

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

DAVID TERWILLIGER,)
))
))
Petitioner,)
))
v.)
))
ROLLIN COOK, Commissioner,)
Connecticut Department of Correction, and)
NICK RODRIGUEZ, Warden,)
Osborn Correctional Institution.)
))
Respondents.)
))
))

Case No. 3:20-cv-540-SRU

MOTION FOR TEMPORARY RESTRAINING ORDER

Please take notice that, as soon as he may be heard, Petitioner David Terwilliger hereby moves, pursuant to Fed. R. Civ. P. 65, for a temporary restraining order and emergency relief under the Eighth Amendment, the Americans with Disabilities Act, and 28 U.S.C. § 2241, or in the alternative pursuant to 28 U.S.C. § 2254, to remedy his prolonged confinement in unlawfully dangerous conditions by ordering his immediate release from custody at Osborn Correctional Institution. Due to his advanced age and serious medical conditions, Mr. Terwilliger is in grave danger from the rapid and uncontrolled spread of COVID-19 in Connecticut’s correctional institutions.

This motion is supported by an accompanying Memorandum of Law, a Petition for Writ of Habeas Corpus, and the attached declarations and exhibits.

ORAL ARGUMENT REQUESTED

Dated April 22, 2020

Respectfully submitted,

/s/ Michael J. Wishnie

Jade Ford*

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Kayla Morin*

Cara Newlon*

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Counsel for Petitioner

*Law student appearances forthcoming.

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2020, I have sent a copy the foregoing Notice of Appearance by email to counsel for Respondents, Assistant Attorneys General Terrence M. O'Neill, James M. Belforti, and James W. Donohue. Mr. O'Neill notified counsel for Petitioner on April 22, 2020, that he would accept service for Respondents by email.

Respectfully submitted,

/s/ Michael J. Wishnie

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Counsel for Petitioner

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

DAVID TERWILLIGER,
Petitioner,

v.

ROLLIN COOK, et al.,
Respondents.

No. 3:20-cv-540 (SRU)

PROPOSED TEMPORARY RESTRAINING ORDER

Upon the petition of David Terwilliger it is hereby

ORDERED that Petitioner be immediately released from the custody of Respondents and admitted to bail pending the resolution of his claims under the Eighth Amendment and the Americans with Disabilities Act, pursuant to his petition for a writ of habeas corpus.

ORDERED that the Clerk deliver a copy of this order and a copy of the motion and all attachments to respondents' representative, Jo Anne Sulik, Supervisory Assistant State's Attorney, Office of the Chief State's Attorney, on or before April ____, 2020.

So ordered.

Dated at Bridgeport, Connecticut, this ____ day of April 2020.

Stefan R. Underhill
United States District Judge