

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

RICHARD REYNOLDS,
Plaintiff,

v.

LEO ARNONE, et al.,
Defendants.

No. 3:13-cv-1465 (SRU)

RULING ON DEFENDANTS' MOTION FOR IMMEDIATE STAY

The Defendants, all former or present officials of the Connecticut Department of Correction, have moved for a temporary stay of the Permanent Injunction Order (“PIO”) entered on August 27, 2019. *See* Doc. No. 156. The PIO, among other things, permanently enjoined the Defendants from placing the Plaintiff Richard Reynolds (“Reynolds”) in special circumstance high security status and from enforcing Connecticut General Statutes Section 18-10b against any current or future inmate. The PIO ordered the Defendants to submit a status report within 30 days detailing how they have complied with the Order.

The Defendants’ motion (doc. no. 157) is grounded on Rule 62(c) of the Federal Rules of Civil Procedure and requests a 30-day stay to “ensure that the PIO can be implemented in a manner that avoids significant operational disruption and ensures inmate safety.” Mot. to Stay at 3. Reynolds opposes the motion (doc. no 158), stating that any further delay beyond the 30 days provided in the PIO will subject Reynolds to additional harm. *See* Pl’s Opp. at 2. For the reasons that follow, the Defendants’ motion is **denied** in substantial part.

The Defendants’ argue that an additional 30 days is warranted because transferring special circumstances inmates requires “consideration of identifying, classifying and determining how and in what manner to classify and assign an inmate, which cannot be done

instantaneously.” Mot. to Stay at 3. Specifically, the Defendants note that the inmate classification process “involves collecting and evaluating information about each inmate to determine the inmate’s risk and need level for appropriate confinement location, treatment, programs, and employment assignment.” Mem. in Supp. Mot. to Stay (Doc. No. 157-1) at 2. The Defendants’ argument is unavailing.

The Defendants have previously completed a risk assessment for Reynolds. *See, e.g.*, Mem. of Decision (Doc. No. 155) at 37 (“Reynolds is classified at a Level 5 Risk Level, despite receiving a ‘1’ in every category except for ‘length of sentence’ and ‘severity/violence of the current offense,’ where he received a ‘5’ and ‘4’ respectively.”) (citing Reynolds’ Classification Review Sheet (Doc. No. 121-25) at 1). The Defendants do not need additional time to classify Reynolds because it is clear from the record that his classification has already been performed. The “length of sentence” factor can be changed from a “5” to “4” without much trouble or delay. Decisions regarding his appropriate placement can certainly be made in the 30 days permitted by the PIO. Potential issues of inmate separation are unlikely to pose much difficulty; Reynolds is not a member of a security risk group (i.e., gang), *see id.* (security risk group rating of “1”), and he has been in solitary confinement for 23 years, where he was quite unlikely to have developed an antagonistic relationship with any other inmate.

The request for a stay of the PIO is granted to the extent that it enjoins the Defendants from enforcing Connecticut General Statutes Section 18-10b against any current or future inmate other than Reynolds. The record does not include the security classification review sheets for the other inmates affected by the statute. It may, therefore, take the Department of Correction longer to evaluate the appropriate placement of those inmates. That portion of the PIO is stayed for an additional 30 days.

The Defendants' motion for an immediate stay is therefore **granted** in part and **denied** in part.

So ordered.

Dated at Bridgeport, Connecticut, this 4th day of September 2019.

/s/ STEFAN R. UNDERHILL
Stefan R. Underhill
United States District Judge