

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

DEMONTRAY HUNTER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	2:16cv798-MHT
)	(WO)
LYNN T. BESHEAR, in her)	
official capacity as the)	
Commissioner of the)	
Alabama Department of)	
Mental Health,)	
)	
Defendant.)	

OPINION AND ORDER

The claim presented in this litigation is that the Alabama Department of Mental Health (ADMH) fails to provide timely mental-health competency evaluations and restoration treatments to pretrial detainees. The claim rests on the Due Process Clause of the Fourteenth Amendment, as enforced through 42 U.S.C. § 1983.

Pursuant to the consent decree entered in January 2018, see *Hunter v. Beshear*, No. CV 2:16CV798-MHT, 2018 WL 564856 (M.D. Ala. Jan. 25, 2018) (Thompson, J.) (approving consent decree), and the parties' subsequent

joint plan to remediate ADMH's noncompliance with the consent decree, see Parties' Plan (doc. no. 137), and as required by the court's scheduling order, see Order (doc. no. 134), the parties submitted to the court on January 22, 2020, a joint report on the status of compliance with the consent decree, see Joint Report (doc. no. 142). This report appears to reflect significant and substantial failures to meet the standards set out in the consent decree, including the requirements for (among other things) the provision of Inpatient Mental Evaluations, the provision of Outpatient Mental Evaluations, and the admission of male detainees into relevant facilities. Put simply, it appears that, on a range of metrics, ADMH's provision of required services remains well short of substantial compliance.

ADMH's apparent ongoing failure to comply is of serious concern to the court. As a result, in accordance with the court's ongoing monitoring obligation, it is ORDERED that, to discuss the parties'

progress and the apparent barriers to compliance, an in-person status conference is set for February 5, 2020, at 10:00 a.m., in the Frank M. Johnson Jr. United States Courthouse Complex, Courtroom 2FMJ, One Church Street, Montgomery, Alabama.

DONE, this the 23rd day of January, 2020.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE