

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

KANDACE KAY EDWARDS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:17-CV-321-WKW
)	
DAVID COFIELD, in his official)	
capacity as Randolph County Sheriff,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff is an indigent Randolph County arrestee who since yesterday has been jailed, without a hearing, because she is unable to make the \$7,500 bail. Before the court is Plaintiff's motion for a temporary restraining order (Doc. # 2), which asks the court to enjoin four Randolph County officials (Defendants) from continuing to hold Plaintiff. Her complaint alleges that Defendants have violated her Fourteenth Amendment due process and equal protection rights by jailing her solely on the basis of her indigence. Upon careful consideration of the record, Plaintiff's motion for temporary restraining order is due to be granted.

"A temporary restraining order protects against irreparable harm and preserves the status quo until a meaningful decision on the merits can be made." *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1289, 1297 (11th Cir. 2005). Where

notice is given, a temporary restraining order requires the same four elements as a preliminary injunction. These four elements are “(1) a substantial likelihood of success on the merits; (2) irreparable injury absent an injunction; (3) the injury outweighs whatever damage an injunction may cause the opposing party; and (4) an injunction is not adverse to the public interest.” *Citizens for Police Accountability Political Comm. v. Browning*, 572 F.3d 1213, 1217 (11th Cir. 2009). The movant bears the burden of establishing entitlement to a temporary restraining order. *See Parker v. State Bd. of Pardons & Paroles*, 275 F.3d 1032, 1034–35 (11th Cir. 2001).

Plaintiff has demonstrated the four elements required for a temporary restraining order to issue. First, there is a substantial likelihood that Defendant’s bail schedule violates Plaintiff’s Fourteenth Amendment rights. The longstanding law in this Circuit establishes the unconstitutionality of the sort of pretrial detention scheme of which Defendants are accused—one in which indigent arrestees are jailed because of their inability to make bond, while well-to-do arrestees are able to quickly purchase their release. *See Pugh v. Rainwater*, 572 F.2d 1053, 1057 (5th Cir. 1978)¹ (holding that while the “[u]tilization of a master bond schedule provides speedy and convenient release for those who have no difficulty in meeting its requirements,” “[t]he incarceration of those who cannot, without meaningful consideration of other

¹ *See Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (holding that decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981, are binding in the Eleventh Circuit).

possible alternatives, infringes on both due process and equal protection requirements”).

Second, Plaintiff has demonstrated that her continued detention constitutes the kind of irreparable injury justifying immediate relief. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process Clause] protects.”); *United States v. Bogle*, 855 F.2d 707, 710–11 (11th Cir. 1988) (holding that “unnecessary deprivation of liberty clearly constitutes irreparable harm”).

Third, the alleged injury to Plaintiff outweighs any injury to Randolph County; and, fourth, the public interest will not be disserved by granting Plaintiff’s requested relief.

Generally, security is required when a temporary restraining order issues. *See* Fed. R. Civ. P. 65(c). This is not the typical case, however, in that the present action is grounded upon Plaintiff’s lack of financial resources. In light of this fact, and the court’s determination that Defendants will incur no costs or damages during the pendency of the temporary restraining order, no security bond will be required.

Accordingly, it is ORDERED that:

1. The motion for a temporary restraining order (Doc. # 2) is GRANTED;

2. Defendants are ENJOINED from continuing to jail Plaintiff based *solely*² on her inability to pay a secured monetary amount as a condition of release;

3. A telephonic hearing to determine whether to convert this temporary restraining order into a preliminary injunction, so long as it is still necessary, is SET for **May 26, 2017, at 1:00 p.m.** Plaintiff is DIRECTED to set up the conference call and shall contact chambers by 10:00 a.m. that morning for further instructions;

4. Defendants are ORDERED to file a response to the arguments contained in Plaintiff's motions on or before **May 25, 2017, at 12:00 p.m.**; and

5. Plaintiff is DIRECTED to serve a copy of this order on Defendants *instanter*.

DONE this 18th day of May, 2017, at 5:45 p.m.

/s/ W. Keith Watkins

CHIEF UNITED STATES DISTRICT JUDGE

² At a bond hearing, Defendants may find other valid reasons to hold arrestees, such as public safety, the risk of flight, or a history of failure to appear.