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Bird Marella and ACLU Obtain Preliminary Injunction on Behalf of Federal Prisoners in COVID-19 Class Action Suits

Bird Marella and co-counsel the American Civil Liberties Union (ACLU) partnered with the Prison Law Office (PLO) to achieve victories in two class action lawsuits filed against Terminal Island and Lompoc federal prisons over the inefficient measures taken by prison officials to prevent the spread of COVID-19.

In the Lompoc class action, the Court issued a preliminary injunction and ordered the Bureau of Prisons (BOP) to institute a process by which it must consider home confinement for prisoners who are over the age of 50 or who have at least one health condition that puts them at risk of serious illness from COVID-19 complications. The Court found that BOP's refusal to make full use of its authority under the CARES Act to place non-violent prisoners with safe release plans on home confinement had made social distancing inside the overcrowded prison impossible and rendered the multiphase approach taken by BOP totally ineffective. As a result of BOP's refusal to act, over 1,000 Lompoc prisoners tested positive for coronavirus, leaving medically vulnerable inmates at greater risk and resulting in the deaths of at least 4 prisoners. Due to the pro bono team's efforts, the Court is now requiring prison officials to consider all medically vulnerable prisoners and those over the age of 50 for home confinement and to make a prompt determination of pending compassionate release applications by no later than early August.

In the Terminal Island suit, the Court made a preliminary finding that serious constitutional violations were occurring and ordered an expert to conduct a site visit to inspect the alleged constitutional violations on or before August 3, 2020.

The Bird Marella team was led by principals Naeun Rim, Terry Bird and Dorothy Wolpert, counsel Shoshana Bannett, and associates Christopher Jumin Lee, Oliver Rocos, Kate Shin, and Jimmy Threatt.