidence that demonstrates that Governor James knew that inmates chained together may face a substantial

risk of serious harm or that he disregarded any such risk by failing to take reasonable measures to abate it.

The plaintiffs agree to waive their right to seek fees and costs incurred in pursuing their claim against the practice of chaining inmates together.

In light of the agreement of the Defendant Commissioner not to resume the practice of chaining inmates together, the parties agree that the plaintiffs' challenge to the practice should be dismissed with prejudice. In the event that the Defendant Commissioner breaches this Stipulation, the plaintiffs may reinstate their challenge to the practice of chaining inmates together and/or enforce the Stipulation as a contract between the parties in state court.

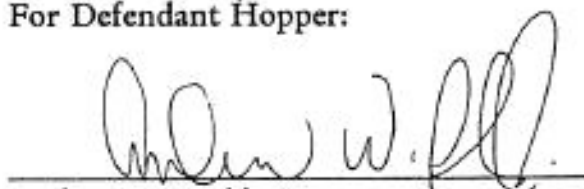
Stipulated and agreed to this 19th day of June, 1996.

For the Plaintiffs:



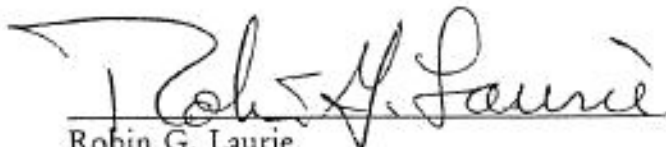
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For Defendant Governor James:



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Approved by the Court on this ____ day of _____, 1996.

UNITED STATES MAGISTRATE JUDGE