

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ALEXANDER GRINIS, MICHAEL
GORDON, and ANGEL SOLIZ, on
behalf of themselves and those
similarly situated,

Petitioners,

v.

STEPHEN SPAULDING, Warden of
Federal Medical Center Devens, and
MICHAEL CARVAJAL, Director of the
Federal Bureau of Prisons, in their
official capacities,

Respondents.

No. 20-cv-10738-GAO

**MOTION FOR IMMEDIATE BAIL CONSIDERATION, TEMPORARY
RESTRAINING ORDER, AND PRELIMINARY INJUNCTIVE RELIEF**

Pursuant to Fed. R. Civ. P. 65 and this Court's inherent authority to provide effective habeas relief under 28 U.S.C. § 2241, Petitioners move for immediate bail consideration, a temporary restraining order, and preliminary injunctive relief for themselves and all other similarly situated federal prisoners who are, or will be, in custody while serving federal sentences at FMC Devens in Devens, Massachusetts ("Class Members").

Specifically, Petitioners request that, as soon as the parties may be heard, this Court:

- a. Pending a decision in these habeas proceedings and pursuant to this Court's inherent habeas corpus authority, release sufficient Class Members on bail to ensure effective social distancing at FMC Devens in compliance with CDC guidelines;

b. Enter a temporary restraining order or preliminary injunction ordering Respondents to comply with CDC guidelines and best practices to prevent the spread of COVID-19, including, without limitation, by reducing the prisoner population at FMC Devens sufficiently to permit effective social distancing through either;

- i. Compassionate release of Class Members pursuant to 18 U.S.C. §§ 3582(c) and 4205(g); or
- ii. Transfers of Class Members to home confinement pursuant to P.L. 116-136, 134 Stat. 281 (Mar. 27, 2020) (“CARES Act”), § 12003(b)(2);

c. Appoint a special master or expert under Fed. R. Evid. 706 to investigate conditions at FMC Devens, monitor compliance with this Court’s orders, and make recommendations to this Court.

In support of this Motion, Petitioners rely on the accompanying Memorandum and declarations as well as their Petition for Writ of Habeas Corpus, Injunctive, and Declaratory Relief.

Respectfully submitted,

ALEXANDER GRINIS, MICHAEL GORDON, ANGEL SOLIZ,
and others similarly situated,

By their attorneys,

/s/ William W. Fick

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

I, William W. Fick, certify that on April 14, 2020, I conferred in good faith with AUSA Rayford Farquhar to discuss whether it would be possible to resolve or narrow the issues that this Motion presents.

/s/ William W. Fick

CERTIFICATE OF SERVICE

I, William Fick, certify that I have caused the foregoing document to be served by e-mail PDF upon AUSA Ray Farquhar, Civil Chief (D. Mass.), on April 15, 2020.

Because the government declined to waive formal service under Fed. R. Civ. P. 4, on that same day, I traveled in person to a U.S. Post Office to send the document to the following recipients by certified U.S. Mail:

U.S. Attorney's Office
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*/s/ William Fick*_____