

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ALVES, *et. al.*

Plaintiffs,

v.

FERGUSON, *et. al.*

Defendants.

**Hon. Dennis M. Cavanaugh**

**ORDER**

Civil Action No. 01-CV-0789 (DMC) (MF)  
(Consolidated)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon application for injunctive relief by certain residents of the Department of Corrections Special Treatment Unit facility in Kearney, N.J. (“Movants”).<sup>1</sup> Movants ask this Court to order that (a) the resident population at the Annex (another DOC facility in New Jersey) not be increased without leave of the Court, and (b) the State must provide Movants’ counsel with at least 30 days notice of any proposed transfer of the resident population currently housed in the Kearney facility, so that the residents may have the opportunity to be heard on such transfer and to seek Court intervention if necessary. Defendants William F. Plantier, Paul Lagana, Grace Rogers and Devon Brown, respond that Movants have failed to establish that injunctive relief

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<sup>1</sup> Movants are one of several groups of plaintiff’s involved in this litigation. The moving plaintiffs include: Salaam H. Abdullah, Richard Bagarozzy, Darrick Bailey, Craig Blue, Lamont Brooks, Fred Brown, Grady Brown, Gilbert Davis, Jason Davis, John DeAngelis, Gerald Dooley, Frederick Dubose, Michael Gargiulo, Walter Harrell, Michael Hasher, Miguel Lorenzo, Bharat Malde, Douglas Minatee, Jason D. Overby, Charles F. Peters, Steve Rasinski, Rodney Roberts, Edward Salerno, Karl Siegle, Jabozz Spence, Emilio Velez, Ralph Waldron and John Walker.

is appropriate.

Having reviewed all submissions, and for reasons set forth in the Court's Opinion issued this day,

IT IS on this 29th day of March, 2010;

**ORDERED** that Movants' application for injunctive relief is **denied**.

S/ Dennis M. Cavanaugh  
Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk's Office  
cc: All Counsel of Record  
The Honorable Mark Falk, U.S.M.J.  
File