

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

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

ORDER


AND NOW, this 20th day of May 2019, upon considering Alice Velazquez-Diaz's Motion for a preliminary injunction (ECF Doc. No. 115), Defendants' Opposition (ECF Doc. No. 123), Ms. Velazquez-Diaz's Reply (ECF Doc. No. 130), after evaluating the credibility of witnesses and studying exhibits admitted during our evidentiary hearing, for reasons in the accompanying Findings of Fact and Conclusions of Law, and upon finding Ms. Velazquez-Diaz 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 her 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** Ms. Velazquez-Diaz's Motion for a preliminary injunction (ECF Doc. No. 115) is **GRANTED**:

1. On or before **May 28, 2019**, Berks County, through Warden Quigley, shall file a proposed plan to ensure compliance with the accompanying Memorandum allowing Ms. Velazquez-Diaz to have the freedom of movement provided to male Trusty inmates housed at the Community Reentry Center as of May 15, 2019, including (by way of example only) thirteen hours of each day (not including work release) outside of her cell during which time she can use the

bathroom, showers, and a microwave; no lock on her cell in the evening hours absent specific security or safety concerns relating to Ms. Velazquez-Diaz limited only to the time of the concerns; and, visitation without glass partition as afforded to male trusty inmates;

2. Ms. Velazquez-Diaz may respond to the Defendants' proposed plan no later than **May 29, 2019**; and,

3. This preliminary injunction is effective upon Ms. Velazquez-Diaz posting a **\$100.00** bond with the Clerk of this Court.



KEARNEY, J.