

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THERESA VICTORY : **CIVIL ACTION**
 :
 v. : **NO. 18-5170**
 :
 BERKS COUNTY, et al. :

ORDER

AND NOW, this 15th day of January 2019, upon considering Plaintiff's Motion for a preliminary injunction (ECF Doc. No. 9), Defendants' Opposition (ECF Doc. No. 20), after evaluating the credibility of several witnesses and studying exhibits admitted during our evidentiary hearing, for reasons in Findings of Fact and Conclusions of Law, and upon finding Plaintiff established a likelihood of success on the merits as to her equal protection claim, imminent, irreparable and daily harm caused by Berks County's substantially different mobility rights denied to Plaintiff compared to similarly situated male inmates with the same Trusty classification housed in the Community Reentry Center, the balance of equities favoring immediate injunctive relief, and the public interest favoring the equal treatment of similarly classified low risk Trusty-classified male and female inmates, it is **ORDERED** Plaintiff's Motion for a preliminary injunction (ECF Doc. No. 9) is **GRANTED**:

1. On or before **January 18, 2019**, Berks County, through Warden Quigley, shall implement a schedule at either the Berks County Jail or Community Reentry Center allowing Plaintiff to have the same liberty and freedom of movement provided to male Trusty inmates housed at the Community Reentry Center as of January 10, 2019, including (by way of example only) thirteen hours of each day (not including work release) outside of her cell, no lock on her

cell in the evening hours, and direct access to rehabilitative programs she wishes to attend in the Community Reentry Center;

2. This preliminary injunction is effective upon Plaintiff posting a **\$100.00** bond with the Clerk of this Court; and,

3. Berks County and its agents shall not retaliate against Plaintiff for her pursuit of constitutional remedies including through less-than-immediate compliance with this Order or against other inmates including by adversely altering the present benefits for male Trusty inmates except possibly reassigning housing for male Trusty inmates among the four units in the Community Reentry Center to create room for Plaintiff.



KEARNEY, J.