

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

K.C., on behalf of herself and all others
similarly situated,

F.T., a minor, by and through her next friend
S.W., on behalf of herself and all others
similarly situated,

M.N., a minor, by and through her next friend
Y.A., on behalf of herself and all others
similarly situated,

S.H., a minor, by and through her next friend,
G.J., on behalf of herself and all others
similarly situated, and

N.E., a minor, by and through her next friend,
P.D., on behalf of herself and all others
similarly situated,

Plaintiffs,

v.

Richard Nedelkoff, in his official capacity as
Conservator of the Texas Youth Commission,

James Smith, in his official capacity as
Deputy Commissioner for Residential and
Parole Services of the Texas Youth
Commission, and

Teresa Stroud, in her official capacity as
Superintendent of Brownwood State School,

Defendants.

Civil No.

Hon.

**CLASS ACTION COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

PRELIMINARY STATEMENT

1. The Texas Youth Commission (TYC) is the juvenile corrections agency of the State of Texas. Most girls held in TYC custody are confined in a youth prison called Brownwood State School (Brownwood). The majority of girls confined in Brownwood have suffered previous, often severe and persistent, physical, sexual, and/or emotional abuse resulting in trauma. Almost all of the girls have been diagnosed with mental illness.

2. Girls incarcerated in Brownwood are frequently subjected to punitive solitary confinement in oppressively cold, concrete and cinderblock cells containing nothing other than a metal slab intended for use as a bed, and in some cases a metal toilet. Cell lights remain on twenty-four hours a day, and are dimmed during the night. Girls held in solitary confinement are denied any personal possessions and suffer enforced idleness. Often, girls lie curled in the fetal position on the floor of the cell or the metal slab. At other times, they beat their heads, hands, or feet against the cell walls. In response to such self-harm, TYC guards rush into the cells, often in full riot gear and wielding shields, and subject girls to extreme force such as pepper spraying their faces. Solitary confinement is imposed for minor misbehavior, for self-harm, and for expressing a desire to commit self-harm. The duration of the solitary confinement imposed on girls varies between very brief terms and terms of months.

3. Girls in Brownwood are frequently subjected to invasive strip searches conducted by guards. Guards strip search girls when girls are taken into and out of solitary confinement, and at other times when there is no individualized justification for a search. Girls often resist such sexual exposure, and in response, guards subject them to physical force, often binding the girls in leather straps and leaving them on the cold, dirty concrete floor of an isolation cell until they surrender to being strip searched.

4. Punitive solitary confinement and routine strip searches inflict severe psychological damage and concomitant physical injury on incarcerated girls, especially in light of the girls' youth, their histories of abuse, and their mental health diagnoses. Such treatment is degrading and humiliating and as a consequence girls leave TYC custody more physically and emotionally damaged than when they entered.

5. This civil rights action is brought by currently incarcerated girls on behalf of all girls and young women who are now or in the future will be held in Brownwood. This action challenges the TYC policies and practices permitting the punitive imposition of solitary confinement on girls in the absence of an immediate threat of physical injury. This action also challenges the routine and unwarranted strip searching of incarcerated girls. By maintaining such policies and practices, TYC violates the girls' rights under the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution. Such policies and practices also violate customary international law, including laws extending special protections to children, and prohibiting torture and other forms of cruel, inhuman, and degrading treatment or punishment.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1343(3) and (4); 28 U.S.C. §1331(a); 28 U.S.C. §§2201 and 2202; 20 U.S.C. §§1401 *et seq.* and regulations promulgated thereunder; customary international law, incorporated under federal common law; and Federal Rules of Civil Procedure 57 and 65. Plaintiffs' claims for relief are authorized by 42 U.S.C. §1983 which provides for redress of deprivations under color of state law of rights guaranteed by the Constitution and laws of the United States, including, *inter alia*, customary international law.

7. Venue is proper in this district pursuant to 28 U.S.C. §1391 because one or more defendants reside in the Western District of Texas, and a substantial part of the events or omissions giving rise to the claims herein asserted occurred in the Western District of Texas.

PARTIES

A. Plaintiffs

8. Each minor plaintiff brings this action by and through her next friend. Each plaintiff and her next friend is a resident of the State of Texas. Each plaintiff is currently confined in Brownwood and is subject to the policies and practices of defendants. Each plaintiff has suffered and will continue to suffer actual injury as a result of defendants' policies and practices and the conditions of confinement in Brownwood.

9. Plaintiff K.C. is eighteen years old. K.C. was committed to TYC custody in March 2005, when she was fourteen years old. She is currently incarcerated in Brownwood. Defendants are aware that K.C. suffered severe and persistent physical and sexual abuse throughout her childhood. Defendants are also aware that K.C. has been diagnosed with bipolar disorder, mood disorders, and other psychological conditions. Nevertheless, defendants have subjected K.C. to punitive solitary confinement over one-hundred times for periods of up to three months, as well as unwarranted and degrading strip searches. K.C. has been subjected to solitary confinement for self-cutting, talking back, refusing to talk, standing in the doorway of her cell, and her inability to run the number of laps required by a TYC worker. When K.C. is taken into or out of solitary confinement, and at other times, she is strip searched.

10. In one instance when K.C. resisted being taken to the solitary confinement unit, guards handcuffed her, threw her to the ground, and pepper sprayed her three times in the face, including her eyes. While held in solitary confinement, K.C. has been tied in leather straps by guards, pulled up by her arms causing extreme pain and injury to her shoulders, and left face-down in the middle of the concrete cell floor for long periods of

time. On one occasion while in solitary confinement, K.C. banged repeatedly on the door of the isolation cell and swore. In response, guards opened the door of the cell, sprayed pepper spray into the cell, and closed the door, leaving K.C. trapped in a cloud of pepper spray. K.C. suffered burning pain on the skin of her entire body and had difficulty breathing.

11. While held in solitary confinement, K.C. has on several occasions banged her head against the cinderblock wall, leaving blood stains on the wall of the cell. On one such occasion, guards pepper sprayed K.C. in response to her self-harm. On a separate occasion, three or four guards in riot gear wielding large shields rushed into the isolation cell. They forced K.C. to the ground, subjected her to leather restraints, and left her face down on the floor. While held in solitary confinement, K.C. has also bitten herself multiple times, to the point of drawing blood and resulting in scars.

12. As a result of the solitary confinement to which K.C. has been subjected, K.C. has suffered fear, anger, and decreased self esteem. K.C. has difficulty sleeping while in solitary confinement because of the constant lighting of the isolation cells and loud noises in the isolation unit. When K.C. is thrown to the ground and restrained by male guards, she suffers flashbacks to childhood rapes. When K.C. is strip searched, she feels degraded and humiliated. K.C. has attempted suicide multiple times while in TYC custody.

13. Plaintiff F.T. is fifteen years old. F.T. brings this action by and through her next friend, S.W. F.T. was committed to TYC custody in May 2007, when she was fourteen years old. She is currently incarcerated in Brownwood. Defendants are aware that F.T. was sexually assaulted by her father and that she has a history of psychiatric

illness, including depression, but they have nevertheless subjected F.T. to dozens of instances of punitive solitary confinement for periods of up to two months, as well as unwarranted and degrading strip searches. F.T. has been subjected to solitary confinement for suicidal gestures and self-harm such as wrapping a bra around her neck and cutting her arms with her fingernails.

14. The psychological stress of solitary confinement subjects F.T. to feelings of depression, frustration, and isolation so intense that on one occasion she attempted suicide in the isolation cell. F.T. was pepper sprayed by TYC workers for attempting suicide. On other occasions, the stress of solitary confinement has caused F.T. to bang her head and hands repeatedly on the walls and the doors of the cell. On yet other occasions, F.T. has banged on her cell demanding a drink of water, or to be allowed use of a bathroom. At such times, guards have pepper sprayed F.T. in her face, causing her to suffer extreme pain in her skin and eyes, and difficulty breathing.

15. When F.T. is taken into or out of solitary confinement, and at other times, she is strip searched. On several occasions, F.T. has refused to be strip searched when being taken into solitary confinement. At such times, guards have bound F.T. in leather straps and forced her to lie face down or on her side on the dirty concrete floor of an isolation cell known as "400 pod" until F.T. submits to strip searching. On one occasion, F.T. attempted to resist the application of leather restraints, and was subjected to physical force by three guards. During this use of force, and when F.T. is strip searched, she feels violated.

16. Plaintiff M.N. is fourteen years old. M.N. brings this action by and through her next friend, Y.A. M.N. was committed to TYC custody in June 2007. She is

currently incarcerated in Brownwood. Although defendants are aware that M.N. has been sexually assaulted multiple times, suffered emotional abuse while in foster care, and has a history of psychiatric hospitalization, defendants have subjected M.N. to punitive solitary confinement and unwarranted and degrading strip searches. M.N. has been subjected to punitive solitary confinement for behavior such as talking back to guards, standing too far from other girls while standing in line, turning around while standing in line, and covering her face with her blanket while asleep in bed. M.N. has also been subjected to solitary confinement for confiding in a TYC worker that she felt bad and thought about cutting herself. While in solitary confinement, M.N. has suffered extreme cold and experienced feelings of anger more intense than she had ever felt before. She has cut her arms with her fingernails, and has beaten and kicked the cell walls and doors. In response, guards have threatened to extend the term of M.N.'s solitary confinement.

17. When M.N. is taken into solitary confinement, and at other times, she is strip searched. On one occasion when M.N. verbally refused to be strip searched upon being sent to solitary confinement, she was threatened with pepper spray. At other times, M.N. has been bound in leather straps and made to lie face down on the dirty concrete floor of "400 pod" to compel her to agree to being strip searched. When M.N. has continued to refuse to be strip searched, she has been subjected to physical force by as many as five guards, including male guards who apply their weight to M.N.'s back. On such occasions, M.N. has screamed "I can't breathe!", "My chest hurts!", and the like. During one such application of force, M.N. banged her head on the concrete floor resulting in a contusion on her forehead. On another occasion, a guard pressed his knee against M.N.'s head and pulled her arms back, causing her extreme pain.

18. Plaintiff S.H. is sixteen years old. S.H. brings this action by and through her next friend, G.J. S.H. was committed to TYC custody in August 2007, when she was fifteen years old. She is currently incarcerated in Brownwood. Defendants are aware that S.H. was abused by her father, frequently witnessed physical abuse of her mother by her father, and has been diagnosed with depression and other mental disorders. Defendants have nevertheless subjected S.H. to dozens of instances of punitive solitary confinement and unwarranted and degrading strip searches. S.H. has been subjected to solitary confinement for confiding in a TYC worker that she wanted to hurt herself, and for minor misbehavior such as swearing at a TYC worker. While in solitary confinement, S.H. experiences intense feelings of loneliness. In addition, because the lights in isolation cells are merely dimmed but not extinguished at night, and because of loud noises in the solitary confinement unit, S.H. has difficulty sleeping at night and experiences alteration of her normal sleep patterns

19. S.H. often refuses to be strip searched because she feels humiliated by such exposure. On several such occasions, S.H. has been bound in leather straps and left on the floor of an isolation cell, sometimes for hours, until she agrees to remove her clothing. On one occasion when S.H. resisted the application of leather straps, she was subjected to physical force by approximately four guards. The guards pressed their body weight into S.H.'s back and gripped her arms, leaving bruises. On another occasion, S.H. was pepper sprayed by guards for refusing to be strip searched.

20. Plaintiff N.E. is fifteen years old. N.E. brings this action by and through her next friend, P.D. N.E. was committed to TYC custody in November 2006, when she was fourteen years old. She is currently incarcerated in Brownwood. Defendants are

aware that N.E. was abused by her father and stepfather, witnessed the abuse of her mother, and has been diagnosed with bipolar disorder, trichotillomania (the repetitive pulling out of one's own hair), and other mental disorders. Nevertheless, N.E. has been subjected to dozens of instances of punitive solitary confinement for periods of up to three months, and unwarranted and degrading strip searches. N.E. is subjected to solitary confinement for minor misbehavior such as refusing to stand with her hands behind her back. When held in solitary confinement, N.E. has difficulty sleeping because the lights in the isolation cells are never extinguished.

B. Defendants

21. Defendant Richard Nedelkoff is the Conservator of the Texas Youth Commission. He is responsible for ensuring that children and youth in TYC custody are provided appropriate supervision and treatment, and are protected from abuse. Defendant Nedelkoff is responsible for formulating, implementing, and approving policies and decisions affecting children and youth confined in Brownwood.

22. Defendant James Smith is the Deputy Commissioner for Residential and Parole Services of the Texas Youth Commission. He is responsible for directing and overseeing the operation of TYC residential facilities, including the provision of appropriate supervision and treatment to children and youth incarcerated in such facilities, and their protection from abuse. Defendant Smith is responsible for formulating, implementing, and approving policies and decisions affecting children and youth confined in Brownwood, and for training, directing, and supervising staff at Brownwood and other TYC youth prisons.

23. Defendant Teresa Stroud is the superintendent of Brownwood State School. She is responsible for formulating, implementing, and approving policies and decisions affecting children and youth confined in Brownwood, and for training, directing, and supervising staff at Brownwood. Defendant Stroud is also responsible for the day-to-day administration of Brownwood.

24. The policies, practices, and conditions described herein result from specific decisions, official policies, or customs of defendants. Each defendant has actual or constructive knowledge of the policies, practices, and conditions herein alleged. Each defendant has acted, and continues to act, under color of state law with respect to all matters herein alleged. All defendants are sued in their official capacities.

STATEMENT OF FACTS

25. Brownwood State School is a “high security” youth prison located in central Texas. Brownwood serves as the intake or reception site for all girls committed to TYC custody, and is also the permanent placement for nearly all girls held in custody. Approximately 150 girls are currently confined in Brownwood. TYC has alternated between confining only girls in Brownwood, and confining boys and girls in separate sections of the facility.

26. Girls between the ages of ten and sixteen adjudicated delinquent for acts ranging from minor property offenses to serious person offenses can be ordered into confinement in Brownwood. Girls confined in Brownwood fit the national profile of incarcerated girls in that the majority have childhood histories of often prolonged and severe physical, sexual, and/or emotional abuse. The vast majority of girls confined in Brownwood have diagnosed psychiatric conditions, and often multiple diagnoses.

27. Nevertheless, defendants routinely subject girls confined in Brownwood to profoundly injurious policies, practices, and conditions. As a proximate result of defendants' policies, practices, acts, and omissions, plaintiffs have suffered, do suffer, and will continue to suffer immediate and irreparable injury. Plaintiffs have no adequate or complete remedy at law to redress the wrongs described herein, and they will continue to be irreparably injured by the policies, practices, acts, and omissions of defendants unless this Court grants the injunctive relief that plaintiffs seek.

A. Punitive Solitary Confinement of Girls

28. Defendants punish plaintiffs by confining them in solitary confinement in one or more isolation units euphemistically termed the "Security Program," or "security." Defendants fail to limit the use of solitary confinement to those instances in which plaintiffs pose an immediate threat to the safety of themselves or others, and fail to release girls from isolation even when girls are in control of their actions. Instead, defendants regularly impose punitive solitary confinement on girls for major or minor misbehavior. Solitary confinement is also imposed on girls who attempt suicide, commit self-harm, or merely state the desire to commit suicide or self-harm. In such instances, solitary confinement is imposed in lieu of all or part of the counseling and other therapeutic programming that girls in danger of self-harm should receive.

29. Conditions in solitary confinement are stressful, degrading, and debilitating. Girls are confined alone in oppressively cold, concrete and cinderblock cells. The cells contain nothing other than a metal slab intended for use as a bed, and in some cases a metal toilet. At night, thin mattresses are placed over the metal slabs. Mattresses are often confiscated during the day, leaving girls with no place to sit or lie except the

concrete floor of the cell or the metal slab. Solitary confinement cells are lighted twenty-four hours per day. The lighting is dimmed at night, but not extinguished.

30. Terms of solitary confinement vary from brief periods to terms of months, and girls are often subjected to multiple successive periods of isolation. Depending on the purported reason for imposition of solitary confinement and other factors, the degree of isolation may be total or less than total.

31. Girls subjected to solitary confinement for actual or potential self-harm are forced to remove all of their clothing, including their undergarments, and to wear a “suicide gown” made of a rigid material that does not provide adequate coverage or warmth.

32. The solitary confinement of plaintiffs and other incarcerated girls is cruel, inhuman, and degrading, causing severe psychological injury. Girls held in solitary confinement experience extreme feelings of abandonment, loneliness, anxiety, rage, worthlessness, and despair, among other potentially debilitating emotional and psychological problems. Solitary confinement does not prevent girls from harming themselves; instead, isolation exacerbates their impulse to self-harm. Girls in solitary confinement frequently attempt suicide or commit self-mutilation, most often by cutting or biting their own arms or legs or by banging their heads or other body parts against the cinderblock walls or concrete floors of the isolation cells. Solitary confinement also worsens girls’ behavior, thereby setting the stage for additional punitive confinement.

33. Girls in solitary confinement are targeted for the excessive use of force for self-harm or behavior such as crying out or striking the cell walls or doors. In response to such behavior guards, including male guards, dressed in riot gear and wielding shields

charge into the girls' cells. Girls are pressed into one section of the cells using the shields, or pepper sprayed in their faces, including their eyes, or bound by the hands and feet with metal handcuffs or leather restraints or both. Often, guards employ a combination of these excessive uses of force.

34. As a result of defendants' continuing policies and practices of subjecting girls to punitive solitary confinement, girls suffer physical injuries, including injuries inflicted while being forced to enter solitary confinement, injuries inflicted while their clothing is being forcibly removed by guards, injuries inflicted during the application of physical, mechanical, or chemical force, and self-inflicted injuries.

B. Excessive and Unwarranted Strip Searching of Girls

35. Girls held in Brownwood are subjected to routine, and at times frequent, strip searches. All girls are strip searched every time they are brought to solitary confinement and sometimes when they are taken out of solitary confinement, including girls subjected to solitary confinement for attempting suicide, committing self-harm, or expressing a desire to commit suicide or self-harm. Girls are also strip searched when leaving work assignments located within Brownwood, when returning from family visits, and at other times when there is no individualized suspicion that they are carrying dangerous contraband. When girls refuse strip searches or refuse to take off their clothes and put on a "suicide gown," they are threatened with force or otherwise coercively subjected to search.

36. Strip searching girls, especially those who are known to have a background of sexual, physical, and/or emotional abuse, is degrading and humiliating, and causes profound emotional damage. Defendants are aware, or reasonably should be

aware, that the majority of girls confined in Brownwood have histories of sexual, physical, and/or emotional abuse. Defendants are further aware that such abuse often begins in early childhood and is often severe and sustained, and that the consequent trauma experienced by the girls is causally related to the delinquent behavior that resulted in the girls' incarceration in the first place. Consequently, defendants are aware, or reasonably should be aware, that exacerbating girls' trauma will hinder or render impossible girls' effective rehabilitation, and that it is likely to cause emotional damage. Nevertheless, strip searches are routinely conducted even when there is no reasonable basis to suspect that a girl is carrying any dangerous contraband.

CLASS ACTION ALLEGATIONS

37. Plaintiffs bring this action on their own behalf and on behalf of all similarly situated individuals pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure. The class plaintiffs seek to represent consists of all girls and young women who are now or in the future will be confined in Brownwood State School.

38. This case is appropriate for class action certification because the class is so numerous and fluid that joinder of all members is impracticable; there are questions of law and fact common to the class; the claims of the representative parties are typical of the claims of the class; and the representative parties will fairly and adequately protect the interests of the class. In addition, defendants have acted on grounds generally applicable to the class, such that final injunctive relief and/or declaratory relief is appropriate respecting the class as a whole.

39. The injuries suffered by the named plaintiffs and the members of the plaintiff class as a result of the policies and practices of defendants are capable of repetition, yet may evade review, thereby rendering class relief appropriate.

CAUSES OF ACTION

Count 1 (Due Process)

40. Defendants' policies, practices, acts, and omissions, and the conditions of confinement maintained in Brownwood State School, specifically those concerning the imposition of solitary confinement and the strip searching of girls, constitute a substantial departure from accepted professional judgment and standards, and deny incarcerated girls their right to receive treatment in the least restrictive setting. These policies, practices, acts, and omissions, and conditions of confinement subject plaintiffs to denial of due process of law, in violation of the Fifth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

Count 2 (Cruel and Unusual Punishment)

41. Defendants, through the policies, practices, acts, and omissions, and the conditions of confinement maintained in Brownwood State School, specifically those concerning the imposition of solitary confinement and the strip searching of girls, knowingly subject plaintiffs to a substantial risk of serious mental, emotional, and physical harm, thereby subjecting plaintiffs to cruel and unusual punishment in violation of the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

42. Defendants' policies, practices, acts, and omissions, and the conditions of confinement maintained in Brownwood State School constitute and evidence deliberate indifference to the plaintiffs' constitutional rights.

Count 3
(Bodily Integrity/Privacy)

43. The routine conduct of strip searches including forcible strip searches and the stripping of girls who attempt suicide, commit self-harm, or express a desire to commit suicide or self-harm, is unreasonable, and excessively and unjustifiably invades the bodily privacy of incarcerated girls. It thereby violates plaintiffs' rights under the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.

Count 4
(Customary International Law)

44. In light of incarcerated girls' special status as children; the frequent presence of sexual, physical, and/or emotional abuse or other trauma in their childhood histories, of which defendants have knowledge; and their existing psychiatric diagnoses, of which defendants also have knowledge, defendants' practices and policies of subjecting girls to punitive solitary confinement under harsh conditions, accompanied by unjustified strip searches subjecting incarcerated girls to needless sexual exposure, violate customary international law as reflected in numerous human rights treaties and other instruments, including *inter alia*, Articles 3, 19, 23, 34, 37 and 39 of the Convention on the Rights of the Child and Articles 7 and 10 of the International Covenant on Civil and Political Rights, which afford special measures of protection to

children and prohibit all forms of torture and other forms of cruel, inhuman or degrading treatment or punishment.

45. Defendants' violations of customary international law are actionable in this Court pursuant to 42 U.S.C. § 1983 in that customary international law has been held, since the Constitution's adoption, to be a part of the laws of the United States.

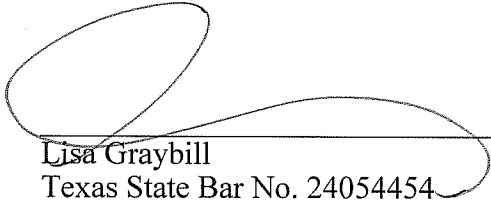
PRAYER FOR RELIEF

Wherefore, plaintiffs respectfully request that this Court grant the following relief:

- a. Permit the named plaintiffs to proceed using pseudonyms;
- b. Certify this case as a class action pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure;
- c. Declare that defendants have violated rights guaranteed plaintiffs by the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and customary international law by subjecting plaintiffs to the policies, practices, and conditions of confinement described herein;
- d. Permanently enjoin defendants, their agents, employees, and successors, and all other persons in active concert or participation with any of them, from engaging in the unlawful acts described herein;
- e. Retain jurisdiction over defendants until such time as the Court is satisfied that the unlawful policies, practices, acts, and omissions complained of herein no longer exist and will not recur;
- f. Award plaintiffs reasonable attorneys' fees and costs, pursuant to 42 U.S.C. § 1988;

- g. Grant such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,



Lisa Graybill
Texas State Bar No. 24054454
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
OF TEXAS
P.O. Box 12905
Austin, TX 78711
Telephone: (512) 478-7300
Fax: (512) 478-7303
lgraybill@aclutx.org

Mie Lewis*
Lenora M. Lapidus
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
WOMEN'S RIGHTS PROJECT
125 Broad St., 18th Floor
New York, NY 10004
Telephone: (212) 519-7848
Fax: (212) 549-2580
mlewis@aclu.org
llapidus@aclu.org

Steven M. Watt
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
HUMAN RIGHTS PROGRAM
125 Broad St., 18th Floor
New York, NY 10004
Telephone: (212) 519-7870
Fax: (212) 549-2580
swatt@aclu.org

Elizabeth Alexander
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
NATIONAL PRISON PROJECT
733 15th St, NW, Suite 620
Washington, D.C. 20005
Telephone: (202) 393-4930
Fax: (202) 393-4931

* *indicates pro hac vice motion pending*

Dated: June 12, 2008