

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MICHAEL AMOS, et al.

PLAINTIFFS

V.

NO. 4:20-CV-7-DMB-JMV

TOMMY TAYLOR, et al.

DEFENDANTS

ORDER

On March 16, 2020, the plaintiffs filed an emergency motion for a temporary restraining order and mandatory preliminary injunction. Doc. #59. The motion seeks an “order directing mandatory and affirmative action to safeguard Plaintiffs at Parchman from SARS-CoV-2, also known as, COVID-19.” Doc. #59. Specifically, the plaintiffs argue the defendants should be required to implement certain rules and procedures designed to prevent the spread of COVID-19 at Parchman. After this Court directed expedited briefing on the motion, the defendants filed a response on March 19, 2020, Doc. #62, and the plaintiffs replied a day later, Doc. #64. Three days after the completion of the expedited briefing, the Centers for Disease Control and Prevention issued a document titled, “Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities.”¹

To issue a temporary restraining order or a preliminary injunction, a court must find (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury in the absence of injunctive relief; (3) the threatened injury outweighs the harm in granting the injunction; and (4) granting the injunction would not harm the public interest. *Janvey v. Alguire*, 647 F.3d 585, 595 (5th Cir. 2011) (elements for preliminary injunction); *Turner v. Epps*, 460 F. App’x 322, 325 n.3 (5th Cir. 2012) (elements for TRO). When inmate plaintiffs have asserted

¹ Accessible at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/guidance-correctional-detention.pdf>.

claims of deliberate indifference to medical needs, injunctive relief may be appropriate during an infectious outbreak based on prison officials’ “known noncompliance with generally accepted guidelines for inmate health.” *Hernandez v. Cty. of Monterey*, 110 F. Supp. 3d 929, 943 (N.D. Cal. 2015). Such guidelines may include CDC publications. *Id.*

Based on the authority above and the CDC’s recent publication, the plaintiffs are **DIRECTED** to file a supplemental brief, supported by competent evidence, addressing the extent to which Parchman officials are not in compliance with the CDC’s Interim Guidance, or should be required to implement measures beyond what the CDC’s Interim Guidance recommends. The plaintiffs’ brief shall be filed on or before April 13, 2020. The defendants shall file a response brief, also supported by competent evidence, within forty-eight (48) hours of the filing of the plaintiffs’ supplement.

SO ORDERED, this 7th day of April, 2020.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE