

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARIA ALEJANDRA CELIMEN SAVINO,
JULIO CESAR MEDEIROS NEVES,
and all those similarly situated,

Plaintiffs-Petitioners,

v.

STEVEN J. SOUZA, Superintendent of
Bristol County House of Correction
in his official capacity,

Defendant-Respondent.

CIVIL ACTION
NO. 20-10617-WGY

YOUNG, D.J.

June 30, 2020

ORDER

On May 7, 2020, this Court issued a preliminary injunction, ECF No. 168, which was modified on May 11, ECF No. 172. See Savino v. Souza, __ F. Supp. 3d. __, No. 20-10617-WGY, 2020 WL 2404923, at *11 (D. Mass. May 12, 2020). During a hearing held on June 15, 2020, the Court said it was disposed to modify paragraph 2 of the preliminary injunction to allow admission of immigration detainees into Bristol County House of Correction from the criminal wing of that facility, and the Court requested the parties' input on that matter. Tr. Hr'g 19-20, ECF No. 227. The parties then filed briefs. Def.'s Br., ECF No. 235; Pls.' Further Br. Medical & Capacity Issues 14-16, ECF No. 240.

After careful consideration, the Court rules that a “change in operative fact” warrants modifying paragraph 2 of the preliminary injunction.¹ Two factual changes are particularly important: (1) the population has dropped from 80 detainees when the preliminary injunction was issued, Savino, 2020 WL 2404923, at *2, to 62 detainees, ECF No. 234; and (2) all detainees, with the exception of a few who refused testing and so were quarantined, have now tested negative for COVID-19, Decl. Judy Borges ¶ 2, ECF No. 185-1. The Court is also concerned about the risk to public health resulting from transferring new detainees between facilities, include those outside the state.

Accordingly, paragraph 2 of the preliminary injunction is modified to add the following sentence: “New immigration detainees may, upon motion and leave from the Court, be admitted from the criminal wing of the facility, but only if they have (1) tested negative for COVID-19 and remained isolated since their test, (2) been evaluated for underlying medical conditions, and (3) been considered for release by ICE.”

SO ORDERED.

/s/ William G. Young
WILLIAM G. YOUNG
DISTRICT JUDGE

¹ Concilio de Salud Integral de Loiza, Inc. v. Pérez-Perdomo, 551 F.3d 10, 16 (1st Cir. 2008); Axia NetMedia Corp. v. Massachusetts Tech. Park Corp., 343 F. Supp. 3d 8, 12 (D. Mass. 2018) (Hillman, J.).