

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DWIGHT WILLIAMS, ET AL.	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 08-CV-1979
CITY OF PHILADELPHIA, ET AL.	:	

ORDER

AND NOW, this 6th day of June, 2008, upon consideration of the Unopposed Motion of District Attorney Lynne Abraham to Intervene Pursuant to the Prison Litigation Reform Act, (Doc. No. 9), it is ORDERED that the Motion is GRANTED.¹

¹ District Attorney Lynne Abraham seeks to intervene pursuant to Federal Rule of Civil Procedure 24 and the Prison Litigation Reform Act (“PLRA”), 18 U.S.C. § 3626. (Doc. No. 9 ¶ 5.) Rule 24(a)(1) provides: “On timely motion, the court must permit anyone to intervene who . . . is given an unconditional right to intervene by a federal statute” Fed. R. Civ. P. 24(a)(1) (2008). The District Attorney argues that the PLRA “grants a statutory right of intervention to a prosecutor to oppose an order that would require the release or non-admission of detainees or other prisoners subject to criminal prosecution” and that Plaintiffs’ Complaint seeks such relief. (Doc. No. 9 ¶ 5 (citing 18 U.S.C. § 3626(a)(3)(F)).) Section 3626(a)(3)(F) of the PLRA provides:

Any State or local official including a legislator or unit of government whose jurisdiction or function includes the appropriation of funds for the construction, operation, or maintenance of prison facilities, or *the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order* shall have standing to oppose the imposition or continuation in effect of such relief and to seek termination of such relief, *and shall have the right to intervene in any proceeding relating to such relief.*

18 U.S.C. § 3626(a)(3)(F) (2000) (emphasis added).

We addressed this precise issue in *Bowers v. City of Philadelphia*, Civ. A. No. 06-3229, 2006 U.S. Dist. LEXIS 64651 (E.D. Pa. Sept. 8, 2006). In that case, we concluded that

[g]iven the common sense meaning of the phrase “relates to,” the legislative history indicating Congress’s intent for broad, liberal interpretation of the standing provision

IT IS SO ORDERED.

BY THE COURT:



R. Barclay Surrick, Judge

of the PLRA, the history of prison overcrowding litigation in this City and in this District, and the serious nature of Plaintiffs' allegations in this case, we are compelled to conclude not only that the District Attorney has a right to intervene in this matter at this stage but that such intervention is prudent. We are prepared to deal expeditiously with this case and see no reason to exclude a party at this stage of the litigation when she may very well play an active role in its resolution.

Id. at *26-27. The circumstances here are sufficiently similar to justify the same result. Accordingly, we will grant the District Attorney's Unopposed Motion to Intervene.