

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

<b>TIMOTHY GUMM, <i>et al.</i>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 5:15-cv-41 (MTT)</b>
	)	
<b>BENJAMIN FORD, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	
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**ORDER**

Plaintiff Timothy Gumm brought this action under 42 U.S.C. § 1983 to challenge unconstitutional conditions and practices in the defendants’ Tier III Program at the Special Management Unit located within the Georgia Diagnostic and Classification Prison. Doc. 1. After extensive discovery and briefing on the plaintiffs’ motions for class certification and preliminary injunctive relief, the parties reached an agreement in December 2018 to certify a settlement class and settle the declaratory and injunctive relief claims raised in the case. Doc. 207. The Court issued its Final Order and Permanent Injunction on May 7, 2019, that certified a settlement class, granted final approval of the Settlement Agreement, and adopted the Settlement Agreement as the Order of the Court. Doc. 256.

On January 28, 2022, the plaintiffs moved the Court for an order that directs the defendants to show cause why they should not be held in contempt for violating the terms of the Settlement Agreement. Doc. 308. In that motion, the plaintiffs contend “[d]efendants are violating nearly every substantive provision of the Settlement

Agreement, and this Court has the power to enforce its order through civil contempt.”  
*Id.* at 1. A motion hearing was held on April 26, 2022, in which the defendants conceded certain provisions of the Settlement Agreement were not being met. Doc. 342. Given that concession, the Court ordered the defendants to perform an audit to determine the extent to which the requirements of the Settlement Agreement have been met and further ordered the Settlement Agreement extended by 60 days to give the parties sufficient time to receive and review the audit results. Docs. 342 at 2; 343 at 2. With that audit now received (Doc. 352), the Court is satisfied the plaintiffs have “state[d] a case of non-compliance” and sufficient grounds exist for an order to show cause. *Reynolds v. Roberts*, 207 F.3d 1288, 1298 (11th Cir. 2000)

The plaintiffs’ motion for an order to show cause (Doc. 308) is **GRANTED**. Accordingly, the defendants are hereby **ORDERED TO SHOW CAUSE** at the hearing set for June 22, 2022, at 9:30 AM why they should not be held in contempt of the Court’s May 7, 2019 Order and Permanent Injunction adopting the terms of the Parties’ Settlement Agreement. Docs. 256; 256-1. The plaintiffs are **ORDERED** to file their assessment of the defendants’ audit by June 17, 2022.<sup>1</sup>

**SO ORDERED**, this 7th day of June, 2022.

S/ Marc T. Treadwell  
MARC T. TREADWELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

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<sup>1</sup> Given the above, the plaintiffs’ motion for reconsideration (Doc. 305) of the Court’s Order (Doc. 304) that directed the parties to confer regarding the alleged violations of the Settlement Agreement is **DENIED** as moot.