

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

_____)	
DISABILITY RIGHTS MISSISSIPPI,)	
)	
Plaintiff,)	
v.)	Case No. 2:11cv53-KS-MTP
)	
FORREST COUNTY, MISSISSIPPI,)	
)	
Defendant.)	
_____)	

PLAINTIFF’S MOTION FOR AN IMMEDIATE PRELIMINARY INJUNCTION

Pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, Plaintiff, Disability Rights Mississippi (“DRMS”) hereby moves this Court to enter an immediate preliminary injunction that would allow Plaintiff to enforce its access rights to the Forrest County Juvenile Detention Center (“Detention Center”) under the Protection and Advocacy for Individuals with Mental Illness Act of 1986 (“PAIMI Act”), 42 U.S.C. §§ 10801 *et seq.*; the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (“PADD Act”), 42 U.S.C. §§ 15001 *et seq.*; the Protection and Advocacy of Individual Rights Program (“PAIR Act”), 29 U.S.C. §§ 794e *et seq.* Unless there is immediate intervention by this Court, the Defendant will continue to obstruct the Plaintiff’s federal right to effectively monitor the Detention Center and enforce the constitutional rights of detained children with disabilities. Attached to this motion is a memorandum of law and supporting evidence.¹

¹ The Exhibits submitted with this motion are sufficient to carry DRMS’s burden under Rule 65. Nonetheless, if the Court believes an evidentiary hearing would be useful, DRMS reserves the right to call witnesses to testify in support of its motion. If a hearing is set, DRMS would also request that its counsel be permitted to present oral argument.

For the reasons stated above and in Plaintiff's Memorandum, Plaintiff respectfully requests that this Court enter a preliminary injunction, requiring the Defendant, its agents, employees, and all other persons acting in concert with the Defendant to allow DRMS to enforce its rights by:

1. Allowing DRMS and/or its agents to conduct confidential visits with any of the residents to determine if a resident is eligible for DRMS's services.
2. Allowing DRMS and/or its agents to conduct confidential visits with any eligible resident who would like to speak with DRMS or its agents.
3. Allowing DRMS and/or its agents to conduct confidential interviews with any resident, staff member, or facility contractor who may have knowledge of any instance of abuse, neglect, or other maltreatment of any resident eligible for DRMS's services.
4. Allowing any resident or staff to contact DRMS and/or its agents through confidential phone calls and letters, and allowing DRMS and/or its agents to prepare and post notices throughout the Detention Center, in the visitation room, and in the residents' living areas that inform the residents of their rights to contact DRMS in writing.
5. Allowing access to all relevant records (including, but not limited to, video recordings, incident reports, resident grievances, staff logs, personnel records, and population log records) upon the request of DRMS and/or its agents when DRMS believes there is probable cause to investigate a potential incident of abuse or mistreatment of eligible children.

6. Allowing DRMS and/or its agents reasonable unaccompanied access to view and photograph all areas of the Detention Center that are used by residents or that may be accessible to them.

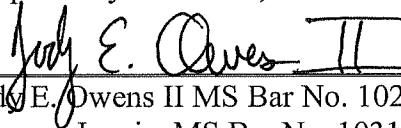
In support of this motion, Plaintiff relies on the following exhibits:

- Exhibit A: Media Reports of Abuse at Forrest County Detention Center, Relevant Communications from Mississippi Department of Public Safety's Juvenile Facilities Monitoring Unit, and Photographs of the Detention Center.
- Exhibit B: Memorandum of Cooperation between MYJP and DRMS.
- Exhibit C: Correspondences between DRMS agents and representatives and counsel of the Detention Center.
- Exhibit D: Agreed Orders between DRMS and Harrison and Lauderdale Counties authorizing DRMS access to youth.

In light of the strength of Plaintiff's claims and "the strong public interest involved," Plaintiff respectfully requests that the Court waive the bond requirement set forth in Rule 65(c). *Moltan Co. v. Eagle-Picher Industries, Inc.*, 55 F.3d 1171, 1176 (6th Cir. 1995). Lastly, Plaintiff seeks compensation pursuant to 42 U.S.C. § 1988 for reasonable attorney's fees incurred in bringing this motion. *See Deerfield Med. Center v. City of Deerfield Beach*, 661 F.2d 328, 339 (5th Cir. 1981).

This the 8th day of March, 2011.

Respectfully submitted,



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