

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Marquis Collier, John Doe I, John Doe II, and John Doe III, individually and on behalf of all others similarly situated,		
Petitioners,		
v.		
		20 Civ. 2183
RALPH SOZIO, United States Marshal, Southern District of New York; BRYAN T. MULLEE, Acting United States Marshal, Eastern District of New York; THE GEO GROUP, INC.; WILLIAM ZERILLO, Facility Administrator, Queens Detention Facility,		
Respondents.		
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[PROPOSED] TEMPORARY RESTRAINING ORDER

Upon reading the Memorandum of Law in Support of Petitioners’ Motion for a Temporary Restraining Order, dated May 13, 2020, the Declaration of Deirdre D. von Dornum, dated May 13, 2020, the Declaration of Dr. Jonathan Giftos, dated May 12, 2020, and all pleadings and proceedings relevant to this action; and

The Court having ordered that Respondents U.S. Marshal Ralph Sozio, Acting U.S. Marshal Bryan T. Mullee, The GEO Group, Inc., and Facility Administrator William Zerillo show cause before this Court in Room _____ at 225 Cadman Plaza East, Brooklyn, NY 11201, on _____, 2020 at _____ .m., why an order should not be issued:

- (a) Ordering Petitioners’ immediate release on bail from pretrial or presentence detention at Queens Detention Facility (“GEO Queens”), with such conditions as may be necessary or appropriate;

- (b) Ordering Respondents to mitigate the serious risk of illness, death, and harm from COVID-19 to those who remain confined at GEO Queens, as set out in Appendix A to this Order;
- (c) Appointing a Special Master on an emergency basis to chair a COVID-19 Release Committee to (i) evaluate for release inmates other than Petitioners who are Vulnerable Persons currently detained at GEO Queens, and (ii) make recommendations for ameliorative action to mitigate the serious risk of illness, death, and harm from COVID-19 for other persons detained at GEO Queens; and
- (d) Ordering such other and further relief as this Court deems just, proper, and equitable; it is hereby:

ORDERED that, pending the hearing and determination of Petitioners' Class Action Petition Seeking Writ of Habeas Corpus Under 28 U.S.C. § 2241:

- (a) Respondents shall immediately release on bail Petitioners from GEO Queens confinement, with such conditions as may be necessary or appropriate;
- (b) Respondents shall mitigate the serious risk of illness, death, and harm from COVID-19 to those who remain confined at GEO Queens by immediately implementing the measures set out in Appendix A to this Order;
- (c) _____ is appointed as a Special Master on an emergency basis to chair a COVID-19 Release and Mitigation Committee, which shall include a correctional health expert, in order to

(i) evaluate for release inmates other than Petitioners who are Vulnerable Persons currently detained at GEO Queens, and (ii) make recommendations for ameliorative action to mitigate the serious risk of illness, death, and harm from COVID-19 for other persons detained at GEO Queens; and it is

FURTHER ORDERED that no bond is required under Federal Rule of Civil Procedure 65(c); and it is

FURTHER ORDERED that, in light of the COVID-19 pandemic, service of this Order and the papers upon which it is based be made on Respondents on or before the _____th day of _____ 2020 to (a) Richard P. Donoghue, United States Attorney for the Eastern District of New York, 271 Cadman Plaza East, Brooklyn, NY 11201, by electronic mail to Richard.Donoghue@usdoj.gov; (b) Geoffrey S. Berman, United States Attorney for the Southern District of New York, 1 St. Andrews Plaza, New York, NY 10007, by electronic mail to Geoffrey.Berman@usdoj.gov; (c) George C. Zoley, Chairman of the Board, Chief Executive Officer and Founder of the GEO Group, Inc., 4955 Technology Way, Boca Raton, FL 33431, by electronic mail to gzoley@geogroup.com; (d) William Zerillo, Facility Administrator, Queens Detention Facility, 182-22 150th Avenue, Jamaica, NY 11413, by electronic mail to wzerillo@geogroup.com; and it is

FURTHER ORDERED that any response to Petitioners' application for a temporary restraining order and preliminary injunction shall be filed and served by Respondents on the _____ day of May, 2020 at _____ .m. and that service by electronic mail to Ann-Elizabeth Ostrager at ostragerae@sullcrom.com be deemed good and sufficient service.

SO ORDERED:

U.S.D.J.

APPENDIX A

I. SCREENING, TESTING, QUARANTINE AND ISOLATION MEASURES

- A. Implement, within 1 day of this Order, daily verbal screening of all inmates for symptoms of COVID-19 and contact with COVID-19 cases.
- B. Implement, within 1 day of this Order, daily temperature checks in dormitories where known or suspected COVID-19 cases have been identified.
- C. Implement, within 1 day of this Order, temperature checks and verbal screening for symptoms of COVID-19 and contact with COVID-19 cases of all GEO Queens staff and all visitors to GEO Queens before entry.
- D. Obtain, within 3 days of this Order, a sufficient supply of COVID-19 test kits to test all GEO Queens inmates and staff.
- E. Ensure, within 3 days of this Order, that all GEO Queens inmates who test positive for, or display one or more symptoms of, COVID-19 are quarantined or isolated in a medically appropriate manner and in settings not ordinarily used for punishment, such as the Special Housing Unit.

II. DISTRIBUTION OF BASIC HYGIENE NECESSITIES AND FACILITY CLEANING

- A. Provide all GEO Queens inmates, free of charge, within 3 days of this Order, adequate supplies, including hand soap, paper towels, toilet paper, facial tissue, and disinfectant products effective against COVID-19, including disinfecting wipes that can be used on, among other things, the shared telephones, terminals, bunk frames, shared tables and chairs, and shower handles.
- B. Provide all GEO Queens inmates, free of charge, within 3 days of this Order, masks and gloves effective for preventing transmission of COVID-19. Each inmate shall receive a minimum of five masks and pairs of gloves each week.
- C. Provide, within 3 days of this Order, all GEO Queens staff who have contact with GEO Queens inmates with new or sanitized N-95 or other medically appropriate masks, and require that all GEO Queens staff wear new or sanitized N-95 or other medically appropriate masks at all times that they are physically present at GEO Queens.
- D. Provide, within 3 days of this order, all GEO Queens staff who have contact with GEO Queens inmates with medically appropriate gloves, and require that all GEO Queens staff wear medically appropriate gloves at all times that they are physically present at GEO Queens.
- E. Provide, within 3 days of this Order, guidance to all GEO Queens inmates and staff on proper use of personal protective equipment.

- F. Hire a qualified professional cleaning service to clean, disinfect and sanitize GEO Queens, at least once a week, beginning within 3 days of this Order, with disinfectant products effective against COVID-19.

III. INMATE POPULATION

- A. Cease acceptance of any new detainees to GEO Queens until such time that appropriate preventive measures can be taken in order to ensure the health and safety of Petitioners and the proposed Class members with respect to COVID-19, including all actions required by this Order.
- B. Provide the list of GEO Queens inmates whom GEO Queens has previously identified as at high risk of complications or death from COVID-19 in reports to the United States Attorneys for the Southern and Eastern Districts of New York to the Court and Petitioners' counsel under seal and explain the criteria used to make such determinations within 2 days of this Order.
- C. Evaluate the eligibility for release of each GEO Queens inmate whom GEO Queens has previously identified as vulnerable to COVID-19 under CDC criteria in reports to the United States Attorneys for the Southern and Eastern Districts of New York and provide a written report to the Court and Petitioners' counsel under seal within 4 days of this Order.
- D. Explain the criteria used to evaluate when inmates who have tested positive for COVID-19 are deemed "cleared" of, or "recovered" from, the virus and the cases are considered resolved.

IV. PUBLIC REPORTING

- A. File a detailed report to the Court, within 3 days of this Order and twice weekly thereafter, describing all efforts made by Respondents in response to this Order and any further orders of the Court.