

# Mumia Abu Jamal's Health is Precarious: His Motion for Immediate Care: DENIED

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Federal Judge Robert Mariani has denied the preliminary injunction motion in “Abu-Jamal vs. Kerestes” that demanded life-saving hepatitis C treatment for Mumia Abu-Jamal.

The reason Mariani gave is this: “The persons against whom injunctive relief may be granted are not parties to this lawsuit”.

He stated that because the specific members of the Department of Corrections’ (DOC’s) hepatitis C Care Committee – were not named in the lawsuit this motion will fail. The memorandum by Mariani says that “if the proper defendants had been named”, Mumia may well have prevailed in his request for immediate lifesaving treatment.

One might ask: How could the PA Department of Corrections not be the “responsible party”? They not only formed the hepatitis C Care Committee; they then approved its recommendations. The named defendants in “Abu-Jamal vs. Kerestes” are responsible for providing appropriate health care to people in prisons in the Pennsylvania Department of Corrections. How could the court let the PA DOC avoid its constitutional obligations to provide medically indicated care to prisoners by simply passing off the responsibility to a subcommittee?

Bob Boyle, lawyer for Abu-Jamal “In addition, at no time during the litigation has the DOC argued that the defendants who had been named could not carry out an injunction. It should be noted that currently pending before the Court is a motion to add as a defendant DOC Director of Clinical Services Paul Noel, who is a member of the Hepatitis C committee, as a defendant.” full statement below

Meanwhile, Judge Mariani did deal a fatal blow to the PA DOC’s “hepatitis C protocol”, finding that the DOC’s provision of medical care to be “deliberately indifferent” and unconstitutional. To quote: “The protocol as currently adopted and implemented presents deliberate indifference to the known risks which follow from untreated chronic hepatitis C.”

Bret Grote, Mumia’s attorney, (Abolitionist Law Center) “The DOC’s current treatment protocol for hepatitis C was ruled in violation of the Eighth Amendment in no uncertain terms: “In the wake of the advent of curative Hepatitis C medications, Defendants have charted a course that denies treatment to inmates until they are on the verge of a ‘catastrophic’ health event, a decision that appears to contain a ‘fiscal component,’ and ignores the standard of care for the treatment of chronic hepatitis C.” [click for press release here](#)

The court's legal slight of hand on one page denies Mumia immediate care, and on the next page, paves the way for the ultimate delivery of care. But when? How long is the delay?

Note that the hepatitis C Care Committee was created in November 2015 as a direct result of our litigation. It was formed to provide the appearance that the DOC had a process to deliver hep C care. After years of denying hep C treatment to prisoners, the DOC began to treat 5 people at the time of our hearing. A couple dozen prisoners are now receiving the cure.

Yet 6,000 people in Pennsylvania's prisons have chronic hep C. All but a few, those with esophageal varices, are being denied treatment. They are dying in the solitary confinement called "Hep C Care Clinics". Just imagine- no treatment and you have end-stage hep C, and you are in solitary and you are dying. This is not a pretty picture, but it is happening in every single PA prison. It is the definition of "deliberate indifference" and unconstitutional medical care.

Right now, Mumia's health is precarious. He is stable, but he remains at great risk.

We will fight for immediate treatment- and Mumia will receive the care he needs. We will win. While this is a temporary loss, we will take action. Mumia's lawyers will appeal, refile or amend this complaint quickly. Please look below for resources and ways to take action.

Cuando luchamos ganamos! When we fight, we win!

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Join Local Actions!

A National Day of Rage and Day of Action has been called for on September 7th.

In Philadelphia, there will be a press conference at the Department of Health with a march to the Governor's and DA's office.

For more information, call 215-476-2471 NationTime Judicial Research for updates.

More action alerts will be posted at [freemumia.com](http://freemumia.com), [bringmumiahome.com](http://bringmumiahome.com), & [prisonradio.org](http://prisonradio.org). Please let these groups know about your local actions! Please add your action here: <http://www.prisonradio.org/take-action-event/add>

With 8 days left to reach our goal, please [pitch in to keep Mumia's voice active](#).

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