

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA**

ALEX A., by and through his guardian,  
MOLLY SMITH, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

GOVERNOR JON BEL EDWARDS, in his  
official capacity as Governor of Louisiana;  
WILLIAM SOMMERS, in his official  
capacity as Deputy Secretary of the Office of  
Juvenile Justice, JAMES M. LEBLANC, in  
his official capacity as Secretary of the  
Louisiana Department of Public Safety &  
Corrections,

Defendants.

Civil Action No.

**Plaintiff's Emergency Motion for  
Temporary Restraining Order**

**IMMEDIATE RELIEF SOUGHT**

**PLAINTIFF'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER**

Plaintiff, on his own behalf and on behalf of the proposed Class, hereby move this Court, pursuant to Federal Rule of Civil Procedure 65. The grounds for this motion are set forth in the Memorandum in Support of Plaintiffs' Emergency Motion for Temporary Restraining Order, filed herewith, and the accompanying Declarations and Exhibits in support.

Because of the imminent and grave risk of serious harm from being youth confined at the adult maximum security Louisiana State Penitentiary at Angola ("LSP"), Plaintiff requests that this Court consider this motion on an emergency basis and that the Court grant a temporary restraining order pending an evidentiary hearing, briefing and argument, pursuant to Rule 65 of the Federal Rules of Civil Procedure, immediately (1) enjoining Defendants from transferring to or incarcerating Plaintiff or any proposed Class Member at LSP and (2) enjoining Defendants to move any youth who have already been transferred to LSP, within 12 hours of this order, to BCCY

or another appropriate OJJ facility for youth.

Because this motion is being filed contemporaneously with the complaint, there is not yet an attorney of record for Defendants in this case. Pursuant to M.D. La. LR65, Plaintiffs' counsel certifies that he has provided copies of this motion, the Complaint, the Memorandum in Support of this motion, and all other filings in this case to counsel for Defendants via electronic mail, to wit: Angelique Freel, Office of the Attorney General, Civil Division at [duhona@ag.state.la.us](mailto:duhona@ag.state.la.us), Matthew Block, Executive Counsel for the Office of the Governor at [matthew.block@la.gov](mailto:matthew.block@la.gov), Angelic Keller, General Counsel for the Office of Juvenile Justice at [angelic.keller@la.gov](mailto:angelic.keller@la.gov), and Jonathan Vining, Esq., La. Dept. of Public Safety & Corr. at [Jonathan.Vining@LA.GOV](mailto:Jonathan.Vining@LA.GOV).

Plaintiff's counsel is prepared to appear immediately. Each day that passes risks Plaintiff's safety. Time is of the essence, as Defendants have announced the transfers are imminent.

Respectfully submitted, this 19<sup>th</sup> day of August, 2022.

/s/: David J. Utter

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