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IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

_____	)	Case No.
	)	
SID# _____,	)	PETITION FOR WRIT OF HABEAS
	)	CORPUS
Plaintiff,	)	
vs.	)	
_____, Superintendent,	)	
	)	
(Jail or prison) _____	)	
	)	
Defendant.	)	

Comes now the plaintiff who alleges the following:

1.

At the time of this filing, plaintiff is imprisoned and restrained of their liberty at  
(current prison or jail) \_\_\_\_\_, Oregon Department of Corrections  
(hereinafter referred to as "ODOC") or \_\_\_\_\_ ("Jail"), located in  
\_\_\_\_\_ County, Oregon. The named defendant is (superintendent)  
\_\_\_\_\_ Superintendent or Sheriff \_\_\_\_\_ of  
(current prison or jail) \_\_\_\_\_.

2.

Said imprisonment and restraint is not by virtue of any process issued by any court  
of the United States or by a judge or commissioner or other officer thereof in any case

1 where such court, judge or commissioner thereof has exclusive jurisdiction by virtue of the  
2 commencement of any action, suit, or other proceeding in such a court and before such  
3 judge, commissioner or officer thereof. The illegality of plaintiff's imprisonment and  
4 restraint is not by virtue of any judgment or decree of a competent tribunal of civil or  
5 criminal jurisdiction wherein such tribunal has exclusive jurisdiction.  
6

7 3.

8 Plaintiff is imprisoned and restrained pursuant to judgments of conviction or  
9 charges in (case name) State v. \_\_\_\_\_, (county) \_\_\_\_\_  
10 County Circuit Court case no(s). \_\_\_\_\_. Plaintiff's  
11 earliest release date is \_\_\_\_\_.  
12

13 4.

14 To plaintiff's knowledge and belief, they are not restrained by an order specified in  
15 ORS 34.330, and this claim has not already been adjudicated in a prior habeas corpus  
16 action. Plaintiff has sought and exhausted available administrative remedies to the best of  
17 their abilities, or plaintiff in imminent danger and exhaustion is not possible without  
18 irreparable harm, absent habeas intervention.  
19

20 5.

21 Invoking the jurisdiction of this court to grant a writ of habeas corpus is the most  
22 appropriate method of gaining relief from the deprivations detailed herein. Without  
23 immediate judicial action, plaintiff's illegal confinement will continue, they will continue  
24 to suffer from defendant's illegal conditions of confinement, and they will be irreparably  
25 harmed by these actions of the defendant and its agents.

1 6.

2 A writ of habeas corpus should be granted because there is a need for immediate  
3 judicial scrutiny and there are no other plain, adequate, or speedy remedies available for  
4 plaintiff to seek review of the challenged actions of the defendant.  
5

6 7.

7 Plaintiff is incarcerated in a facility that does not follow this state's required  
8 precautions to prevent the spread of the disease Covid-19, by placing plaintiff and all other  
9 prisoners within the facility in imminent danger of acute illness, deprivation of essential  
10 medical care, and death. Contrary to the federal and state guidance regarding Covid-19,  
11 the facility does not keep prisoners adequately separated from each other or potentially  
12 infected facility staff, supply adequate soap and/or sanitizer, or provide adequate access to  
13 sinks, masks, or other Personal Protection Equipment ("PPE") to prevent contraction of  
14 Covid-19. The facility does not adequately quarantine prisoners from staff or prisoners in  
15 transport to or from the facility. The facility does not adequately screen staff for  
16 coronavirus contacts or symptoms. Upon information and belief, the facility lacks  
17 adequate health care services and capacity to preserve the lives of plaintiff and other  
18 prisoners suffering from acute, life threatening Covid-19 infections, where infection of  
19 prisoners and facility staff and will likely become widespread as Oregon approaches its  
20 initial peak infection rate, currently estimated to occur on May 5, 2020.  
21  
22  
23

24 8.

25 Plaintiff has underlying health condition(s) that make them at-risk for severe  
complications or death should they contract Covid-19, the disease that arises from

1 coronavirus. Specifically, plaintiff has the following underlying health conditions,  
2 determined by consensus in the medical community to make them at-risk for severe  
3 complications or death:

4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_

12 9.

13 Plaintiff has requested protection from defendant from contraction of coronavirus,  
14 and been denied in the following ways:

- 15 1) By continuing to incarcerate plaintiff within a closed and densely populated  
16 facility that threatens the life of plaintiff, other prisoners and ODOC staff;  
17
- 18 2) By sustaining:
  - 19 a.) Unavoidably and dangerously close proximity of plaintiff to other prisoners  
20 and DOC staff who might be infected;
  - 21 b.) Exposure to DOC staff who enter and leave the facility, a significant  
22 number of whom may not be known to be infected or show symptoms of infection but will  
23 nevertheless be capable of infecting plaintiff and other individuals;  
24

1 c.) The impossibility of protecting plaintiff from infection within DOC  
2 facilities that remain at their current and normal number of prisoners per cell and  
3 aggregate number of prisoners at the facility;

4 d.) Inadequate health care at the facility to care for plaintiff and other  
5 potentially acutely ill prisoners through the provision of intensive care and ventilator  
6 treatment foreseeably needed to preserve plaintiff's life if infected within the facility;

7 OTHER (medical conditions and complaints not covered above):  
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17 10.

18 In the span of just a few months, over 1,323,605 people globally have been  
19 diagnosed with Covid-19 and over 73,000 have died. (*Center for Disease Control*, April 6,  
20 2020.) In the United States, as of April 6, 2020, over 330,891 people have been diagnosed  
21 with Covid-19. At least 9,000 people have died, most within at-risk groups: older adults,  
22 people with asthma, HIV, diabetes, respiratory disease, and heart disease, and other co-  
23 morbidities. Covid-19 is extremely lethal with a high rate of lethality that increases  
24 significantly among at-risk groups. (*Lancet, Infectious Diseases*, March 30, 2020.) The  
25 disease is up to 20 times more infectious than seasonal flu and spreads exponentially,

1 doubling within days. The disease is beginning to erupt in jails and prisons in Oregon  
2 and around the country as result of failure to institute comprehensive Covid-19  
3 precautions.

4  
5 Members of the public concerned about the safety of prisoners in this  
6 environment have requested ODOC take urgent protective measures to prevent wide-  
7 spread infection of Covid-19 in this vulnerable population: those requests have not yet  
8 been implemented. In this environment, plaintiff is at risk of immediate harm and death  
9 and requires immediate judicial scrutiny of their claims. Plaintiff is incarcerated and  
10 wholly dependent upon defendant for protection from Covid-19 and has no other  
11 available adequate or timely remedy.  
12

13 Defendant's refusal to protect plaintiff from contracting Covid-19 amounts to  
14 deliberate indifference to plaintiff's serious medical needs, in violation of the Eighth  
15 Amendment to the United States Constitution and Article I, Sections 13, 16 and 23 of the  
16 Oregon Constitution. Defendant's conduct amounts to a denial of due process and a  
17 denial of equal protection in violation of Plaintiff's constitutional rights per the Oregon  
18 and United States Constitutions, and Oregon's statutory and administrative rule rights.  
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1 Plaintiff prays that a writ of habeas corpus be granted, directed to defendant,  
2 commanding them to file a return stating the legality of, and the time and cause of the  
3 imprisonment, incarceration, and restraint of plaintiff, or to have the body of plaintiff  
4 before the court at the time and place specified in the writ; to do what shall be considered  
5 by the court concerning plaintiff.  
6

7 \_\_\_\_\_  
Signature of Plaintiff

8 SID#: \_\_\_\_\_

9 Correctional Facility (Address):

10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_

1 **CERTIFICATE OF DOCUMENT PREPARATION**

2 Pursuant to UTCR 2.010(7)

3  
4 I hereby certify that the following is true:

5  I selected this document and it was prepared without paid assistance.

6  I requested help from an inmate legal assistant to assist me in the preparation of  
7 this document at \_\_\_\_\_.

8  I paid or will pay money to \_\_\_\_\_ for assistance in  
9 preparing the document(s)/forms.

10  
11 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

12  
13 \_\_\_\_\_  
14 Signature of Plaintiff

15 SID# \_\_\_\_\_

16 Correctional Institution:

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**CERTIFICATE OF SERVICE**

I certify that I served the foregoing PLAINTIFF’S PETITION FOR WRIT FOR  
HABEAS CORPUS on the Respondent by U.S. mailing a true copy thereof, in compliance  
with the “Mailbox Rule” for filing and mailing legal documents, certified by me as the  
Plaintiff, upon the following parties:

Trial Court Administrator  
\_\_\_\_\_ County Courthouse  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Signature of Plaintiff  
SID# \_\_\_\_\_  
Correctional Institution:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_