

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 20-21553-Civ-COOKE/GOODMAN

PATRICK GAYLE, *et al.*, on behalf of themselves
and those similarly situated,

Petitioners-Plaintiffs,

v.

MICHAEL W. MEADE, *et al.*,

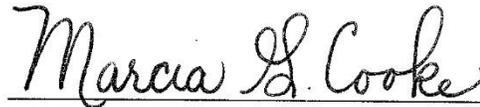
Respondents-Defendants.

**ORDER DENYING MOTION TO ENLARGE CUSTODY TO HOME
CONFINEMENT/QUARANTINE AND TO TRANSFER IMMEDIATELY
IN MEDICALLY SAFE MANNER AND EMERGENCY REQUEST FOR HEARING**

THIS MATTER before the Court upon Miryam Elizabeth Lopez Herrera's Motion to Enlarge Confinement/Quarantine and to Transfer Immediately in Medically Safe Manner and Emergency Request for Hearing [ECF No. 374], filed September 21, 2020. In her Motion, Petitioner advised the Court that she recently contracted COVID-19 while confined at BTC. Petitioner argues that because she suffers from chronic COPD, asthma, bronchitis, hepatitis-C, as well as a host of other ailments, she should be transferred to home confinement/quarantine where she could be cared for by her husband and daughter. While the Court is sympathetic to Petitioner's medical conditions, the Court finds that there is no basis to transfer Petitioner to home confinement. Indeed, transferring Petitioner, an individual who has COVID-19, to home confinement would risk spreading the virus to other individuals in the community. Moreover, Petitioner has not demonstrated that if transferred to home confinement she would receive some form of medical treatment that she would not otherwise receive as a detainee in the medical ward/quarantine at BTC. In fact, as Petitioner recognizes presently there is no cure or vaccine for COVID-19. Furthermore, as the Court previously recognized in its April 30, 2020 Order [ECF No. 76], under binding Eleventh Circuit precedent, the appropriate relief from prison conditions that violate the Eighth Amendment is to require the discontinuance of any improper practices, or to require correction of any condition causing cruel and unusual punishment. Requiring the discontinuance of a practice, however, does not amount to releasing detainees who complain of

prison conditions. It is therefore **ORDERED and ADJUDGED** that Petitioner's Motion to Enlarge Confinement/Quarantine and to Transfer Immediately in Medically Safe Manner and Emergency Request for Hearing [ECF No. 374] is **DENIED**.

DONE and ORDERED in Chambers, in Miami, Florida, this 22nd day of September 2020.

A handwritten signature in cursive script that reads "Marcia G. Cooke". The signature is written in black ink and is positioned above a horizontal line.

MARCIA G. COOKE
United States District Judge

Copies furnished to:
Jonathan Goodman, U.S. Magistrate Judge
Counsel of record