

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EDWARD BANKS, *et al.*,

Plaintiffs-Petitioners

v.

QUINCY BOOTH, in their official capacity
as Director of the District of Columbia
Department of Corrections, *et al.*,

Defendants-Respondents.

No. 1:20-cv-_____

MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65 and Local Rule 65.1, Plaintiffs hereby move for the issuance of a preliminary injunction prohibiting Defendants (along with their respective successors in office, officers, agents, servants, employees, attorneys and anyone acting in concert with them) from continuing to violate the Fifth and Eighth Amendment rights of Plaintiffs and all members of the class they seek to represent by failing to take necessary measures to protect them against infection with the COVID-19 virus and the likely resulting serious illness or death. Specifically, Plaintiffs request that the Court enter a preliminary injunction requiring Defendants to take all actions within their power to reduce the inmate population of the D.C. Jail and CTF including, but not limited to, releasing as many people as possible through the COVID-19 Response Emergency Amendment Act of 2020 and immediately appoint an expert to make recommendations to the Court regarding how many and which class members to order released so as to ensure that the number of prisoners remaining at the CDF and CTF can be housed consistently with CDC guidance on best practices to prevent the spread of COVID-19, including the

requirement that prisoners be able to maintain six feet of space between them and further order that such recommendations take into account CDC guidance concerning health factors that put individuals at elevated risk of death from COVID-19. Plaintiffs also request that the Court immediately require Defendants adopt policies and procedures detailed in the Memorandum of Law, and appoint an independent monitor with medical expertise and who would have unfettered access to medical units, confidential communication with inmates, and access to surveillance video of public areas of the facilities, to ensure compliance with these conditions.

This motion is based on the memorandum of points and authorities, declarations, and other evidence submitted herewith, and such oral arguments and evidence as may be presented at a hearing on the motion. The grounds for this motion are that Defendants' actions and inactions are violating, and unless enjoined, will continue to violate, Plaintiffs' rights under the Fifth and Eighth Amendments to the Constitution of the United States; that Plaintiffs will suffer irreparable injury if the Defendants are not enjoined; that Defendants will not be injured if a preliminary injunction issues; and that the public interest favors the issuance of a preliminary injunction.

DATED: March 30, 2020
Washington, D.C.

Respectfully submitted,

/s/ Steven Marcus
Steven Marcus (D.C. Bar # 1630882)
Jonathan Anderson (D.C. Bar # 475306)
Jenna Cobb (D.C. Bar # 979506)
Public Defender Service for the District of Columbia
633 Indiana Avenue N.W.
Washington, D.C. 20004
Tel. 202-824-2524
Fax 202-824-2525
smarcus@pdsdc.org

/s/ Scott Michelman

Scott Michelman (D.C. Bar # 1006945)

Arthur B. Spitzer (D.C. Bar # 235960)

Michael Perloff (D.C. Bar # 1601047)

American Civil Liberties Union Foundation

of the District of Columbia

915 15th Street NW, Second Floor

Washington, D.C. 20005

Tel. 202-457-0800

smichelman@acludc.org