

MIM(PRISONS) / USW-TX COMRADES,

The enclosed example Motion to Intervene, shall be filled out and sent to the three addresses printed therein. This motion is for inmates in Texas who find themselves in RHU. Our comrade & Head Inside Legal Rep. has initiated the foundational legal argument against RHU confinement in Our quest to abolish ad-seg, and all forms of solitary confinement. The Enclose Motion to Intervene should be filled out and mailed out once you have filed step 1 & 2 regarding your release from seg. All those who File this motion will become Parties to the lawsuit, (Dillard V. Davis; cv.7:19-cv-00081-M-BP).. We encourage every and all similar situated comrades in RHU to file this Motion to Intervene. We also wanna announce that We've partnered with seven human rights groups, and have established a website which will allow your voting family members to vote for Texas candidates who're interested in ending ad-seg, re-establishing worktime/goodtime, along with other prison reforms. see the following:(~~www.vogue-texasvoterguideforjustice.godaddy.com~~)
texas-vogue.com
In Struggle,

MIMP; if you are able can you please forward this to Tx USW comrades. shall include 3pg. lawsuit and 1/2 page statement. thnaks...

IN THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

DANIEL D. DILLARD,
Plaintiff,

V.
LORIE DAVIS, et al.,
defendants.

§
§
§ civil action no.7:19-cv-00081-M-BP
§
§

[YOUR NAME],
Plaintiff-Intervenor,

V.
LORIE DAVIS, et al.,
defendants.

§
§
§ civil action no.7:19-cv-00081-M-BP
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§

PLAINTIFF-INTERVENOR'S MOTION TO INTERVENE

This is an intervention as of right in the initial above-styled civil action and the pending motion for summary judgement (ECF No.124), pursuant to FED.R.CIV.P. 24(a)(1)-(2), brought by Texas state incarcerated individual [YOUR NAME & TDCJ#] and ALL similarly situated incarcerated individuals, whom are effected by the court's decisions in this civil action and the pending Motion for Summary Judgement (ECF No.124).

Pursuant to rule 24 - " the Court must permit (Plaintiff-intervenor's) to intervene who... is given an unconditional right to intervene by federal statute..."

a) Unconditional right to Intervene -- 42 U.S.C. § 1997

" This provision of this subchapter (Civil Rights of Institutionalized Persons Act (CRIPA)) shall in no way expand or restrict the authority of parties other than the United States to enforce the rights (legal) which they may have pursuant to existing law with regard to institutionalized persons" Plaintiff-Intervenor asserts that the Office of the Attorney General of Texas has failed and/or refused to intervene on behalf of us who are suffering under conditions of confinement that are causing known mental and physical health injuries. I have exhausted all of my administrative remedies and the Attorney General's Office has been put on notice that these conditions exist by and through this civil action and others similar to it, and still they refuse to investigate the issues before them. Plaintiff-Intervenor respectfully asks the court to liberally construe this motion as providing the correct federal statute for intervention...

b) Grounds for Intervention -- Injunctive Relief/Summary Judgement

Plaintiff-intervenor asserts that he and ALL similarly situated incarcerated individuals are or may be bound by the court's judgement on the Original Plaintiff's request for injunctive relief and motion for summary judgement. The plaintiff specifically requested the court enjoin the defendants' from housing incarcerated individuals in administrative segregation/restrictive housing for more than 2½ years. (ECF No.86-Plaintiff's First Verified Amended Complaint), the plaintiff also requests relief in the form of the court declaring that " TDCJ-CID policy of offense reports standing alone is unconstitutional", and that TDCJ "establish minimum due process requirements as to all incarcerated individuals in disciplinary hearings to equally protect [us] all". Any judgement by this Court for or against this relief will bind plaintiff-intervenor and ALL those similarly situated incarcerated individuals. Plaintiff-intervenor respectfully requests the Court liberally construe the original Plaintiff's conditions of confinement claims to include all those who are effected by similar conditions in TDCJ's Restrictive Housing (and restrictive housing in TDCJ).

C) Conditions Of Confinement Claim

On or about August 2019, defendant Lorie Davis (substituted for Bobby Lumpkin), began implementing the Restrictive Housing Plan (RHP) all across TDCJ.

Lorie Davis' RHP allows for human beings to be continuously caged in 6 by 9 to 9 by 12 pens indefinitely; and out of compliance with today's standards of society (and/or [the Nelson Mandela Rules] United Nations Standard Minimum Rules for Treatment of [prisoners] Incarcerated Individuals).

Defendant Davis knows and/or knows of the risk to incarcerated individuals mental and physical injuries that are caused by housing human beings in isolation, solitary confinement, restrictive housing or other like confinement for prolonged/long-term sentences.

Defendant Davis' RHP allows prison officials unfettered discretion in keeping incarcerated individuals in Restrictive Housing indefinitely without further justification.

Plaintiff-intervenor and the similarly situated are continuously caged behind a solid steel door for up to 23 - 24 hours a day.

Plaintiff-intervenor's are deprived of all physical contact, including contact with family and friends and are still denied social interaction during the short recreation period.

Plaintiff-intervenor is denied all educational, vocational and/or religious rehabilitation efforts and/or forced to choose between conforming to the established programming or nothing.

Plaintiff-intervenor's are denied access to the Offender Telephone System (OTS) and are only allowed to call their families for emergency situations such as COVID or death.

Collectively these conditions are known to cause physical injuries in the form of chronic illness and/or the exacerbation of existing illness.

Collectively these conditions are known in today's society to be harmful to human mental health, and prevent progressive rehabilitation efforts.

Plaintiff-intervenor's are entitled to be treated with dignity, "All incarcerated individuals shall be treated with the respect due to their inherent dignity and value as human beings. No incarcerated individual shall be subjected to, and all incarcerated individuals shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification." This includes affiliations and/or political beliefs.

Allegations of torture or other cruel, inhuman or degrading treatment or punishment of incarcerated individuals shall be dealt with immediately and shall result in a prompt and impartial investigation conducted by an independent national authority. Plaintiff-intervenor's respectfully requests the Court to ORDER such an investigation into treatment of incarcerated individuals caged in TDCJ's restrictive housing.

In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited: INDEFINITE SOLITARY CONFINEMENT; prolonged solitary confinement; ... Collective punishment.

All of the above are being forced upon incarcerated individuals caged in and under defendant Davis' (Lumpkin) RHP.

Plaintiff-intervenor's are asserting that Restrictive Housing placement over and beyond 15 days is unconstitutional and out of compliance with this Court's orders, the 5th Circuit's precedent, the Supreme Court's rulings and the Nelson Mandela rules established by the United Nations which the United States of America are a part of.

These are plaintiff-intervenor's claims (pleading)

Pursuant to 28 U.S.C. § 1746, I do declare under penalty of perjury that the above and foregoing is true and correct.

Respectfully submitted,

/s/ _____

[YOUR NAME & TDCJ]

Address:

CERTIFICATE OF SERVICE

I, [YOUR NAME], plaintiff-intervenor, do hereby certify that a true and correct copy of the foregoing has been sent by placing the same in the prison mailbox, regular mail, on [month]--[Day]--2022, addressed to :

Christopher Lee Lindsey
Assistant Attorney general
P.O.Box 12548, Capitol Station
Austin, Texas 78711-2548
LEAD COUNSEL FOR DEFENDANTS'

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Texas Department of Criminal Justice
P.O.Box 99
Huntsville, Tx 77342

<&>

Daniel D. Dillard #1400285
Mark W. Michael Unit
2664 F.M. 2054
Tennessee Colony, Texas 75886
Pro Se Plaintiff

/s/ _____
[YOUR NAME & TDCJ #]
address:
Plaintiff-intervenor