

Inmates of Modular Facility v. District of Columbia

United States District Court for the District of Columbia
September 27, 1990, Decided ; September 27, 1990, Filed
Civil Action No. 90-0727

Reporter: 1990 U.S. Dist. LEXIS 13060

INMATES OF THE MODULAR FACILITY, et al.,
Plaintiffs, v. DISTRICT OF COLUMBIA, et al.,
Defendants/Third-Party Plaintiffs, v. UNITED STATES OF
AMERICA, et al., Third-Party Defendants

Judges: [*1] June L. Green, United States District Judge.

Opinion by: GREEN

Opinion

OPINION and ORDER

Upon consideration of the Plaintiff's Motion To Strike, and the Third-Party Defendants' Motion To Dismiss Or, In The Alternative To Strike The Amended Third Party Complaint, and the Defendant's Motion For A Protective Order And To Stay Discovery Filed By The Third Party Defendants; oral argument at a hearing on the motions held on the 25th of September; and the entire record in this case, it is by the Court this 27th day of September 1990,

ORDERED that Plaintiff's Motion to Strike and Third-Party Defendant's Alternative Motion to Strike the Amended Third-Party Complaint are *granted*; and it is further

ORDERED that the District of Columbia's Motion for a Protective Order and to Stay Discovery Filed By The Third-Party Defendants is dismissed as moot.

The Court's decision to strike the third-party complaint is based on the District's failure to state a proper claim against the United States. In order to state a proper claim against the United States, the District must allege that there is no place within the entire Department of Corrections' prison system to accommodate additional inmates. The Court's [*2] decision to strike the District's complain does not preclude the District from filing a new action against the United States if it can show that acceptance of additional inmates will make its facilities unfit for human habitation.