

FILED 08 JUN 17 15:16 USDC-ORP

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

JAMES M. CROWELL, et al.,

Civil No. 81-394-HA

Plaintiffs,

MODIFIED CONSENT DECREE

v.

**MICHAEL B. MUKASEY, in his
capacity as United States Attorney
General, DENNIS C. MERRILL, in his
capacity as the United States Marshal
for the District of Oregon,**

Defendants.

Based upon the agreement of the parties, IT IS HEREBY ORDERED that:

1. The consent decree entered on November 4, 1981 shall remain in full force and effect as modified and superseded herein;
2. As to all class members being held in federal custody by the United States Marshal for the District of Oregon, prior to entry of judgment in a pending case, the United States Marshal shall:
 - a. Hold all such prisoners within 85 miles of the courthouse where their hearings or trials are to be held;

b. If all prisoners cannot be housed as set forth in (a), the United States Marshal shall advise the Federal Public Defender for the District of Oregon and consult with him to reach agreement on the selection of prisoners to be housed more than 85 miles from the specified courthouse, with a goal of housing as many inmates as close as practicable to their scheduled court proceedings, causing minimal impact on client access and case preparation, to the extent such actions are consistent with the United States Marshal's security obligations in any individual case.

c. In the event the Federal Public Defender and the United States Marshal are unable to resolve issues with respect to the housing location of any individual prisoner, they will submit the dispute to the judge with jurisdiction over this Consent Decree.

3. As to all class members, the Federal Public Defender will notify the United States Marshals Service when a prisoner presents special circumstances that require that he be maintained locally where his hearings or trials are held (or his attorney is located). The Federal Public Defender will provide date parameters. At the conclusion of the date parameters, the United States Marshals Service may relocate the prisoner.

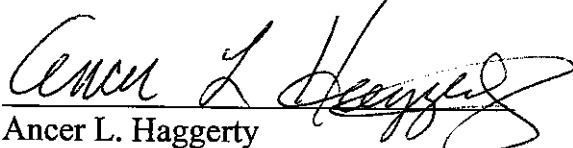
4. The United States Marshals Service shall facilitate the availability of confidential communications between attorneys and clients in all facilities in which it maintains contracts for housing prisoners, including contact visits and confidential telephone communication as part of reasonable access to counsel.

5. The United States Marshals Service will provide the Federal Public Defender with a weekly list of prisoners and assigned detention facilities.

6. The United States Marshal and the Federal Public Defender agree to discuss prisoner location issues or disputes and every effort will be made to resolve them. In addition, the parties will meet at least quarterly to ensure a spirit of cooperation between the parties and to evaluate policies and procedures in place to comply with the terms of this Decree.

7. In negotiation and communication with the United States Marshals Service, the Federal Public Defender, in his administrative capacity, shall be responsible not only to clients of the Federal Public Defender Office but ~~to~~^{with} to all clients represented under the Criminal Justice Act.

Dated this 17 day of June, 2008.


Ancer L. Haggerty
Chief, United States District Judge
