

**UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF OUISIANA**

ALEX A., by and through his guardian, Molly Smith; BRIAN B.¹; and CHARLES C., by and through his guardian, Kenione Rogers, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

GOVERNOR JOHN BEL EDWARDS, in his official capacity as Governor of Louisiana; WILLIAM SOMMERS², in his official capacity as Deputy Secretary of the Office of Juvenile Justice, JAMES M. LEBLANC, in his official capacity as Secretary of the Louisiana Department of Public Safety & Corrections,

Defendants.

Civil Action No. 3:22-CV-00573-SDD-RLB

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Upon the Declarations and exhibits filed with this motion and Plaintiffs' Memorandum of Law in support of the motion, Plaintiffs Alex A. and Charles C., on behalf of themselves and all members of the putative Plaintiff class and pursuant to Federal Rule of Civil Procedure 65 and Local Civil Rule 65, respectfully move this Court for a preliminary injunction, ORDERING Defendants to:

¹ On July 14, 2023, pursuant to Rule 25(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs notified the Court of the death of Brian B. Doc. 162. Plaintiffs leave Brian B. as a Plaintiff until the clerk is ordered to change the caption.

² On November 18, 2022, Gov. Edwards announced the resignation of Dep. Sec. Sommers and the appointment of Otha "Curtis" Nelson as his replacement. <https://gov.louisiana.gov/index.cfm/newsroom/detail/3892> Because Sommers was sued in his official capacity, Nelson is automatically substituted as a Defendant. Fed. R. Civ. P. 25(d). Plaintiff leaves Sommers as a Defendant until the clerk is ordered to change the caption.

- (1) Immediately transfer Plaintiff Charles C. and all putative class members currently housed at the OJJ Angola facility (also known as Bridge City – West Feliciana) out of that facility, to OJJ children’s facilities that provide all legally-required services, education and supports for children adjudicated delinquent; and
- (2) Immediately cease placing at or transferring any children in OJJ’s custody to the OJJ Angola facility.

In the alternative, Plaintiffs Alex A. and Charles C., on behalf of themselves and all members of the putative class, move the Court for a preliminary injunction, ORDERING Defendants to immediately take the following actions at the OJJ Angola facility:

- (1) Cease confining children in individual cells for more than 8 hours per day (for sleeping), as Defendants promised during the September 2022 preliminary injunction hearing;
- (2) Cease using confinement in individual cells for behavior infractions or as any other type of discipline, as Defendants promised during the September 2022 preliminary injunction hearing;
- (3) Cease confining children in individual cells when they first arrive at the facility for more than 8 hours per day (for sleeping);
- (4) Implement an excessive-heat remediation plan in the areas of the building where children sleep, eat, and have recreation, in classrooms, and in all other areas where children spend time;
- (5) Provide potable drinking water to all children in the facility, while in cells and elsewhere;
- (6) Provide counseling and other mental health treatment services as Defendants promised during the September 2022 preliminary injunction hearing;

- (7) Provide all educational and special education services and supports that Defendants promised to provide during the September 2022 preliminary injunction hearing;
- (8) Allow and facilitate in-person, telephone and video visits for children with family members, as Defendants promised during the September 22 preliminary injunction hearing, at least two times per week; and
- (9) Provide indoor and outdoor recreation and exercise opportunities as Defendants promised during the September 2022 preliminary injunction hearing.

A proposed Order is attached hereto.

Respectfully submitted, this 17th day of July, 2023.

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of July, 2023, a copy of the foregoing was served upon all counsel of record by electronic transmission.

/s/ David J. Utter
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