

# Confronting Climate Change in a Correctional Facility in the Deep South: Litigating Forced Labor in High Heat on a Plantation Prison

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*“No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens but its lowest ones.”*

Judge Brian A. Jackson of the U.S. District Court for the Middle District of Louisiana in Ruling and Order on Plaintiffs’ Application for a Preliminary Injunction and Temporary Restraining Order (quoting Nelson Mandela, *A Long Walk to Freedom* 174–175 (1994)).

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\* Senior Staff Attorney at the Promise of Justice Initiative and lead counsel on *Vote et al. v. LeBlanc et al.* I want to express special appreciation to the UC Berkeley Criminal Law and Justice Center and the Berkeley Journal of Criminal Law for hosting the Symposium on Confronting Climate Change in Correctional Facilities in October 2025, to the editorial team of the Berkeley Journal of Criminal Law for their assistance on this publication, to my co-counsel on *Vote et al. v. LeBlanc et al.* for the incredible work, and most importantly, to my clients for their bravery, strength, and inspiration.

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## INTRODUCTION

Louisiana State Penitentiary, the largest maximum-security penitentiary in the country, incarcerates around five thousand people, 74% of whom are Black, and on any given day, dozens of primarily Black men are forced to work the fields of what was once a plantation.<sup>1</sup> Louisiana’s “Farm Line” is a punitive, dangerous, and grossly inhumane form of discipline where men are paid two to four cents an hour, or sometimes nothing at all.<sup>2</sup> As in the era of chattel slavery, men are forced to work the fields, tending crops primarily by hand in oppressive heat.<sup>3</sup>

In 1880, following the Civil War, Angola Plantation was sold to Samuel Lawrence James, a former Confederate Army Major, who utilized the “convict leasing” system to produce cotton through forced penal labor of recently

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1. Press Release, ACLU, Report Finds Incarcerated Workers Earn Between \$0.02 and \$0.40 Per Hour in Louisiana (June 22, 2022); Ashley Crawford & Elizabeth (Liz) Kenney, *Reopening the Plantation: Immigration Detention in Louisiana’s Angola Prison*, VERA (Jan. 30, 2026).

2. ECF 171 at 4. (All ECF citations are to *Voice of the Experienced v. LeBlanc*, No. 3:23-cv-01304, 2024 WL 3279899 (M.D. La. Jan. 10, 2025) [hereinafter *VOTE*] unless otherwise specified.)

3. ECFs 1, 21.

emancipated people.<sup>4</sup> In 1900, the state of Louisiana purchased James' property and established the current facility in 1901.<sup>5</sup> Despite some reform, the regime of brutal, forced labor of Black people persisted throughout the twentieth century; Angola was described as "probably as close to slavery as any person could come in 1930."<sup>6</sup>

The Farm Line is a product of chattel slavery. The guards who oversee the incarcerated men are called the "line pushers,"<sup>7</sup> and the prison itself is referred to as "Angola," reportedly because the "best" enslaved people came from that African country.<sup>8</sup>

Men incarcerated at Angola have long protested against forced labor on the Farm Line. In 1951 dozens of incarcerated men sliced their own Achilles tendons in protest of conditions at Angola and to avoid the fields.<sup>9</sup> Some men refuse the work assignment, knowing they can receive a disciplinary sanction and be sent to segregation, where they are confined to a cell for most of the day and restricted from communicating with loved ones or participating in school or programming.<sup>10</sup> Damaris Jackson, a currently incarcerated man at Angola, explained that he refused to pick cotton when he was assigned to the Farm Line, even knowing he would be sent to lockdown, "because stories . . . passed down from my great-grandparents about picking cotton in East Feliciana Parish . . . and how hard it was for them back then sharecropping and the things that they went through. So I felt that it was on me to take a stand not to go through what my ancestors went through at that time."<sup>11</sup>

In 2023, a group of incarcerated men alongside Voice of the Experienced ("VOTE")<sup>12</sup> filed a class-action lawsuit against the Louisiana Department of Corrections for violating the Plaintiffs' Eighth Amendment rights and statutory rights under the Americans with Disabilities Act ("ADA") and Rehabilitation Act ("RA").<sup>13</sup> The lawsuit seeks an end to the Farm Line as it currently operates.

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4. *History of the State Penitentiary*, LA. PRISON MUSEUM & CULTURAL CTR., <https://www.angolamuseum.org/history-of-angola>; Natalia Marques, *Black Prisoners Organize for Dignity in Angola, Louisiana's Modern-Day Plantation*, PEOPLES DISPATCH (Feb. 23, 2025).

5. LA. PRISON MUSEUM, *supra* note 4.

6. Marques, *supra* note 4.

7. ECF 349-1 at 6.

8. DENNIS SHERE, *CAIN'S REDEMPTION* 41 (2005).

9. Marques, *supra* note 4.

10. *See, e.g.*, ECF 37-13 (Decl. Damaris Jackson) at 4-5.

11. ECF 257-4 at 129.

12. VOTE is a grassroots Louisiana-based nonprofit comprised of currently and formerly incarcerated people that seeks to secure, protect, and advocate for the civil, constitutional, and human rights of its members. VOICE OF THE EXPERIENCED, <https://www.voiceoftheexperienced.org/> (last visited Mar. 12, 2026).

13. ECFs 1, 21. Plaintiffs also brought a claim under the Thirteenth Amendment for a subclass of incarcerated individuals who had been convicted by non-unanimous jury verdicts. ECF 21 at 3, 48-50. Plaintiffs argued that while the Supreme Court held in *Edwards v. Vannoy*, 593 U.S. 255, 276 (2021) that the decision finding non-unanimous jury verdicts unconstitutional under the Sixth Amendment in *Ramos v. Louisiana*, 590 U.S. 83 (2020) would not be retroactively applied under federal law, for the purposes of the Thirteenth Amendment's exception clause, subclass members' non-unanimous jury

To the extent it continues to operate, the lawsuit seeks protections for those forced to work in the high heat, as they face risks ranging from dehydration, dizziness, and fainting to permanent organ damage, disability, or death.<sup>14</sup>

Plaintiffs argue that Angola operates the Farm Line as a compelled labor program that replicates conditions similar to chattel slavery, running contrary to evolving standards of decency.<sup>15</sup> Plaintiffs argue that conditions on the Farm Line degrade and dehumanize the men subject to it, thereby depriving them of their basic human dignity.<sup>16</sup>

The harm central to the complaint is fundamentally a dignitary harm rooted in the forced replication of slavery's social meaning.<sup>17</sup> The conditions and structure of the Farm Line reduce the men to instruments of labor rather than human beings entitled to bodily integrity and respect.<sup>18</sup> This degradation is compounded by the punishments inflicted on those who refuse, reinforcing a total absence of autonomy.<sup>19</sup> Plaintiffs argue that the Farm Line violates contemporary standards of decency because it strips incarcerated people of dignity by tethering modern punishment to the racialized violence of the past.<sup>20</sup> Just as society has evolved beyond chattel slavery, convict leasing, and chain gangs, Plaintiffs argue that the Farm Line should be made a thing of the past, as it offends contemporary notions of human dignity in violation of the Eighth Amendment.<sup>21</sup>

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convictions meant they were not “duly convicted.” *Id.* The district court granted Defendants’ motion to dismiss that claim. ECF 56. On December 23, 2025, the district court certified a General Class of “of all persons incarcerated at Louisiana State Penitentiary who currently are, or may in the future be, assigned to the Farm Line” and a ADA Subclass of “all persons incarcerated at LSP who have disabilities that substantially limit one or more of their major life activities and who currently are, or may in the future be, assigned to the Farm Line.” ECF 364 at 1. On February 12, 2026, the district court granted Plaintiffs Motion for Clarification of the ADA Subclass definition, and revised the ADA subclass to include: “all persons incarcerated at Louisiana State Penitentiary who currently are or may in the future be assigned to the Farm Line and who have disabilities that may cause, or that are treated with medications that may cause, impaired thermoregulation.” ECF 407 at 1.

14. ECF 21 at 16-29, 51; ECF 433 (Pls.’ Proposed Post-Trial Remedial Order, Mar. 31, 2026); *see, e.g.*, ECF 37-3 (Decl. Dr. Susi Vassallo) at ¶¶ 24-44, 67-71 (describing the physical risks for all men assigned to work the Farm Line in high heat).

15. ECF 432 (Pls.’ Proposed Findings of Fact & Conclusions of Law) at 172-173, 62-79.

16. ECFs 21 at 16-17, 44-45; 257 at 16-19.

17. ECF 432 at 62-75.

18. *Id.* at 24-26, 76-79.

19. *Id.* at 35-36, 53-54, 64-65.

20. *Id.* at 172-173, 62-79.

21. *See, e.g.*, *Trop v. Dulles*, 356 U.S. 86, 100 (1958) (“The basic concept underlying the Eighth Amendment is nothing less than the dignity of man.”); *Hope v. Pelzer*, 536 U.S. 730, 737-738 (2002) (applying *Trop v. Dulles* in the context of an incarcerated person handcuffed to a hitching post for seven hours in the sun without water or the ability to use the bathroom); *Wilkerson v. Stalder*, 639 F. Supp. 2d 654, 661, 677 (M.D. La. 2007) (“The standard for determining whether prison conditions satisfy the Eighth Amendment objective component, whether the condition is ‘sufficiently serious,’ is not static. Instead, it focuses on whether the conditions are contrary to the ‘evolving standards of decency that mark the progress of a maturing society,’ or whether the [incarcerated person] has been denied ‘the minimal civilized measures of life’s necessities.’” (citations omitted)).

On the path to litigating this broader claim, the Plaintiffs have successfully obtained preliminary relief for their subclaims based on the physical dangerousness of being forced to labor in the high heat of Louisiana's summers.<sup>22</sup> This Article seeks to provide practitioners with a detailed account of these successes and some lessons learned.<sup>23</sup> The preliminary injunctions have forced Angola to begin implementing some basic protective measures, such as shade and longer and more frequent breaks in the high heat.<sup>24</sup> Through another lawsuit brought by the Promise of Justice Initiative challenging the adequacy of Angola's medical care, *Lewis v. Cain*,<sup>25</sup> Plaintiffs' counsel had access to medical records documenting at least one heatstroke from someone who was forced to work in the fields.<sup>26</sup> On August 29, 2019, Patient #51 fell and became unresponsive while working on the Farm Line.<sup>27</sup> An ambulance was called at 11:19am where his temperature was recorded as 103.3°F, which should have led medical providers to suspect heatstroke and provide cooling at the prison's

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22. ECFs 70, 108, 297.

23. Because the litigation is ongoing, the lessons learned cannot be fully laid out at present, but the aim in part is to lay out a detailed procedural history of the case for practitioners to learn what tactics and arguments prison defendants might utilize in similar litigation.

24. ECF 109 at 5-6.

25. *Lewis v. Cain*, 701 F.Supp.3d 361 (M.D. La. 2023).

26. ECF 37-6 (Decl. Dr. Vassallo, Exhibit C) at 120:

Patient #51: On August 29, 2019, there was a call for an ambulance at 11:19 for an unresponsive patient with symptoms of heatstroke. The patient had been working in the field all day. The patient had suddenly become confused and unresponsive. The axillary temperature was 103.3°F. The eyes were roiling back. The capillary glucose measurement was 404. The blood pressure was 120/70, the pulse was 134 and the respiratory rate was 34. The skin was dry. The pupils were nonreactive but equal. These symptoms - particularly fever with altered mental status after working in the summer heat for several hours - all indicated heatstroke, in the ambulance, there is no sign of any cooling; instead, Narcan 4mg was administered in the ambulance, even though opiate intoxication does not cause elevated temperature. The patient arrived in the ATU at 11:37am. An EKG was performed in the ATU. It showed sinus tachycardia.

The patient was intubated. There remained no cooling for the patient's heatstroke, instead, even though the patient did not have an opiate toxidrome, he was forcibly catheterized for a urine toxicology. While this toxicology was positive for opiates, a subsequent toxicology test at the hospital was negative for opiates. At 12:00 noon an ambulance was assigned to take the intubated patient to the hospital. The patient arrived at the hospital at 14:18pm, five hours after he became unresponsive. Until he got to the hospital, he received no treatment for his heatstroke.

This patient had heatstroke. He had several conditions and medications that interfered with his ability to thermoregulate. Diabetes and hypertension predisposed the patient to poor cardiac response to heat. While his preexisting conditions and symptoms ail suggested heatstroke, LSP staff appeared to assume that opioid use was responsible, and treated him accordingly rather than diagnosing and treating his actual condition. The urine drug screening in the ATU was inappropriate and would not contribute to the resuscitation or the diagnosis or treatment of heatstroke. Three hours to the hospital is a dangerous delay. Cooling measures were inadequate, which is a persistent problem, ice should be maintained in the ATU year-round, but during our site visit, there was no ice stored in the ATU, and the medical records do not show instances of it being used.

27. *Id.*

treatment center, but they did not.<sup>28</sup> He was brought to the outside hospital five hours after he became unresponsive.<sup>29</sup>

The summer of 2023 was the hottest summer in Louisiana’s recorded history,<sup>30</sup> and summer 2024 was predicted to be even hotter.<sup>31</sup> The Louisiana Department of Health stated in a report on heat-related illness in Louisiana that: “[h]eat exposure is intensifying as the frequency, severity, and duration of extreme heat events increases due to climate change.”<sup>32</sup> Given this current knowledge about global warming and climate change, these trends are predictable and require us as a society, but especially, the prisoners’ rights legal community to confront the devastating impacts high heat will have on those who are imprisoned in our correctional facilities without the basic autonomy and protections to save themselves from the heat.<sup>33</sup>

This Article aims to utilize *VOTE et al. v. LeBlanc et al.*<sup>34</sup> as a case study for practitioners in how to confront climate change in correctional facilities. Part II details the procedural history of the preliminary injunctions sought and obtained in the litigation as well as the concessions and maneuvers made by the prison. Part III draws out some of the lessons learned for practitioners through this litigation. The Article concludes by calling on the legal community to work with incarcerated people to confront the climate change-caused heat concerns putting this already marginalized population at further risk.

## I. PROCEDURAL HISTORY OF PRELIMINARY INJUNCTIONS AND HEAT POLICY CHANGES IN *VOTE ET AL. V. LEBLANC ET AL.*

### A. *Plaintiffs’ Motion for Preliminary Injunction in 2024*

After filing the lawsuit in September 2023, Plaintiffs filed a Motion for a Preliminary Injunction and Temporary Restraining Order in May 2024 to obtain emergency relief in advance of the high heat expected over the summer of 2024.<sup>35</sup>

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28. *Id.*

29. *Id.*

30. Greg Hilburn, *Louisiana’s hottest summer on record has killed 9 more in the last 2 weeks*, SHREVEPORT TIMES (Aug. 23, 2023), <https://www.shreveporttimes.com/story/news/2023/08/23/hottest-louisiana-summer-on-record-has-killed-nine-more-in-last-two-weeks-with-no-relief-in-sight/70654323007/>.

31. Gloria Dickie, *US Scientists say one-in-three chance 2024 another year of record heat*, REUTERS, (Jan. 12, 2024).

32. LA. DEP’T HEALTH, OFF. OF PUB. HEALTH, HEAT-RELATED ILLNESS IN LOUISIANA: REVIEW OF EMERGENCY DEPARTMENT AND HOSPITALIZATION DATA FROM 2010-2020 4 (Mar. 2024), available at: [https://ldh.la.gov/assets/docs/lah/Statewide\\_Heat\\_Related\\_Illness\\_Report.pdf](https://ldh.la.gov/assets/docs/lah/Statewide_Heat_Related_Illness_Report.pdf).

33. Ava Kaufman, Kathrina S. Wolfkot & Brianna Seid, *Extreme Heat Exacerbates Dire Prison Conditions, With Few Paths to Relief*, STATE CT. REP. (June 26, 2025), <https://statecourtreport.org/our-work/analysis-opinion/extreme-heat-exacerbates-dire-prison-conditions-few-paths-relief>.

34. *VOTE*, No. 3:23-cv-01304, 2024 WL 3279899 (M.D. La. 2023).

35. ECF 37.

At the time the suit was filed, Angola had an inadequate policy in place related to heat, a “heat pathology” policy, LSP Directive 13.067.<sup>36</sup> The policy mandated that, during the “heat season,” defined as May 1 through October 31, Angola must monitor the heat conditions every two hours using a National Weather Service website and issue a “heat alert” when the heat index reached or exceeded 88 degrees Fahrenheit.<sup>37</sup> Under the policy, once a heat alert was issued, incarcerated people working outside were permitted to take a five-minute break with access to water every thirty minutes.<sup>38</sup> In addition, the heat pathology policy authorized officials to designate individuals who “may be affected by heat or those prescribed medication that may impact sensitivity to heat” with a “Heat Precaution Duty Status,” which exempted them from outdoor labor when the heat index exceeded 88 degrees Fahrenheit, i.e., when a heat alert was called.<sup>39</sup>

The Plaintiffs sought to enjoin Angola from operating the Farm Line when the heat index met or exceeded 88 degrees Fahrenheit, asserting that the prison’s heat pathology policy was inadequate and not even followed in practice.<sup>40</sup> To support the likelihood of success on the merits of their Eighth Amendment claim, Plaintiffs had to prove both the objective and subjective components: that working on the Farm Line during periods of high heat posed a substantial risk of serious harm, the objective prong, and that Angola was deliberately indifferent to the risks of high heat, the subjective prong.<sup>41</sup>

To prove the risk of harm (the objective prong), Plaintiffs filed declarations from many men who had experienced the Farm Line over the summer,<sup>42</sup> as well as from Dr. Susi Vassallo, a widely recognized expert in thermoregulation.<sup>43</sup> Numerous courts have accepted Dr. Vassallo as an expert in emergency medicine

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36. ECF 37-1 at 9-10, 16.

37. ECF 37-28 (LSP Dir. 13.067, Mar. 21, 2019). The 88 degree heat index threshold was itself in response to litigation filed by the Promise of Justice Initiative on behalf of three individuals on Louisiana’s death row, in a case arguing that the high heat inside Louisiana’s death row subjected Plaintiffs to an unreasonable risk of serious harm in violation of their Eighth Amendment rights. *See generally* Ball v. LeBlanc, 988 F. Supp. 2d 639 (M.D. La. 2013).

38. ECF 37-1, *supra* note 36.

39. *Id.* at 3-4.

40. ECF 27-1 at 25.

41. Farmer v. Brennan, 511 U.S. 825, 834 (1994); Hinojosa v. Livingston, 807 F.3d 657, 665 (5th Cir. 2015); Ball v. LeBlanc, 792 F.3d 584, 592 (5th Cir. 2015).

42. *See, e.g.*, ECFs 37-11 through 37-19.

43. *See, e.g.*, Yates v. Collier, 868 F.3d 354, 363-64 (5th Cir. 2017):

Dr. Vassallo is a licensed physician and a recognized expert in the field of thermoregulation and hyperthermia, with over twenty-five years treating heat stroke and heat-related disorders. Dr. Vassallo has previously served as an expert witness in lawsuits challenging prison conditions, and this court has (at least) twice upheld district court findings that relied heavily on Dr. Vassallo’s testimony. (citations omitted).

Dr. Vassallo was a panelist at the Confronting Climate Change in Correctional Facilities Symposium on the “Strategic Alliances: Collaborations between Lawyers, Experts, Journalists & Advocates” Panel. Symposium, *Confronting Climate Change in Correctional Facilities* (Oct. 22, 2025), <https://www.law.berkeley.edu/event/fall-symposium-confronting-climate-change-in-correctional-facilities/>.

and heat in prison conditions cases.<sup>44</sup> Plaintiffs' counsel at the Promise of Justice Initiative had previously worked with Dr. Vassallo in *Ball v. LeBlanc*<sup>45</sup> and *Lewis v. Cain*,<sup>46</sup> and believed she would be instrumental to ensuring the success of the heat-related claims.<sup>47</sup> Beyond her relevant substantive expertise, Dr. Vassallo is also an effective witness on the stand with the ability to competently explain and synthesize information for the factfinder and skillfully handle cross examinations. Dr. Vassallo's declaration stated that, in her opinion, Angola routinely forces incarcerated men to labor on the Farm Line under extreme heat conditions that pose substantial risks of physical injury, ranging from dehydration, dizziness, and fainting to permanent organ damage, disability, or death, even among healthy people.<sup>48</sup>

The incarcerated men's declarations documented experiencing "nausea, dizziness, dehydration, exhaustion, and intense muscle cramping while working in the fields."<sup>49</sup> As Class Representative Nate Walker described, when men experience these symptoms, they are often met with accusations of intoxication instead of treatment.<sup>50</sup> He described:

I was working in the field on a hot day. I was feeling weak and lightheaded. I notified the guards that I was not feeling good, but I was ignored. I could barely stand or walk. When I tried to walk, I began to sway. The guards called medical and told them that I was intoxicated. I was arrested and received a disciplinary write-up for intoxication. I was not intoxicated.<sup>51</sup>

To prove Angola's deliberate indifference (the subjective prong), Plaintiffs used widely-available public information, guidance from federal and state

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44. See, e.g., *Tiede v. Collier*, 796 F. Supp. 3d 275, 287 (W.D. Tex. 2025) (finding Dr. Vassallo a "medical expert in toxicology, emergency room medicine, and heat medicine"); *Lewis v. Cain*, 701 F. Supp. 3d at 384 ("Dr. Vassallo was accepted by the Court as an expert in emergency medicine, toxicology, and correctional medicine, and the Court found her testimony credible."); *Gumns v. Edwards*, 2020 WL 2510248, at \*10 (M.D. La. May 15, 2020) (accepting Dr. Vassallo as "an expert in correctional medicine and in the care and treatment of COVID-19 patients."); *Ball v. LeBlanc*, 988 F. Supp. 2d at 665 ("Vassallo is a certified correctional health professional and an expert on the effects of drugs and illness on an individual's ability to thermoregulate (or regulate one's own body temperature)"); *McCullum v. Livingston*, 2017 WL 608665, at \*22 (S.D. Tex. Feb. 3, 2017) (accepting Dr. Vassallo as "an expert on thermoregulation"); *Cole v. Collier*, 2017 WL 3049540, at \*9 (S.D. Tex. July 19, 2017) ("The Court finds that Dr[.] Vassallo . . . meet[s] the Rule 702 requirements to testify as to the effects of heat on the human body, and on populations as a whole."); *Gates v. Cook*, 376 F.3d 323, 339 n.9 (5th Cir. 2004) ("Dr. Vassallo . . . has lectured extensively on thermoregulation and hyperthermia (heat illness) and has authored the "Thermoregulatory Principles" chapter of Goldfrank's *Toxicologic Emergencies*, a textbook on medical toxicology.").

45. 988 F. Supp. 2d 639.

46. 701 F. Supp. 3d 361.

47. See *supra* note 44 collecting Dr. Vassallo's cases.

48. ECF 37-3 at ¶¶ 24-44, 67-71.

49. ECF 37-1 at 15 (citing ECFs 37-16, Walker Decl. at ¶ 9; 37-15, Stevenson Decl. at ¶ 10; 37-13, Jackson Decl. at ¶ 10; 37-10, Henderson Decl. at ¶ 16).

50. *Id.* (citing ECF 37-16, Walker Decl. at ¶ 9).

51. *Id.*

agencies, previous litigation against Angola, complaints from incarcerated men, and the existence of Defendants' own policies to show that the substantial risk of serious harm posed by labor in the extreme heat was "open and obvious" and long known by the Defendants themselves.<sup>52</sup> The widely-available public information cited by Plaintiffs included the Louisiana Governor's declaration of a state of emergency over summer 2023 due to the unprecedented number of excessive heat warnings, and the widespread news coverage in Louisiana warning of risks attendant to the excessive heat.<sup>53</sup>

*B. The District Court's July 2024 Ruling and Order Partially Granting Plaintiffs' Motion for Preliminary Injunction*

After holding a hearing, the district court issued a 78-page ruling requiring state officials to "take immediate measures to correct the glaring deficiencies in their heat-related policies" at Angola.<sup>54</sup> The district court held that "[i]njunctive relief is required to preserve and protect human health and safety, especially as the summer heat arrives in full force[.]"<sup>55</sup> notably relying on Plaintiffs' evidence asserting that "[h]eat exposure is intensifying as the frequency, severity, and duration of extreme heat events increase due to climate change."<sup>56</sup>

The district court gave Angola seven days to improve policies and procedures to protect the incarcerated men forced to work in extreme heat conditions.<sup>57</sup> Specifically, the district court ordered the prison to:

1. Correct the deficiencies of Directive No. 13.067 . . . , including the lack of shade and adequate rest provided to incarcerated persons laboring on the Farm Line;
2. Correct the problems with Defendants' equipment policies . . . including the failure to provide sunscreen and other necessary protective clothing and equipment to those laboring on the Farm Line;
3. Submit a revised and expanded Heat Pathology Medications list;
4. Create a procedure to ensure that all incarcerated persons suffering from health conditions that significantly inhibit thermoregulation are assessed by medical personnel and are granted Heat Precaution Duty Status; and
5. Develop an additional heat-related policy to protect those laboring outdoors when heat index values reach or exceed 113 degrees Fahrenheit, the temperature at which the National Weather Service

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52. *Id.* at 23-28.

53. *Id.* at 17-18 (citing ECFs 37-53 through 37-58).

54. ECF 70 at 75. The district court denied Plaintiffs' request to entirely cease operation of the Farm Line when the heat index reached or exceeded 88 degrees Fahrenheit citing that the requested relief was overbroad given the limitations of the Prison Litigation Reform Act ("PLRA"). *Id.*

55. *Id.* at 58-59.

56. *Id.* at 38 (quoting ECF 37-45 at 7).

57. *Id.* at 77.

issues excessive heat warnings.<sup>58</sup>

The ruling thoroughly discussed the experiences of the Named Plaintiffs and additional putative class members on the Farm Line to anchor the ultimate findings.<sup>59</sup> For instance, the ruling quoted Named Plaintiff Darrius Williams, who described the work on the Farm Line as follows:

[We] arrived in the fields around 7 a.m., we would be told to pick crops, like digging up sweet potatoes by hand. We were still forced to work, even when there was a heat advisory . . . To the best of my recollection, I have never been provided with sunscreen, proper work gloves, proper work boots, sunglasses, a sunhat, or other safety equipment necessary to safely work in the fields. Conditions in the field are brutal and unsafe. There is no shade. The heat and humidity in the fields are unbearable. It can get to 105 to 110 degrees outside. It's so hot out in the corn fields that it's hard to breathe. I've had to make several medical calls. Once, I was forced to work the Farm Line in the summer and was in the corn fields. The temperature was over 100 degrees and I started feeling chills. I was shaking, as though it was freezing. I started sweating profusely. I started to feel dizzy. I lost control of limbs and fainted. Medical came and reported that my blood pressure was very high. Despite all this, prison officials sent me back out into the field the next day. I refused. I was placed in lockdown.<sup>60</sup>

Named Plaintiff Myron Smith's declaration cited by the district court described how Mr. Smith "often feel[s] woozy, dehydrated, and dizzy[.]" and detailed a particular instance where he experienced heat-related illness.<sup>61</sup> Mr. Smith described:

I was working on Line 15b when my muscles began locking up. I could barely move. An emergency medical technician arrived and told me to drink more water and rest. . . . I was forced to sit in the field, in the hot sun, for the rest of the shift.<sup>62</sup>

The ruling relied heavily on Dr. Vassallo's declarations for the science underlying thermoregulation and the risk of harm attendant to Angola's policies and practices for operating the Farm Line.<sup>63</sup> For instance, the district court credited Dr. Vassallo's opinion that the prison's list of medications and medical conditions that could trigger issuance of a Heat Precaution Duty status was far too underinclusive and put those most sensitive to heat-related harm at risk by not providing them with necessary protections.<sup>64</sup>

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58. *Id.*

59. *Id.* at 4-25.

60. *Id.* at 12 (citing ECF 37-18 at ¶¶ 9-13).

61. *Id.* at 5 (citing ECF 37-14 at ¶ 12).

62. *Id.*

63. *Id.* at 39-44.

64. *Id.*

C. *Angola's Appeal of First Preliminary Injunction – VOTE I*

Angola immediately appealed the district court's ruling and sought a stay of the order at the Fifth Circuit Court of Appeals.<sup>65</sup> A panel stayed the portions of the district court's order with respect to parts (3), (4), and (5), but denied parts (1) and (2) (as outlined *supra* Part II.B). The panel held that because parts (3), (4), and (5) were not clearly cabined to the Farm Line and appeared to mandate changes to the entire Louisiana Department of Corrections' heat pathology policies, they were impermissibly broad in violation of the Prison Litigation Reform Act (PLRA).<sup>66</sup>

The PLRA requires that injunctions "extend no further than necessary to correct the harm the court finds requires preliminary relief" and "be the least intrusive means necessary to correct that harm" (the "Needs-based, Narrow, Intrusive inquiry," or the "NNI test").<sup>67</sup> However, since parts (1) and (2) specified that the relief was limited to the Farm Line, the Fifth Circuit held that they likely complied with the PLRA. Angola argued that the preliminary injunction violated the PLRA because none of the Plaintiffs were currently working on the Farm Line, but the Fifth Circuit rejected this because there was nothing stopping Angola from reassigning them to the Farm Line.<sup>68</sup> The Fifth Circuit also rejected Angola's argument that the order impermissibly granted class-wide relief before a class had been certified, because the only case Defendants provided in support for this claim did not involve a class action.<sup>69</sup>

The PLRA limits preliminary injunctions to 90 days, specifying the following: "[p]reliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the findings required under subsection (a)(1) for the entry of prospective relief and makes the order final before the expiration of the 90-day period."<sup>70</sup> The preliminary injunction therefore expired on September 30, 2024, meaning that by the time the appeal was before the merits panel, the parties agreed that the appeal was moot.<sup>71</sup> The parties disputed whether the appeals court should also vacate the preliminary injunction under the doctrine of *United States v. Musingwear, Inc.*<sup>72</sup> Ultimately, after oral argument in April 2025, the court issued an opinion in August 2025 holding that the appeal should be dismissed as moot *and* vacated under the

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65. *VOTE v. Westcott*, No. 24-30420, 2025 WL 2222990 (5th Cir. 2025) [hereinafter *VOTE I*].

66. *VOTE I* ECF 41-1 at 5; 18 U.S.C. § 3626(a)(2).

67. *VOTE I* ECF 41-1 at 5; 18 U.S.C. § 3626(a)(2).

68. *VOTE I* ECF 41-1 at 5-6.

69. *Id.* at 6-7.

70. 18 U.S.C. § 3626(a)(2).

71. *VOTE I* ECF 126-1 at 1.

72. The *Musingwear* doctrine dictates that when a case has become moot while on appeal, the usual practice is for the appellate court to vacate the lower court's judgment with the rationale that vacatur of the judgment below "clears the path for future relitigation of the issues between the parties and eliminates a judgment, review of which was prevented." *United States v. Musingwear, Inc.*, 340 U.S. 36, 40 (1950). If a lower court's decision is vacated, it cannot "spawn[] any legal consequences." *Camreta v. Greene*, 563 U.S. 692, 713 (2011) (quoting *Musingwear*, 340 U.S. at 40-41).

*Munsingwear* doctrine because the State was pursuing its right to appeal when the case became moot by operation of law.<sup>73</sup>

*D. District Court Implementation of Unstayed Parts of July 2024  
Preliminary Injunction*

After the Fifth Circuit's order partially denying Angola's stay request, Angola filed a response to the July 2024 ruling as required by the district court's order.<sup>74</sup> Angola's filing represented that, with respect to correcting the deficiencies of their heat pathology policy's inadequate shade and rest, Angola implemented the following changes:

- Ten-by-ten-foot pop-up canopy tents to provide a shaded break area.
- Documentation of the five-minute breaks already required by policy every thirty minutes once the heat index reached or exceeded 88 degrees.<sup>75</sup>
- Sunscreen "offered" to men assigned to the Farm Line.<sup>76</sup>

Plaintiffs pointed to this response as further proof that Angola was unable or unwilling to make material changes to the operation of the Farm Line.<sup>77</sup> Plaintiffs argued that the district court should order Angola to cease operation of the Farm Line entirely during periods of high heat until "they develop and implement written policies governing assignments to and administration of the Farm Line that would actually address the deficiencies identified by the Court."<sup>78</sup> At minimum, those policies would need to include: "substantially more access to shade"; at least a fifteen-minute break every hour; improved access to water; protective gear such as adequate hats, proper gloves, and protective long-sleeve shirts; additional toilets; and free medical care to men laboring on the Farm Line.<sup>79</sup>

On August 15, 2024, the district court entered another ruling granting the majority of Plaintiffs' specific remedial requests, stating that: "[t]aken at face value, Plaintiffs' allegations in this matter have portrayed the State of Louisiana in a harsh and unflattering light. Defendants contribute to this depiction with their apparent obstinance towards proposing meaningful changes to conditions on the Farm Line."<sup>80</sup> The district court agreed that Angola's proposals were inadequate and bordered on bad faith, stating that the depictions from the site inspection of the singular pop-up tent in the unshaded field was "was obviously not large enough to accommodate the approximately twenty men meant to use

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73. *VOTE I* ECF 126-1 at 9.

74. *VOTE*, No. 3:23-cv-01304, 2024 WL 3279899 (M.D. La. Jan. 10, 2025), ECF 86.

75. *Id.* at 2.

76. *Id.* at 2-3. Previously sunscreen was only available for purchase in the commissary at a price of \$12.31. ECF 171 at 5 (citing ECF 120-38 at 6).

77. ECF 95 at 4.

78. *Id.* at 5.

79. *Id.* at 8-11.

80. ECF 109 at 2.

the structure.”<sup>81</sup> Finding “that the shaded area presently provided to those laboring on the Farm Line is grossly insufficient and reflects a callous disregard for [Plaintiffs’] human health and safety,” the district court ordered Angola to put up additional pop-up tents.<sup>82</sup> The district court’s order mandated that each incarcerated person on the Farm Line be able to rest on seating in the shade.<sup>83</sup> The district court also implemented Plaintiffs’ request to require fifteen-minute breaks every forty-five minutes.<sup>84</sup>

Lastly, the district court ordered Angola to formalize the remedial measures and to notify employees and men on the Farm Line within ten days.<sup>85</sup> Angola filed a response to the August 2024 ruling representing their compliance with the order.<sup>86</sup> Angola also included schematics for covered trailers that Angola designed and intended to build for shaded rest breaks.<sup>87</sup>

#### *E. Angola’s Revisions to Heat Pathology Policy in October 2024*

The day after the court’s July 2, 2024 ruling, the district court expedited trial to fall of 2024.<sup>88</sup> However, on October 18, 2024, the district court continued the trial without resetting the date, and later that same day Angola filed a letter to the district court on changes to the Farm Line since the hearing on the Preliminary Injunction motion, including the provision of additional shade and an updated heat pathology policy for the entire Louisiana Department of Corrections.<sup>89</sup> With respect to shade, Angola notified the district court that they had constructed two movable “shade wagons” with bench seating to place next to the fields.<sup>90</sup> Regarding the heat pathology policy, Angola followed the district court’s order in providing free sunscreen, shade areas, and the longer and more frequent breaks.<sup>91</sup>

Angola also made changes that corresponded to the parts of the district court’s July 2024 order that were stayed by the Fifth Circuit for not being clearly limited to the Farm Line.<sup>92</sup> Specifically, Angola expanded the list of medications and medical conditions that would trigger someone getting a Heat Precaution

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81. *Id.* at 2-3.

82. *Id.* at 5.

83. *Id.* at 5-6.

84. *Id.* at 6.

85. *Id.* at 7-8.

86. ECF 111.

87. *Id.* at 4.

88. ECF 72 at 2.

89. ECFs 131, 132.

90. ECF 132 at 1.

91. ECF 132-5 at 5.

92. ECF 41-1 at 5. *See generally supra* Part II.C (describing the Fifth Circuit Court of Appeals order staying parts (3), (4), and (5)).

Duty Status,<sup>93</sup> and adopted a policy that work would cease entirely if the heat index reached 113 degrees.<sup>94</sup> According to Defendants, the heat pathology medications list expanded from one drug class to fifteen drug classes, and the medical conditions exclusion list expanded from four to thirty-three chronic illnesses.<sup>95</sup> Some classes of medications and chronic conditions that Dr. Vassallo had previously opined should be included on the list, such as Selective Serotonin Reuptake Inhibitors and diabetes, remained omitted from the new exclusion lists.<sup>96</sup>

In stark contrast to these new protective measures, Angola *reduced* heat protections for Farm Line workers by raising the threshold for triggering a heat alert from 88 degrees to 91 degrees.<sup>97</sup> Defendants pointed generally to the National Weather Service, Centers for Disease Control, and Occupational Safety and Health Administration for guidance in support of this change.<sup>98</sup> Plaintiffs later pointed out how these citations did not support Defendants' decision.<sup>99</sup>

Angola stated to the district court that, “[i]n light of these substantial changes outlined above, we believe that most of the claims asserted in the present litigation are rendered moot.”<sup>100</sup>

#### F. Plaintiffs' Motion for a Second Preliminary Injunction in 2025

In December 2024, the trial was scheduled for April 2025,<sup>101</sup> but after oral arguments were held on Plaintiffs' motion for class certification in February 2025, the district court scheduled an evidentiary hearing on the motion for class certification and continued the trial without a date.<sup>102</sup> Anticipating going into another heat season without the ability to secure a permanent injunction,

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93. If an incarcerated person on the Farm Line has a Heat Precaution Duty Status, Angola's policy requires that when a heat alert is called, they no longer have to work, and they should be taken inside. ECF 132-5 at 4.

94. ECF 132 at 2-3.

95. *Id.*

96. ECFs 132-6; 132-7.

97. ECF 132 at 3.

98. *Id.*

The Nation Weather Service sets forth that when the heat index ranges from 80-90 degrees, fatigue is possible with prolonged exposure and/or physical activity. When the heat index reaches 90-103, heat stroke, heat cramps or heat exhaustion is possible with prolonged exposure. <https://www.weather.gov/ama/heatindex>. CDC and OSHA recommend that when the heat index is below 91 degrees, protective measures should include basic health and safety planning. When the heat index ranges from 91 to 103, precautions should be implemented along with heightened awareness. <https://www.cdc.gov/niosh/docs/2016-106/pdfs/2016-106.pdf?id=10.26616/NIOSH PUB2016106> (p. 91). Using this guidance, HPC8 now states that when the heat index reaches 91 degrees, a heat alert is call and the heat pathology precautions shall be implemented.

99. ECFs 201-1 at 13-15; 224 at 10-11.

100. ECF 132 at 3.

101. ECF 158 at 2.

102. ECF 193.

Plaintiffs' filed a second motion for a preliminary injunction on March 26, 2025.<sup>103</sup>

Given the district court's previous denial of the request in Plaintiffs' first motion for preliminary injunction to cease operation of the Farm Line when heat indices reached 88 degrees Fahrenheit, Plaintiffs instead sought: (1) a TRO requiring a return back to the 88 degree heat index threshold, and requiring monitoring of the heat index every 30 minutes, and (2) a preliminary injunction, extending the TRO and implementing several other protective measures not adopted into the new heat policy, including: prohibiting the assignment of people with Heat Precaution Duty Statuses to the Farm Line on any day it was projected to be a heat index of 88 degrees Fahrenheit or more, expanding the list of medications and conditions qualifying a person for a Heat Precaution Duty Status, lowering the cease work threshold from 113 degrees Fahrenheit to a heat index of 103 degrees Fahrenheit, and appointing an expert pursuant to FRE 706 to monitor and record Wet Bulb Globe Temperature ("WBGT") on the Farm Line and to consult the Court regarding Angola's heat-related practices.<sup>104</sup>

Plaintiffs again supported their motion with declarations from Plaintiffs and Dr. Susi Vassallo.<sup>105</sup> To illustrate the continued risk of harm present on the Farm Line, Plaintiffs filed a declaration from Frank Carter, a 37-year-old man who arrived at Angola in February 2025 and was immediately assigned to the Farm Line. Mr. Carter, who received a Heat Precaution Duty Status from the prison, described:

On April 3, 2025, I was harvesting turnips on the Farm Line when I began to feel lightheaded and nauseous. I made a Self-Declared-Emergency to see a medical provider. Over 30 minutes later, a medical provider came out and assessed me. She notified the line pusher that I should drink water and sit down. There was no shade out there that day except for under a trailer, which does not provide full shade under the seats depending on the time of day. It is hotter to sit under the trailer because the sun makes the seats hot and there is often no shade directly under it.<sup>106</sup>

Mr. Carter's experience highlighted, among other things, the arbitrary nature of Angola's "heat season" of May 1 to October 31. Mr. Carter is an individual Angola identified as heat sensitive, but the Heat Precaution Duty Status accommodation—which permitted him to cease working once a heat alert was called— would not take effect for another month at the time of his Self-Declared Emergency.

In opposition to Plaintiffs' Motion, Angola attached a new Angola-specific heat policy, adopting verbatim the Department-wide policy promulgated in

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103. ECF 201.

104. ECF 201-1 at 7.

105. ECFs 224-5, 224-6, 201-3.

106. ECF 224-6 at ¶6.

October 2024 with one exception;<sup>107</sup> Angola adopted a shortened duration of heat index monitoring during the heat season from every two hours to every hour (Plaintiffs sought monitoring every 30 minutes).<sup>108</sup> Angola also indicated that they had already issued 1,887 Heat Precaution Duty Statutes in advance of the 2025 heat season as a result of the expanded medication and medical conditions list.<sup>109</sup> Angola argued that the PLRA bars successive preliminary injunctions, contending that the “best reading of the PLRA is that a plaintiff may never obtain multiple preliminary injunctions in the same litigation.”<sup>110</sup> In the alternative, Angola argued that at minimum, the PLRA bars successive injunctions that essentially seek to extend a prior preliminary injunction.<sup>111</sup>

During a three-day evidentiary hearing on Plaintiffs’ Motion for Class Certification between April 22–24, 2025, the district court permitted argument on the preliminary injunction motion and some limited testimony from Plaintiffs’ expert witness Dr. Susi Vassallo.<sup>112</sup>

#### G. *The District Court’s May 23, 2025, Order*

On May 23, 2025, the district court entered a thirty-eight-page ruling granting Plaintiffs’ TRO request requiring Angola to issue a heat alert when the heat index reached or exceeded 88 degrees Fahrenheit and for monitoring of the heat index to take place every thirty minutes.<sup>113</sup> The district court indicated that it would rule on the preliminary injunction by separate order.<sup>114</sup>

The district court rejected Angola’s threshold arguments.<sup>115</sup> With respect to jurisdiction, the district court found that the issues on appeal in the first preliminary injunction order did not overlap with the motion before it because the decision to raise the heat index threshold to 91 degrees occurred *after* the 2024 ruling.<sup>116</sup> Additionally, the frequency of monitoring was also not at issue in the July 2024 ruling.<sup>117</sup> Regarding the PLRA, the district court was not persuaded by “Defendants’ twisted reasoning that the words ‘a’ and ‘an’ in the statute prevent the Court from issuing a second order granting preliminary relief[.]”<sup>118</sup> The district court pointed to case law in support of multiple preliminary injunctions upheld in a single case.<sup>119</sup>

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107. ECF 223 at 10.

108. *Id.*; ECF 201-1 at 7.

109. ECF 212-3 at 2.

110. ECF 223 at 13.

111. *Id.* at 14.

112. ECF 250 at 6.

113. ECF 253 at 38.

114. *Id.* The district court did not ultimately issue an order on the remaining requested relief.

115. *Id.* at 14-18.

116. *Id.* at 14-17.

117. *Id.*

118. *Id.* at 17-18.

119. *Id.*

With respect to the merits, the district court credited Dr. Vassallo's testimony that individuals working on the Farm Line at Angola "are at a substantial risk of serious harm due to their prolonged exposure to heat indices above 88 degrees Fahrenheit."<sup>120</sup> It also affirmed that Angola was likely deliberately indifferent to those risks "by raising the Heat Alert threshold without sufficient thermoregulatory basis after the Court ordered Defendants to make changes on the Farm Line to protect human health and safety."<sup>121</sup> The district court found Angola's expert witness, Dr. Carl Keldie, "wholly uncredible."<sup>122</sup> Dr. Keldie had never been qualified as an expert in any heat-related medical care or thermoregulation, nor did Dr. Keldie have any publications on any topic—let alone heat pathology.<sup>123</sup> Dr. Keldie opined that it would have been "very reasonable and extremely safe" to raise the heat index threshold to 95 degrees.<sup>124</sup> However, Defendants' attorneys thought that it would look unreasonable to the court for them to make it that high, so they settled on 91 degrees.<sup>125</sup>

*H. Angola's Appeal of the May 2025 Temporary Restraining Order –  
VOTE II*

Defendants immediately appealed the ruling, but instead of seeking a stay immediately, they sought—and obtained—expedited review, given the expiration of the order in 90 days per the PLRA.<sup>126</sup> Defendants argued as a threshold matter that the order did not contain the requisite Needs-Narrowness-Intrusiveness PLRA findings.<sup>127</sup> On the merits, they argued that the ruling's order to change their practices by a matter of degrees (three) and minutes (thirty) violated the PLRA's prohibition from micromanaging state prisons as held in a COVID-19 prison conditions case, *Valentine v. Collier*.<sup>128</sup> Oral argument was held on August 4, 2025, but the panel did not rule before the injunction expired on August 21, 2025.

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120. *Id.* at 18-19.

121. *Id.*

122. *Id.* at 25-26.

123. *Id.* at 26.

124. *Id.*

125. ECF 239 at 202:11-23 (Louisiana DOC Medical Director Dr. Lavespere testifying that "in trying to be reasonable with the court...it was talked about, and [Defendants' counsel]'s opinion was that it was too big a jump from 88 to 95 and 91 would be more reasonable to the court and fair to put it at 91").

126. Mot., *VOTE II*, No. 25-30322, 2025 WL 2481382 (5th Cir. May 28, 2025), ECF 8.

127. *VOTE II* ECF 32 at 11.

128. *Id.* at 11-13 (citing *Valentine v. Collier*, 956 F.3d 797, 806 (5th Cir. 2020)).

*I. Plaintiffs' Request for a Successive Preliminary Injunction and the District Court's August 22, 2025, Ruling Granting It In Part*

In anticipation of the expiration of the temporary restraining order, Plaintiffs filed a motion for a renewed, successive preliminary injunction to be entered after the expiration of the May 23, 2025, Order, arguing that the heat season was still underway and Plaintiffs would continue to be at risk of harm absent the district court's intervention.<sup>129</sup> Angola opposed the motion.<sup>130</sup>

On August 22, 2025, the district court granted the motion in part, renewing the order to reset the heat alert threshold to a heat index of 88 degrees, but without renewing the requirement to monitor the heat index every 30 minutes.<sup>131</sup>

*J. Angola's Appeal of the Renewed Successive Injunction – VOTE III – and En Banc Appeals*

Angola immediately appealed the August 22, 2025, Order and filed a motion to consolidate the case with *VOTE II* and to stay the injunction pending the appeal.<sup>132</sup> On August 28, 2025, the *VOTE II* panel dismissed the appeal as moot, vacated the order, and denied the motion to consolidate with the *VOTE III* appeal.<sup>133</sup> Angola petitioned for rehearing en banc on the issue of their interpretation of the Fifth Circuit's holding in *Smith v. Edwards*,<sup>134</sup> that the automatic expiration of a PLRA-governed injunction renders an appeal of the injunction moot and that the issue is not capable of repetition yet evading review.<sup>135</sup>

On September 17, 2025, Angola's stay motion in *VOTE III* was granted without assigning reasons, and the appeal was expedited.<sup>136</sup> On October 8, 2025, the district court scheduled trial for early 2026.<sup>137</sup> Oral argument on *VOTE III* was held on November 5, 2025, but again the Fifth Circuit did not rule before the expiration of the preliminary injunction, instead ruling just one day after it expired, dismissing it as moot and vacating the order.<sup>138</sup> Defendants again petitioned for en banc review on the same basis as *VOTE II*.<sup>139</sup>

On February 27, 2026, the petition for rehearing en banc in *VOTE III* was denied with six judges voting in favor of rehearing and eleven judges voting

129. ECF 280. Plaintiffs did not seek a renewed successive preliminary injunction of the 2024 ruling because at the time it was set to expire the trial was scheduled to take place shortly after, and Plaintiffs did not want to disturb the ability to get permanent relief.

130. ECF 286.

131. ECF 297.

132. Mot., *VOTE v. LeBlanc*, No. 25-30478, 2025 WL 3252638 (5th Cir. Aug. 22, 2025) [hereinafter *VOTE III*], ECF 5.

133. *VOTE II* ECF 96-1 at 4, 8; *VOTE III* ECF 37.

134. 88 F.4th 1119 (5th Cir. 2023).

135. *VOTE II* ECF 99.

136. *VOTE III* ECF 59-1.

137. *VOTE*, No. 3:23-cv-01304, 2024 WL 3279899 (M.D. La. Oct. 8, 2025), ECF 329.

138. *VOTE III* ECF 64; *VOTE II* ECF 96-1.

139. *VOTE III* ECF 99.

against rehearing.<sup>140</sup> Judge Jones and Judge Ho authored dissents from the denial.<sup>141</sup> On March 5, 2026, the petition for en banc in *VOTE II* was denied without a poll.<sup>142</sup>

*K. Defendants' Changes to Heat Policies Less Than a Month Before Trial*

With trial scheduled to begin on February 3, 2026, Angola modified their heat pathology policy on January 9, 2026, with two primary changes.<sup>143</sup> First, Defendants returned to the 88-degree heat index threshold instead of the 91-degree heat index threshold. Second, Defendants changed the weather monitoring protocol from utilizing the National Weather Service to an on-site weather monitoring system that they asserted gave real-time monitoring.<sup>144</sup>

*L. Trial*

A 5-day bench trial was held on February 3-5, 9-10, 2026.<sup>145</sup> The district court ordered post-trial briefing.<sup>146</sup> The Plaintiffs called eighteen witnesses, including two Named Plaintiffs, three incarcerated class members, and four expert witnesses.<sup>147</sup> Defendants called multiple prison officials and two expert witnesses.<sup>148</sup>

*M. Post-Trial Supplementation of Evidence and Post-Trial Briefing*

A month after trial, Angola moved to supplement the record to admit evidence of current conditions.<sup>149</sup> Specifically, Angola moved to admit an affidavit from the Warden of Angola detailing the removal of the “heat season” from the heat pathology policy—so that protections would apply year-round—as well as a plan to implement an educational class for Farm Line workers in the afternoons.<sup>150</sup> Plaintiffs did not oppose the supplementation on the condition that they would be permitted to depose a 30(b)(6) witness about the changes and

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140. *VOTE III* ECF 118-1; see also Jacqueline Thomsen, *Fifth Circuit Liberals Chide Judges' Critiques of Trial Court*, REUTERS (Mar. 1, 2026), <https://news.bloomberglaw.com/us-law-week/fifth-circuit-liberals-chide-judges-critiques-of-trial-court>.

141. *VOTE III* ECF 118-1 at 3-7, 9-11.

142. *VOTE II* ECF 119.

143. LSP, Dir. No. 13.067 (Jan. 9, 2026) (on file with author).

144. *Id.*

145. See Minute Entries for proceedings held before J. Brian A. Jackson, *VOTE*, No. 3:23-cv-01304, 2024 WL 3279899 (M.D. La.), ECFs 404 (Feb. 3, 2026), 408 (Feb. 4, 2026), 409 (Feb. 5, 2026), 410 (Feb. 9, 2026), 411 (Feb. 10, 2026).

146. Tr. Trial at 270:20-271:3, *VOTE* (Feb. 11, 2026) (on file with author).

147. ECFs 404 (Named Plaintiff Joseph Guillory, Class Member Steven Major, and expert witness Dr. Evelyn Hammonds), 408 (Named Plaintiff Myron Smith, Class Member Gregory Samuels, and expert witness Marguerite Green), 409 (Class Member Chadarius Morehead, and expert witness Dr. Joshua Sbicca), and 410 (Expert Witness Dr. Susi Vassallo).

148. ECFs 409, 410 (Dr. Deleca Reynolds-Barnes), and 411 (Dr. Carl Keldie).

149. ECF 425.

150. ECF 425-2 at 1-2.

supplement the record with the deposition transcript.<sup>151</sup> The district court granted both parties' supplementation before post-trial briefing was due.<sup>152</sup> The parties submitted post-trial briefing on March 31, 2026,<sup>153</sup> and are awaiting a final judgment from the district court.

## II. LESSONS LEARNED

### A. *Pairing Lived Experience with Credible Expert Testimony Produces a Powerful Evidentiary Framework*

One of the key takeaways from *VOTE et al. v. LeBlanc et al.* is the evidentiary force created by pairing the lived experiences of incarcerated people with authoritative expertise in thermoregulation. This litigation would not have produced change without the men who courageously shared their stories and put themselves at risk of retaliation by challenging the institution that has complete control over their custody.<sup>154</sup> Nor would it have achieved meaningful change without the testimony of Dr. Susi Vassallo, whose expertise grounded the incarcerated men's accounts with scientific analysis. This litigation demonstrates how firsthand testimony, when integrated with strong scientific evidence, convincingly establishes the risk of harm needed to establish the objective prong of an Eighth Amendment claim.

Declarations from men forced to labor on the Farm Line described symptoms consistent with heat-related illness, such as dizziness, chills, nausea, and fainting, while also documenting the absence of shade, protective equipment, and rest breaks.<sup>155</sup> Standing alone, such testimony might be dismissed as describing uncomfortable but constitutionally permissible conditions.<sup>156</sup> When

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151. ECF 425 at 1-2.

152. ECFs 428, 430.

153. ECFs 432, 433, 431.

154. *See, e.g.*, Goff v. Burton, 91 F.3d 1188, 1191-92 (8th Cir. 1996) (affirming district court finding that prison officials' transfer of incarcerated person to another facility for allegedly striking fellow incarcerated person was actually in retaliation for filing civil rights action regarding overcrowding against prison); Third Am. Compl. ¶ 398, Braggs v. Dunn, No. 2:14-cv-00601 (M.D. Ala. June 24, 2015), ECF 206-1 (pleading that lead named plaintiff in civil rights action against prison regarding inadequate medical and mental health care was told by guard that he would not call a mental health care provider to see him because of his participation in the lawsuit); Kim Chandler, *Alabama inmate activists from an Oscar-nominated are moved to solitary, attorney say*, ASSOCIATED PRESS. (Jan. 28, 2026), <https://apnews.com/article/alabama-solution-prison-council-ray-poole-34c96e8e5c74c99984e61c8992491035>.

155. *See, e.g.*, ECFs 37-11 through 37-19.

156. *See* Rhodes v. Chapman, 452 U.S. 337, 348-49 (1981) ("At most, these considerations amount to a theory that double ceiling inflicts pain. Perhaps they reflect an aspiration toward an ideal environment for long-term confinement. But the Constitution does not mandate comfortable prisons..."); *see, e.g.*, Ball v. LeBlanc, 988 F. Supp. 2d at 663:

20. The Court notes that prior to the Fifth Circuit's decision in Gates, the Fifth Circuit rejected a prisoner's claim that the conditions in extended lockdown at Angola were unconstitutional because, among other things, his lockdown cell was inadequately cooled and the high temperature aggravated his sinus condition. *Woods*, 51 F.3d at 581. In reaching its

paired with expert testimony explaining thermoregulation, the science behind the increased risk of harm at certain heat index thresholds, cumulative exposure, and the effects of medication and chronic illness, those accounts became evidence of a substantial risk of serious harm, or the objective prong of the Eighth Amendment violation.<sup>157</sup>

This evidentiary approach also elevated incarcerated people from passive subjects of harm to essential narrators of risk. Men on the Farm Line were uniquely positioned to describe exposure conditions that no outside observer could experience: how breaks were actually administered, how shade was functionally unavailable, and how punishment followed refusals to work despite medical distress. Climate science alone could not establish those facts; lived experience gave the science its legal and moral force. It's one thing to know people are being forced to work in the sun without access to breaks or shade, but it is another to hear firsthand from an incarcerated person how brutal those conditions feel. Named Plaintiff Damaris Jackson testified that, while working on the Farm Line, he "got dizzy" and "broke out in cold sweats even though it's hot out there."<sup>158</sup> Class Representative Joseph Guillory testified that "it's very hot out there. It's -- the sun's burning you up out there . . . it makes it that much harder to do the work. It makes it harder for you to breathe. It makes all your body get tight. . ."<sup>159</sup>

For future climate-conditions litigation, this case study suggests that advocates should resist the false dichotomy between anecdote and expertise. Incarcerated people are not merely witnesses to climate harm; they are experts in exposure. When grounded in credible expertise, their testimony can satisfy the objective component of Eighth Amendment claims and make courts understand the clear risk to incarcerated people posed by climate change.

*B. Incremental Relief Can Produce Meaningful Change Even When It Falls Short of Structural Justice*

Another central lesson from this litigation is that incremental judicial relief, while deeply limited, can nevertheless produce material improvements in

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determination, the Court noted that the plaintiff "failed to present medical evidence of any significance," and went on to state: "[w]hile the temperature in extended lockdown may be uncomfortable, that alone cannot support a finding that the plaintiff was subjected to cruel and unusual punishment in violation of the Eighth Amendment." *Id.*

21. The Fifth Circuit has since clarified that "[t]he Woods court found that Woods had not presented medical evidence sufficient to state an Eighth Amendment violation; Woods does not stand for the proposition that extreme heat can never constitute cruel and unusual punishment." *Gates*, 376 F.3d at 339.

22. The Court further notes that Woods is distinguishable from the case at bar. As noted above, Woods did not present medical evidence.

157. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994) (describing the objective prong needed to prove an Eighth Amendment violation in prison condition cases).

158. ECF 257-4.

159. Tr. Trial at 41:7-12, *VOTE* (Feb. 3, 2026) (on file with author).

conditions, often over the sustained resistance of correctional authorities. Although Plaintiffs did not obtain their requested preliminary relief of ending the Farm Line entirely during periods of high heat, repeated preliminary injunctions forced Angola to alter its longstanding practices.

Angola's heat-related protections improved only after judicial intervention. Additional shade, seating, sunscreen, longer and more frequent breaks, expanded medical exclusion lists, and lower heat thresholds were not the product of proactive administrative reform. They were responses to litigation, adverse credibility findings, and explicit court orders. Even changes Defendants later characterized as voluntary or mooted the litigation were traceable to the remedial framework imposed by the district court.<sup>160</sup>

At the same time, the case underscores the profound limits of incrementalism. Each round of relief was temporary, subject to automatic expiration under the ninety-day limit for preliminary relief under the PLRA and easily changed by the prison on a whim. Plaintiffs were forced into a cycle of emergency litigation, expending substantial resources to secure protections that climate science made predictably necessary each summer. Incremental relief mitigated immediate harm, but it did not resolve the underlying structure that made such harm inevitable. For instance, the preliminary relief lowering the heat alert threshold for the majority of the 2025 heat season protected the class members during that time period but did not guarantee the protections beyond that discrete time period.

This dynamic reveals a central tension in climate conditions litigation. Courts are often unwilling, or perceive themselves as institutionally constrained, to order transformative relief. Yet climate change does not operate incrementally; it compounds risk over time. In this context, even modest judicial interventions can improve the health and safety of individuals substantially, but they can only go so far. Changes such as a few degrees on a heat index threshold, or minutes added to rest breaks, are medically significant in protecting the physical health of those forced to labor on the Farm Line.

The lesson, then, is not that incremental relief is sufficient, but that it is necessary. Litigation can force adaptation where none would otherwise occur, even as it falls well short of justice. Recognizing both truths allows advocates to pursue immediate protection without losing sight of the deeper structural harms that remain unaddressed. This litigation was not brought for the primary purpose of making the Farm Line safer in the high heat. It was brought, and continues to be litigated, to bring an end to the practice of the Farm Line because of the dignitary harm it enacts on the men forced to labor on it. However, in service of that goal, it is meaningful to force change to ensure the physical safety of the men to continue the fight.

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160. *See generally supra* Part II.E.

## CONCLUSION

Climate change is no longer a distant or abstract concern for correctional facilities in the Deep South. It is a daily, embodied reality for incarcerated people who lack the autonomy to seek shade, hydration, or rest when environmental conditions become dangerous. *VOTE et al. v. LeBlanc et al.* illustrates how climate change transforms long-standing carceral practices, particularly forced agricultural labor, into constitutionally urgent crises.

This case study demonstrates that courts can recognize increasing extreme heat as a serious risk to human health and dignity when litigators present experts alongside the lived experiences of those most exposed. It also reveals the profound strain that existing doctrinal frameworks, particularly the PLRA, place on efforts to secure lasting protection in correctional facilities from climate-driven harm. Repeated preliminary injunctions, automatic expiration, and mootness doctrines leave incarcerated people trapped in cycles of emergency relief, even as climate conditions grow more severe and predictable.

Ultimately, confronting climate change in correctional facilities requires more than litigation alone. It demands that courts, policymakers, and advocates take seriously the humanity of incarcerated people and the reality that climate change will continue to magnify existing injustices.