

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/press-releases/aclu-asks-supreme-court-again-deny-bureau-prisons-request-block-order-will-save-lives>

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WASHINGTON This morning, the American Civil Liberties Union and the ACLU of Ohio filed an opposition with the U.S. Supreme Court, asking the Court to, again, deny the governments request to stay a federal court order that the Bureau of Prisons start removing medically vulnerable people from Elkton federal prison, the site of one of the federal prison systems worst COVID outbreaks. This is the second time in less than two weeks that the Trump administration has asked the Supreme Court to block an order that would protect prisoners from COVID-19. The Supreme Court rejected the first request last week, but the Government has now asked again for a stay.

The governments request comes as COVID is spiking at Elkton. At latest count, 461 prisoners have tested positive and are currently infected, and another 112 have previously been infected. Thats one of every four people incarcerated. Nine people have died, including two in the class of vulnerable individuals that the federal court order seeks to protect.

US District Court Judge James Gwin has ordered that the prisons 837 members of the medically vulnerable subclass be removed from harms way, by transferring them to other facilities or home confinement. The government has yet to move a single prisoner, despite being under an injunction to do so as of April 22. Elkton is one of the two most infected federal prisons in the nation.

David Cole, legal director of the ACLU, issued the following statement:

"The fact that the administration has gone back to the court to once again ask it to block an order that will save lives at Elkton is egregious and dangerous. One in every five people incarcerated at Elkton prison currently has tested positive for COVID-19, and we suspect the actual number is even higher due to testing issues. Unless swift action is taken to remove vulnerable prisoners from Elkton, we are going to see more people get sick and die. This is predictable, preventable, and the Trump administration will be to blame for doing everything in its power to slow down if not block entirely this life-saving order."

David Carey, senior staff attorney of the ACLU of Ohio, issued the following statement:

Its been over a month since Judge Gwin ordered Elkton to start using every means at its disposal to move medically-vulnerable prisoners to safety. Instead of complying, the federal government has stalled and delayed at every turn. The Supreme Court just denied their motion for stay last week, and the federal government is back yet again. Even though the prison is still failing to conduct adequate testing, we know for certain that nine people have died, and this deadly outbreak is continuing to worsen. If the Supreme Court issues a stay, halting the lower courts efforts to force expedited release and transfer of those who remain at high risk, the outcome will be devastating.

[A copy of the brief is available.](#)

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