

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HASSAN CHUNN; NEHEMIAH McBRIDE;
AYMAN RABADI, by his Next Friend
MIGDALIZ QUINONES; and JUSTIN
RODRIGUEZ, by his Next Friend JACKLYN
ROMANOFF,

No. 20 Civ. 1590

individually and on behalf of all others similarly
situated,

Petitioners,

-against-

WARDEN DEREK EDGE,

Respondent.

[PROPOSED] ORDER TO SHOW CAUSE

Upon reading the annexed Class Action Petition Seeking Writ of Habeas Corpus Under 28 U.S.C. § 2241, the Declaration of Deirdre D. von Dornum, dated March 27, 2020, and the Declaration of Jonathan Giftos, dated March 27, 2020, and all pleadings and proceedings relevant to this action, it is hereby:

ORDERED that, pursuant to 28 U.S.C. § 2243, “not more than five days after the return [of the writ] unless for good cause additional time is allowed,” Respondent Warden Derek Edge show cause before this Court in Room _____ at 225 Cadman Plaza East, Brooklyn, NY 11201, on April 7, 2020 at _____ .m., why an order should not be issued, pursuant to 28 U.S.C. § 2241:

- (a) Ordering immediate release of vulnerable persons, with appropriate precautionary public health measures, including Petitioner Chunn (scheduled to be released on 4/18/2020); Petitioner McBride (scheduled to

be released on 4/16/2020); Petitioner Rabadi (scheduled to be released on 7/19/2020); Petitioner Rodriguez (scheduled to be released on 6/9/2020); and all others confined at MDC who Respondent has identified as medically vulnerable due to underlying health conditions or age (“Vulnerable Persons”)—and therefore at higher risk of developing serious COVID-19 illness;

- (b) Ordering Respondent to mitigate the serious risk of illness, death and harm from COVID-19 to those who remain confined at MDC;
- (c) Certifying this Petition as a Class Action;
- (d) Appointing a Special Master on an emergency basis to Chair a Coronavirus Release Committee to evaluate Vulnerable Persons and make recommendations for ameliorative action for other persons at MDC; and
- (e) Ordering such other and further relief as this Court deems just, proper and equitable; and it is

FURTHER ORDERED that, in light of the COVID-19 pandemic, service of this Order and the papers upon which it is based be made on Respondent on or before the 30th day of March 2020 (a) to Richard P. Donoghue, United States Attorney for the Eastern District of New York, 271 Cadman Plaza East, Brooklyn NY 11201, by electronic mail to Richard.Donoghue@usdoj.gov; and (b) to the Deputy Chief of the Civil Division of the United States Attorney’s Office for the Eastern District of New York, Seth D. Eichenholtz, by electronic mail to Seth.Eichenholtz@usdoj.gov (Counsel of Record for the Federal Bureau of Prisons in the currently pending *Federal Defenders of New York, Inc. v. Federal Bureau of Prisons et al.*, 1:19-cv-00660-MKB-SMG (E.D.N.Y)); and that said service be deemed sufficient; and it is

FURTHER ORDERED that, pursuant to 28 U.S.C. § 2243, “within three days unless for good cause additional time,” Respondent shall make a return of the writ on or before the 2nd day of April 2020; and it is further

ORDERED reply papers, if any, shall be filed on or before the 5th day of April 2020.

SO ORDERED:

U.S.D.J.