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Inmate Lawsuits for Injunctive Relief

QUESTION: Is an inmate limited to suing for money damages?

ANSWER: No. An inmate may sue for injunctive relief only or for money damages and injunctive relief. However, the criteria for obtaining an injunction are stringent and very difficult to meet.

CASE: *Donald Ray Brown v. Betty Johnson, Warden (unpublished)*
U.S. District Court (Maryland), Decided October 5, 2012

This case shows that inmates do not *always* sue for money damages. On occasion, inmates sue for only injunctive relief and not money damages. More commonly, however, inmates request both money damages and injunctive relief in their lawsuits. Injunctive relief is a court-ordered act or prohibition against an act or condition which has been requested, and sometimes granted, in suit. Such an act is the use of judicial (court) authority to handle a problem, and is not a judgment for money. Historically, the power to grant injunctive relief stems from English equity courts rather than damages from law courts. Injunctions can be preliminary and/or final.

In this case, Donald Ray Brown, a sixty-three year old state inmate confined at the Brockbridge Correctional Facility ("BBCF"), filed suit in July 2012. In his lawsuit, Brown sought preliminary (or immediate) injunctive relief only. Specifically, he wanted a court order releasing him from confinement and the provision of proper medical care. He claimed that he suffered from multiple, major health care problems, including atrial fibrillation, bipolar disorder, dizziness, chronic kidney disease, cataracts, gum disease, and prostrate complications resulting from a failure to provide follow-up care. Brown also contended that his administrative grievances had not been responded to and that his efforts to file suit were impeded by the refusal to provide him photocopies and/or the name of the Warden.

The Warden, through counsel, responded to the lawsuit by providing more than forty (40) pages of Brown's medical records from state and county correctional facilities. The records established that while confined at the Talbot County Detention Center, Brown had received several blood tests, an EKG, and a CT scan of the brain. All test results were within normal limits. Brown was subsequently transferred to BBCF from the Maryland Reception, Diagnostic, and Correctional Center ("MRDCC"). He was seen by health care personnel several times at MRDCC in August 2012 and his vital signs were normal in all

respects. Brown, however, continued to complain of blood in his urine and pain and swelling of the left foot. The hematuria evaluation continued into June 2012, when it was noted that the condition had resolved. As of July 12, 2012, when seen in the Chronic Care Clinic (“CCC”), Brown was found to be stable and was continued on his medications. Brown was scheduled to be seen in the CCC for follow-up care in three months.

In reviewing the case, the court first observed that in order to obtain a preliminary injunction, an inmate must demonstrate: (1) by a “clear showing” that he is likely to succeed at trial; (2) that he is likely to suffer irreparable harm in the absence of a preliminary injunction; (3) that balance of equities (fairness) tips in his favor; and (4) an injunction is in the public interest. The evidence provided by the Warden showed that Brown’s request for an injunction lacked merit. The medical records showed that Brown was subject to periodic medical examination at the CCC and had been prescribed medications for his conditions. Consequently, there was simply no basis upon which to issue an injunction. In other words, Brown failed to demonstrate irreparable harm and any likelihood that he would win at trial. At an even more fundamental level, Brown failed to show any wrongdoing on the part of the Warden. For all of these reasons, Brown’s lawsuit was dismissed.

NOTE: Inmate lawsuits for injunctive relief require the same care and attention as those requesting money damages. Injunctions are most likely to be granted in inmate suits involving claims of a denial of medical care or infringement of religious liberties. For example, if an inmate is not receiving prescribed medications, and can establish that fact, the court may order that the medications be provided at the medically prescribed intervals.

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