

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

WALTER D. BALLA, et al.,

Plaintiffs,

v.

IDAHO STATE BOARD OF CORRECTION,
et al.,

Defendants.

Case No. 1:81-CV-1165-BLW

ORDER

At the hearing held on December 18, 2015, I announced my decision to withdraw the reference to Judge David Carter. As I stated at that hearing, Judge Carter has handled the case efficiently, fairly, and in accordance with the highest standards of the federal judiciary. However, the case had been assigned to Judge Carter for the limited purpose of conducting a mediation session and then overseeing the parties' performance under the resulting settlement agreement. After consulting with Judge Carter, I concluded that it was time for me to again assume responsibility for administering a case for which I had ultimate responsibility.

However, in the intervening weeks, I have conferred with Judge Carter about what would be involved in transitioning the case back into my chambers. From that discussion, and after further reflection, I have concluded that the transfer of the case does not make sense at this time for a number of reasons.

Judge Carter has put three years of effort into resolving numerous complicated issues, and it would be inefficient and counterproductive to switch judges at this point.

Moreover, I am now the only active Judge in this District, making it very challenging to properly oversee the administration of the case. Judge Carter has graciously agreed to my request that he continue to oversee the implementation of the parties' settlement agreement.

Moreover, Judge Carter and I share the same vision for the future of this case. In our discussions, we both expressed the view that if the Defendants are serious about making permanent, concrete changes that will resolve the issues addressed in the parties' settlement agreement, an early termination of federal judicial oversight would be appropriate. We also agree that if a Special Master is required in the future, it will be provided by designated experts in the corrections field.

For all of the foregoing reasons, there would appear to be no reason to change horses in mid-stream, and many reasons to simply stay the course. Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED, that this matter shall be referred to the Honorable David O. Carter, United States District Judge for the Central District of California, sitting by special designation for the purpose of continuing work on the implementation of the parties' Settlement Agreement.



DATED: January 5, 2016

B. Lynn Winmill
Chief Judge
United States District Court