

No. \_\_\_\_\_

PRISON LEGAL NEWS,	§	IN THE DISTRICT COURT
Plaintiff	§	
	§	
v.	§	OF TRAVIS COUNTY
	§	
CORRECTIONS CORPORATION OF	§	
AMERICA	§	
Defendant.	§	_____ JUDICIAL DISTRICT

### PLAINTIFF'S PETITION FOR WRIT OF MANDAMUS

Prison Legal News is non-profit organization dedicated to protecting prisoners' constitutional and human rights. It seeks to enforce its right under state law to investigate patterns of unconscionable and unconstitutional conditions in corporate-run jails.

#### STATEMENT OF CLAIM

1. Privately-operated prisons and jails are notorious for their abhorrent conditions. Although they perform a government function, they are driven by a profit model that cuts costs for the benefit of shareholders and to the detriment of basic services, security, and oversight. Prison Legal News seeks to enforce its rights under the Public Information Act to investigate details about these facilities in Texas.

#### DISCOVERY

2. Discovery will be conducted under Level 2 of the Texas Rules of Civil Procedure.

#### PARTIES

3. Prison Legal News is a subsidiary of the Human Rights Defense Center, a non-profit, tax-exempt corporation. HRDC's mission is centered on public education, prisoner education, and advocacy in support of basic human rights.

4. Corrections Corporation of America (CCA) is a private, for-profit corporation hired to operate prisons and jails in Texas under state and county contracts. Its principal place of business is Nashville, Tennessee. CCA can be served through its registered agent for service of process,

CT Corporation System, 350 N. St. Paul St., Ste 2900, Dallas, Texas 75201-4234. *Service is requested.*

#### JURISDICTION AND VENUE

5. This action is brought pursuant to Chapter 552 of the Texas Government Code and Chapter 37 of the Civil Practice & Remedies Code.

6. This Court has personal jurisdiction over CCA because it does business in the Texas. It operates many prisons and jails under contract with the state and counties. It hires employees in Texas and commits torts in Texas. It is subject to this Court's jurisdiction. TEX. CIV. PRAC. & REM. CODE § 17.042.

#### STATEMENT OF FACTS

7. Prison Legal News publishes a 64-page, monthly magazine with cutting-edge review and analysis of prisoner rights, court rulings and prison issues. Its circulation is approximately 7,000 hardcopies per month, and includes subscribers in all 50 states and abroad.

8. The information offered by Prison Legal News enables prisoners, civil rights advocates, and organizations to protect prisoners' rights at the grass roots level. It is in a unique position to investigate, document, and publicize the nationwide abuses of a corporation like CCA.

9. Prison Legal News has sought and received public records from CCA in other states using those states' open records laws, including in CCA's home, Tennessee. *See Friedmann v. Corrections Corp. of America*, 310 S.W.3d 366 (Tenn.App. 2009); *clarified by* 2013 WL 784584 (Tenn.App. 2013).

10. On March 1, 2013, Prison Legal News, through local counsel, sent a detailed open records request to CCA via its Texas representatives. It sought records of:

- Contracts between CCA, the state, and local counties and municipalities
- Petitions from lawsuits filed against CCA in Texas

- Settlements, verdicts, and injunctive orders entered against CCA in Texas.

11. CCA ignored Texas law and disregarded the request, producing nothing.

#### CAUSE OF ACTION: TEXAS PUBLIC INFORMATION ACT

12. The Public Information Act (PIA) provides:

Under the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that government is the servant and not the master of the people, it is the policy of this state that each person is entitled ... at all times to complete information about the affairs of government and the official acts of public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Tex. Gov't Code § 552.001(a). Requests for information are to be “liberally construed in favor of granting a request for information.” *Id.* § 552.001(b).

13. CCA is a “government body,” as defined by the PIA. It is supported by public funds and performs a function “traditionally provided by governmental bodies” – incarceration. *See* Attorney General Opinion JM-821 (1987).

14. Records of settlements, jury verdicts, and injunctive relief entered against a government body are public information, by definition. TEX. GOV'T CODE § 552.022 (17)-(18).

15. Texas Government Code § 552.321 states “a requestor [of public information] ... may file suit for a writ of mandamus compelling a governmental body to make information available for public inspection if the governmental body ... refuses to supply public information.”

#### DECLARATORY JUDGMENT

16. Prison Legal News is entitled to a declaratory judgment concerning CCA's violation of the Public Information Act. TEX. CIV. PRAC. & REM. CODE 37.

ATTORNEYS' FEES AND COSTS

17. Prison Legal News is entitled to attorneys' fees and costs under Texas Government Code § 552.323(a) and the Texas Civil Practice & Remedies Code 37.009.

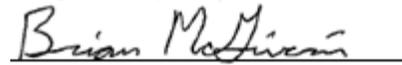
PRAYER FOR RELIEF

Therefore, Plaintiff respectfully prays the Court:

- A. Enter a writ of mandamus requiring the Defendant to make public and provide to Plaintiff all information responsive to the request;
- B. Grant declaratory relief stating the Defendant violated Plaintiff's rights under the Public Information Act;
- C. Grant reasonable attorneys' fees, litigation expenses and court costs ; and,
- D. Grant all other relief as appears reasonable and just, to which Plaintiff may be entitled.

Dated: May 1, 2013

Respectfully submitted,



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