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 U.S. DISTRICT COURT OF LA
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UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

PRISON LEGAL NEWS and
 HUMAN RIGHTS DEFENSE CENTER,
 Plaintiffs

VERSUS

SID J. GEATREAUX, Sheriff, East Baton
 Rouge Parish Sheriff, DENNIS GRIMES,
 Warden, East Baton Rouge Parish Prison,
 MAX SCHIELE, Deputy Warden, East Baton
 Rouge Parish Prison, JOHNNY SCOTT,
 Chief of Security, East Baton Rouge
 Parish Prison, J. DOE 1, Mailroom
 Supervisor, East Baton Rouge Parish
 Prison, J. DOE 2, Lieutenant, Mailroom
 Supervisor, East Baton Rouge Parish Prison,
 J. DOE 3, Mailroom Employee, East Baton
 Rouge Parish Prison,

Defendants

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 * NUMBER: 12-0125
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 * JUDGE: Richard T. Haik
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 * MAGISTRATE: C. Michael Hill
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CONSENT JUDGMENT FOR INJUNCTIVE RELIEF ONLY

IT IS HEREBY STIPULATED by and between the undersigned counsel for plaintiffs and defendants, as follows:

1. On February 29, 2012, plaintiffs filed suit in the above-captioned matter seeking injunctive and declaratory relief, damages, attorneys’ fees and costs, against the named defendants. The complaint alleged an unlawful policy, practice and custom regarding a blanket ban on incoming magazines and periodicals addressed to prisoners at the East Baton Rouge Parish Prison, in violation of the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. 1983. The complaint also alleged violations of due process of law due to the failure to give notice and an opportunity to

respond to the plaintiff publishers and distributors whose publications were denied access to their subscribers.

2. On February 29, 2012, the same day as the filing of the compliant, plaintiffs filed a Motion for Preliminary Injunction, with attached Memorandum and Exhibits.

3. On March 12, 2012, this case was transferred to Judge Richard T. Haik and Magistrate Judge C. Michael Hill of the Western District of Louisiana by order of Chief Judge Brian A. Jackson of the Middle District of Louisiana.

4. Since the filing of the complaint and injunction, the parties, have engaged in on-going negotiations in an attempt to amicably resolve this matter. The defendants deny liability. However, in order to put an end to this litigation and to avoid unnecessary expense and the uncertainties of future litigation regarding the plaintiffs' request for injunctive relief, the parties have agreed to the following terms and conditions: (1) the defendants have consented to the distribution of plaintiffs' monthly publication, Prison Legal News, to plaintiffs' subscribers at the East Baton Rouge Parish Prison, and to providing for constitutionally adequate notice to senders and addresses of censorship and rejection and right to appeal; (2) the defendants have agreed to adopt and implement a new written policy and procedure, which the parties agree is constitutional, regarding "Incoming Publications" for prisoners at the East Baton Rouge Parish Prison, attached hereto as Exhibit A and incorporated herein; and (3) to make revisions to the Mailroom Lieutenant's Post Orders, attached hereto as Exhibit B and incorporated herein. These policies and procedures will be in effect regarding all future incoming publications to

prisoners in custody of the East Baton Rouge Sheriff's Office, including but not limited to those published by plaintiffs.

5. The parties agree, and the court so orders, that Defendants Sheriff Sid J. Gautreaux, his agents, assigns, employees, wardens, deputies and successors, will establish, implement and enforce the policies and procedures set forth in Exhibit A and Exhibit B, each incorporated herein.


6. It is further agreed and ordered that within 30 days of the date of entry of this Consent Judgment, the defendant Sheriff Sid J. Gautreaux will insure that this new policy is disseminated to all employees of the East Baton Rouge Parish Prison as well as to all persons in custody at the Parish Prison and will be fully implemented. Defendants' counsel will furnish the Court and plaintiffs' counsel with written confirmation of same.

7. The parties to this Consent Judgment agree that the provisions herein fully and fairly accommodate the interests of the parties hereto regarding the issue of injunctive relief, that the Court should adopt and approve this agreement as a Consent Judgment, and that this Consent Judgment is a full and final judgment between the parties with regard to permanent injunctive relief only.

8. This Court retains jurisdiction of this action in order to enforce the terms of this Consent Judgment, to determine any remaining issues relating to declaratory relief, to resolve any disputes regarding the implementation and enforcement of this Consent Judgment and all other issues of this lawsuit not otherwise covered by this Consent Judgment.


WHEREFORE, having fully read and considered the provisions set forth above, plaintiffs and defendants having stipulated and agreed to the above terms and conditions, and the court having approved the entry of this Consent Judgment, IT IS SO ORDERED.

Baton Rouge, Louisiana, this 9th day of April, 2012.




Judge Richard T. Haik
United States District Court
Western District of Louisiana

AGREED TO BY:



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