

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DION HORTON, *et al.*,

Plaintiffs,

v.

Case No. 22-cv-1391

JILL RANGOS, *et al.*,

Defendants.

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTIVE RELIEF
(EVIDENTIARY HEARING REQUESTED)

Plaintiffs Dion Horton, Damon Jones, Craig Brownlee, Rahdnee Oden-Pritchett, Tate Stanford and Elijah Bronaugh are all trapped in the Allegheny County Jail on probation detainers—an order prohibiting their release from jail—because Defendants' mandatory detention policies prohibit individualized consideration of their release. Plaintiffs have been or will be subjected to a perfunctory proceeding at which there is no opportunity to meaningfully contest their ongoing detention and no findings are made that their detention is necessary. Despite the appearance of a hearing, Plaintiffs have virtually no opportunity to obtain release.

Plaintiffs seek preliminary injunctive relief on behalf of the dozens or more individuals accused—but not found guilty of—probation violations who languish in the Allegheny County Jail (ACJ) on a daily basis. As fully set forth in the accompanying Memorandum of Law, Plaintiffs are likely to succeed on the merits of their claims that Defendants' mandatory detainer practices, which prohibit individualized consideration of whether incarceration is necessary in certain

categories of cases, violate due process under the U.S. Constitution.¹ Defendants systematically fail to provide the procedural and substantive safeguards required by *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973), and *Morrissey v. Brewer*, 408 U.S. 471, 484 (1972), at an initial proceeding upon arrest (referred to locally as a *Gagnon I* proceeding). Defendants also categorically fail to consider whether incarceration is necessary to ensure public safety or assure court appearance, rendering the resulting months-long incarceration impermissibly punitive.

Defendants' policies and practices threaten imminent harm to the pre-*Gagnon I* mandatory detention subclass, represented by Plaintiffs Stanford and Bronaugh, whose *Gagnon I* proceedings are imminent. And Defendants' policies and practices have already resulted ongoing harm to the post-*Gagnon I* mandatory detention subclass, represented by Plaintiffs Horton, Jones, Brownlee, and Oden-Pritchett, who have been languishing in jail for months, with no end in sight. Plaintiffs are jailed because of Defendants' mandatory detainer policy, which requires automatic detention in certain categories of cases with no individualized consideration. Without immediate relief from this Court, these people, and more people who are arrested every day, will suffer irreparable harm caused by illegal incarceration pursuant to mandatory detention practices. An injunction halting practices that result in the unconstitutional detention of dozens or more people unquestionably outweighs any harm to Defendants and is in the public interest.

Accordingly, this Court should grant a preliminary injunction requiring County Defendants to immediately adopt constitutionally compliant policies and practices (including halting

¹ Though Plaintiffs bring both federal and state due process claims challenging all *Gagnon I* proceedings in Allegheny County, which they contend systematically occur in a constitutionally deficient manner, at this time, Plaintiffs move for preliminary injunctive relief only under the U.S. Constitution as to individuals who are detained subject to Defendants' mandatory detention practices.

mandatory detention practices) and requiring Defendant Harper not to jail individuals on probation
detainers who have not received the requisite constitutional safeguards. *See* Proposed Order.

Respectfully submitted this 3rd day of October, 2022

/s/ Sumayya Saleh

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pursuant to App.R 49 (c)(8), with supervision by
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/s/ Dolly Prabhu

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**pro hac vice* application forthcoming