

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

GEOFFREY PESCE,

Plaintiff,

v.

KEVIN F. COPPINGER, in his official  
capacity as Essex County Sheriff, AARON  
EASTMAN, in his official capacity as  
Superintendent of the Essex County House of  
Corrections - Middleton,

Defendants.

Civil Action No. 18-cv-11972

~~PROPOSED~~ ORDER GRANTING  
PLAINTIFF'S MOTION FOR A ~~TEMPORARY~~  
RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, and upon consideration of Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction, and upon review of the pleadings and papers filed in support thereof and in opposition thereto, and after hearing oral argument from counsel for the parties, this Court hereby GRANTS Plaintiff's Motion for a ~~Temporary Restraining Order~~ and Preliminary Injunction.

WHEREFORE, the Court ORDERS that Defendants Kevin F. Coppinger and Aaron Eastman, in their official capacities as Essex County Sheriff and Superintendent of the Essex County House of Corrections - Middleton, shall provide Plaintiff with continued access to his methadone treatment, as prescribed by his physician, during his incarceration under Defendants' custody.

*the Court cites and incorporates its Memorandum and Order of November 26, 2018 and*

As grounds for this order, this Court hereby finds that Plaintiff has a likelihood of success on the merits of his claims that Defendants' withholding of the prescribed medication from Plaintiff will violate his right to be free from cruel and unusual punishment under the Eighth Amendment of the United States Constitution and his right to non-discriminatory treatment and reasonable accommodations under the Americans with Disabilities Act; that Plaintiff is likely to suffer irreparable harm if the order is not granted; that the potential harm to Plaintiff if the order is not granted outweighs the potential harm to Defendants if the order is granted; and that issuance of the order is in the public interest.

This Order shall remain in effect unless and until modified by the Court.

SO ORDERED this 26<sup>th</sup> day of November, 2018.

  
United States District Judge