

Preliminary Injunction Motion 1-3-2017 U.S. District Judge Robert Mariani in Abu-Jamal v. Wetzel

Pg. 20 "The Hepatitis C Protocol deliberately delays treatment for hepatitis C, Despite the knowledge of the defendants (Dr. Paul Noel, and other members of the PA DOC Hepatitis C Treatment committee) that the medications [Harvoni, Sovaldi] will effect a cure of Hepatitis C in 90-95 percent of the cases.

Pg. 20. (Dr. Paul Noel PA Acting Director of Medical Care PA DOC) and the named defendants who sit on the Hepatitis C Treatment committee deliberately denied administering direct action antiviral drugs to the Plaintiff despite knowing that administering such drugs was the standard of care. [Standard of care cite to American Association for the Study of Liver disease & Infectious Diseases of America Center for Disease Control)

Pg. 30 "Thus, [in Abu-Jamal vs. Kerestes a related and incorporated case] "the effect of the protocol is to delay administration of the direct action antiviral medication until the inmate faces the imminent prospect of "catastrophic "rupture and bleeding....and allows the progression of the disease to accelerate so that it presents a greater threat of cirrhosis, hepatocellular carcinoma and death."

Pg. 33 & 34 "The new hepatitis C protocol suffers from the same fatal flaw as the interim protocol."

Footnote Pg. 34 "The court, however, cautions that simply removing the language in the protocol ...would not resolve the issue...within the first six months of implementing the interim protocol only 50 inmates out of over 5,000 with chronic hepatitis C – less than 1% received any direct action antiviral medications. If that trend continues it would likely mean that inmates without vast fibrosis or cirrhosis would have no prospect of actually receiving direct action antiviral medications regardless of the way the prioritization protocol was written."

Pg. 43 "Plaintiff (Mumia Abu-Jamal) has a serious medical condition. He will continue to suffer from chronic hepatitis C if he does not receive treatment... This is a sufficient to show that Plaintiff will suffer irreparable harm if this Court does not grant a preliminary injunction. "

Pg. 44 "the only conceivable injury defendants (PA DOC) will suffer is monetary. As a result of the grant of this injunction, Defendants will be required to treat plaintiff with an expensive medication. While the court is sensitive to the realities of the budgetary constraints and the difficult decisions prison officials must make the economics of providing this medication cannot outweigh the Eight Amendment's constitutional guarantee of adequate medical care."

Pg. 43 "Here, issuance of a preliminary injunction will serve the public interest in that it will vindicate Plaintiff's (Mumia Abu-Jamal's) constitutional right to receive adequate medical care while in the custody of the state."

Pg. 1 & 2 Order "It is hereby ordered that "that defendants (Dr. Paul Noel, and other members of the PA DOC Hepatitis C Treatment committee) shall arrange for plaintiff (Mumia Abu-Jamal) to be seen by a Supervision Physician within 14 days...defendants shall ensure that Mumia Abu-Jamal is prescribed and treated with direct action antiviral medications.....and provided with direct action antiviral medication no later than 7 days after the supervising physicians determination that there are no contraindications for the administration of the direct action antiviral medications to Plaintiff. "