



Court rules Incarcerated Woman's Lawsuit Challenging Deprivation of Pain Medication and Mobility Devices May Proceed.

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PITTSBURGH, PENNSYLVANIA. On Friday, The United States District Court for the Western District of Pennsylvania [rejected](#) motions to dismiss a lawsuit alleging that the [Pennsylvania Department of Corrections \(DOC\)](#) and medical staff violated the rights of an incarcerated woman who is disabled. The case is being litigated by the [Abolitionist Law Center \(ALC\)](#) and the [Pennsylvania Institutional Law Project \(PILP\)](#) on behalf of Ms. Tracey Nadirah Shaw, who is currently imprisoned at State Correctional Institution at Cambridge Springs (SCI Cambridge Springs). Ms. Shaw brought the lawsuit after the DOC and medical staff violated her rights under the Eighth Amendment and ignored protections guaranteed by the Americans With Disabilities Act (ADA) and the Rehabilitation Act by denying her necessary pain medication and mobility accommodations, including a wheelchair, for over two years.

Ms. Shaw suffers from chronic medical conditions that cause intense neuropathic pain in her back and legs. For years, she was prescribed medication by DOC staff that stabilized her pain and allowed her to engage in daily tasks, including janitorial labor. In 2015, without the benefit of an examination or consultation, medical staff terminated Ms. Shaw's effective pain management prescription, which resulted in debilitating pain and substantial reduction in her mobility. Ms. Shaw began to depend on additional assistive devices and accommodations to attempt to navigate life at SCI-Cambridge Springs. However, DOC staff took away her wheelchair, depriving her of the ability to travel the extended distances to educational classes, worship programs, and the dining hall. The DOC then used her worsening medical condition to temporarily remove her from her janitorial duties, resulting in a loss of essential income.

Ms. Shaw lost over twenty pounds because she was not able to physically walk to the cafeteria to get her meals and eventually, she suffered a broken leg requiring surgery and the insertion of six screws when she fell trying to walk with the absence of a wheelchair.

"Depriving Ms. Shaw of a medication that she had been effectively prescribed for years and taking away a wheelchair as her condition worsened highlight the gratuitous cruelty that all too often is present in prison medical care," said ALC Legal Director, Bret Grote.

The court found that at this beginning stage, Ms. Shaw has raised colorable claims that depriving her of pain medication and mobility accommodations, including the use of a wheelchair, violated her rights under the Eighth Amendment, the ADA and the Rehabilitation Act.

While recognizing the “high bar the [plaintiff] must meet in order to ultimately prevail” on her medical indifference claim, Plaintiff’s allegations of a complete deprivation of meaningful care for her serious medical needs are sufficient, at this nascent stage of the proceedings, to state a claim for relief.

“The Court recognized that the DOC must ensure that everyone within their prisons has meaningful access to vital services,” stated Alexandra Morgan-Kurtz, staff attorney for PILP, “This is an important step forward as we continue to challenge the DOC’s ongoing reluctance to adhere to the requirements of the ADA.”

The case now moves on to the discovery stage.

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Case Links

[Shaw v. DOC - Motion to Dismiss Decision](#)

[Brief in Support of Motion to Dismiss](#)

[DOC Brief in Support of MtD](#)

[Brief in Opposition to MtD-as filed](#)

[Shaw v. DOC-as Filed](#)