

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

NATIONAL FEDERATION OF THE BLIND, *et al.*,

Plaintiffs,

v.

Case No. 3:23cv127

VIRGINIA DEPARTMENT OF CORRECTIONS,

Defendant.

**DEFENDANT’S RESPONSE TO PLAINTIFFS’ MOTION IN LIMINE TO PERMIT
THE INCARCERATED PLAINTIFFS AND WITNESSES TO WEAR CIVILIAN
CLOTHES AT TRIAL**

The Virginia Department of Corrections (“VDOC” or “Defendant”), by counsel, submits the following in response to Plaintiffs’ Motion *In Limine* to Permit the Incarcerated Plaintiffs and Witnesses to Wear Civilian Clothes at Trial. (ECF Nos. 321, 322.)¹

ARGUMENT

VDOC contends that for security reasons, it is necessary for the incarcerated Plaintiffs and any incarcerated witnesses to be in prison attire and restraints during trial, and that these needs outweigh any potential prejudicial effect. “Prisoners do not have a constitutional right to wear particular clothing in civil trials.” *Ramirez v. Delong*, No. 09-cv-314-bbc, 2010 U.S. Dist. LEXIS 78813, at *2 (W.D. Wisc. July 29, 2010). It is VDOC’s policy that inmates who appear in court are to be in their prison clothing and restraints. It is a security risk for a convicted felon to be unrestrained while in the general population. Similarly, it is a security risk to allow an inmate to appear in civilian clothes, as an inmate must be easily viewable by courtroom deputies. Allowing

¹ Plaintiffs Nacarlo Antonio Courtney and Kevin Muhammad Shabazz are no longer incarcerated.

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record for the Plaintiff.

/s/ Timothy E. Davis

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