

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EDWARD BANKS, et al.,

Plaintiffs,

v.

QUINCY BOOTH, et al.,

Defendants.

Case No. 1:20-cv-849-CKK

**RESPONSE BY THE UNITED STATES TO DISTRICT OF
COLUMBIA DEFENDANTS' MOTION TO JOIN THE
UNITED STATES AS A NECESSARY PARTY**

The United States, by its undersigned attorneys and pursuant to the Court's Minute Order entered on April 15, 2020, hereby advises the Court and the parties that it does not oppose the District of Columbia Defendants' motion [R. 44] to join the United States as a defendant in the above-captioned civil action. Although the United States does not operate or have authority over the District of Columbia Central Detention Facility and Correctional Treatment Facility (together, the "D.C. Jail"), and so cannot address or alter inmates' conditions of confinement at those District of Columbia facilities, the District of Columbia Defendants correctly point out that ordering the release of a significant number of the individuals currently confined in the D.C. Jail – the relief sought by Plaintiffs in this action – would primarily affect proceedings brought or authorized by the United States. Accordingly, if the Court is inclined to consider a reduction of the inmate population at the D.C. Jail, or the release of inmates generally, the United States has an obvious interest in the imposition of any such remedies, and should be permitted to articulate and defend that interest in this case. In that connection, the United States can also provide the Court with information about the other legal avenues by which inmates currently confined at the D.C. Jail

may seek release in response to the COVID-19 pandemic; the United States's current approach when determining whether to seek detention in the first instance or to oppose a motion for release from a criminal defendant who has already been ordered detained; and the steps that the United States is taking to help reduce the prisoner population at the D.C. Jail.

In the event that the Court grants the District of Columbia Defendants' joinder motion, the United States requests that it be permitted to file a response to Plaintiffs' pending motions for interim injunctive relief, and that such response be due two business days after Plaintiffs have joined the United States as a party defendant.

Respectfully submitted,

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Dated: April 17, 2020