

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIC S. MCGILL, JR.,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 19-1712
	:	
v.	:	(SAPORITO, M.J.)
	:	
TIMOTHY L. CLEMENTS, et al.	:	
	:	
Defendants.	:	

PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff Eric S. McGill, Jr. respectfully moves this Court to enter a preliminary injunction, the grounds for which are summarized below:

1. Plaintiff Eric S. McGill, Jr. has been incarcerated at the Lebanon County Correctional Facility (“LCCF”) as a pretrial detainee since January 19, 2019.
2. In accordance with his Rastafarian religious beliefs, Mr. McGill’s hair is in dreadlocks.
3. Defendants have kept Mr. McGill in the Security Housing Unit (“SHU”), a form of solitary confinement, for his entire time at LCCF—approximately thirteen months—solely because he refuses to cut off his dreadlocks.
4. The Religious Land Use and Institutionalized Persons Act (“RLUIPA”) bars the Defendants from “impos[ing] a substantial burden on the religious exercise

of a person . . . confined to [LCCF] unless [they] demonstrate[] that imposition of the burden on that person (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.” *See* 42 U.S.C. § 2000cc-1.

5. In requiring that Mr. McGill choose between cutting off his dreadlocks or remaining in solitary confinement, Defendants are imposing a substantial burden on his exercise of his Rastafarian religious beliefs.

6. Defendants’ requirement that Mr. McGill either cut off his dreadlocks or remain in solitary confinement is not the least restrictive means of furthering any compelling governmental interest.

7. Mr. McGill is suffering daily irreparable harm from the violation of his right to freely exercise his religious beliefs and from the well-known psychological effects of solitary confinement.

8. The harm to Mr. McGill that would be caused by the denial of preliminary injunctive relief far outweighs any harm that would come to Defendants if the requested relief is granted. Indeed, Defendants will not be harmed by transferring Mr. McGill to general population at LCCF.

9. The public interest strongly favors granting Mr. McGill’s motion, as there is a significant public interest in upholding religious liberty principles. *See, e.g., Sammartano v. First Judicial Dist. Court*, 303 F.3d 959, 974 (9th Cir. 2002).

10. The relief Mr. McGill requests is narrowly drawn, extends no further than necessary to correct the harm being done to Mr. McGill, and is the least intrusive means of correcting the harm.

WHEREFORE, Plaintiff Eric S. McGill, Jr. respectfully requests that this Honorable Court enter an order directing Defendants to immediately remove Mr. McGill from the Security Housing Unit, transfer him to general population, afford him the same freedoms and privileges as other pretrial detainees housed in general population at LCCF, and refrain from enforcing its prohibition of dreadlocks against Mr. McGill.

Respectfully submitted,

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DATE: February 19, 2020

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TIMOTHY L. CLEMENTS, et al.	:	
	:	
Defendants.	:	
	:	

CERTIFICATE OF NON-CONCURRENCE

I, Matthew A. Feldman, certify that on February 18, 2020, I sought the concurrence of Defendants’ counsel, Attorney Morcom, in the foregoing motion, and she informed me that the Defendants oppose the motion.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff’s Motion for Preliminary Injunction was served upon the following via ECF on February 19, 2020:

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