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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Isaac Kigondu Kiniti,
Plaintiff,
v.
CCA Detention Officers Harper, Alvarez,
Winters, Payne and Teran,
Defendants.

Case No. 05-cv-1013-DMS(PCL)

**SECOND AFFIDAVIT OF JOE
EASTERLING REGARDING
POPULATION STATUS OF
CORRECTIONS CORPORATION OF
AMERICA'S SAN DIEGO
CORRECTIONAL FACILITY**

I, JOE EASTERLING, being duly sworn according to law, upon my oath, depose and say:

1. I have been employed by Corrections Corporation of America (hereinafter "CCA") since 1989. Since April 2005, I have served as Warden at the San Diego Correctional Facility (hereinafter "SDCF"). Previously, I served as Warden of the Elizabeth Detention Center from July 2003 until April 2005.

2. I have personal knowledge of the matters contained in this affidavit, have reason to believe that the matters stated therein are true and accurate, and submit this Second Affidavit regarding Population Status of Corrections Corporation of America's San Diego Correctional Facility.

3. Paragraph 13 of my previous affidavit was verified by the facility quality assurance Manager on May 4, 2007. To verify, she checked the current inmate roster and found that Detainee Jose Morales Vargas was not detained on that date. It was merely an administrative oversight that my affidavit did not reflect that Detainee Morales-Vargas (A 70 161 279) had returned to the facility on February 12, 2007 and was transferred out of the facility for deportation

1 on May 3, 2007. At no time during Detainee Morales Vargas' return to the facility was he triple-
2 bunked or assigned to a bunk bed in the dayroom.

3 4. Since January 27, 2007, the average ICE detainee population has ranged as
4 follows:

| | | | |
|---|---------------------|------------|-----------|
| 5 | January 27-31, 2007 | High (704) | Low (624) |
| 6 | February, 2007 | High (683) | Low (641) |
| 7 | March, 2007 | High (690) | Low (575) |
| 8 | April, 2007 | High (662) | Low (605) |
| 9 | May, 2007 | High (676) | Low (621) |

10 5. Based upon the above population statistics, the number of ICE detainee
11 beds available has exceeded the total ICE detainee population from January 27, 2007, to the
12 present date.

13 6. Accordingly, currently no ICE detainees have been triple celled since
14 January 27, 2007.

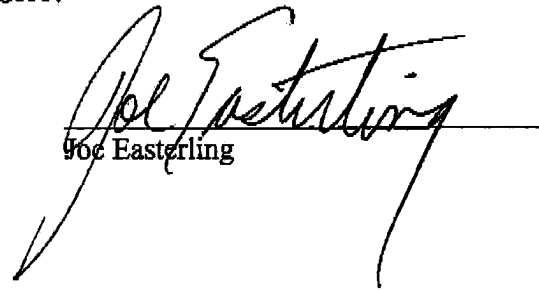
15 7. ICE detainees, who previously may have been housed in the receiving and
16 discharge area upon arrival to the facility, have temporarily been housed in bunk beds locating in
17 housing unit dayrooms; however, this temporary solution is only so that inmates may be properly
18 classified. Once classification is complete, usually within 24 hours of a detainees arrival at the
19 facility, the ICE detainees are then moved to a double-bunked cell based on their classification
20 level.

21 8. I have been advised that CCA and the County of San Diego have recently
22 negotiated an amendment to their Lease Agreement for the San Diego Correctional Facility
23 whereby the County of San Diego agreed to extend the lease term for the 200-bed Expansion
24 Premises from December 2007 through December 2011.

25 9. I have never received any information from ICE that ICE is angry about
26 this lawsuit or that it intends to transfer any number of ICE detainees to SDCF that would exceed
27 the present ICE detainee available bed space. As I have received no such notification, none of my
28 subordinates, including Officer Hurst or Case Manager Placeno have been advised that there is

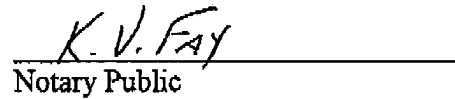
1 any intention to resume triple-celling. Moreover the statements that Detainee Kiniti attributes to
2 Officer Hurst and Case Manager Placeno lack credibility as neither Officer Hurst nor Case
3 Manager Placeno would be privy to such information, had any indication been received.
4

5 FURTHER AFFIANT SAYETH NAUGHT.

6
7 
8 Joe Easterling

9
10 County of San Diego)
11 California) ss.

12 SUBSCRIBED AND SWORN before me this 31st day of May 2007, by Joe Easterling.

13
14 
Notary Public

15 My Commission Expires:

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18 1784947.1

