

2004 WL 2339781

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United States District Court,  
S.D. New York.

Abdul SHARIFF, et al., Plaintiffs,  
v.

Glenn S. GOORD, Commissioner of the  
Department of Correctional Services, et al.,  
Defendants.

No. 03 Civ. 7664 DABHBP. | Oct. 15, 2004.

**Opinion**

**MEMORANDUM OPINION AND ORDER**

PITMAN, Magistrate J.

\*1 By Memorandum Opinion and Order dated August 27, 2004, I denied without prejudice plaintiffs' application to have their case added to the list of cases considered by the Court's *Pro Bono* Panel. In light of an additional submission made by plaintiffs, I hereby vacate my Memorandum Opinion and Order dated August 27, 2004 and direct that this case be added to the list of cases considered by the *Pro Bono* Panel.

By a Notice of Motion that is dated August 25, 2004, was mailed September 27, 2004 and received by my chambers

on October 4, 2004, plaintiffs seek a preliminary injunction. In support of this application, plaintiffs, who are wheelchair-bound incarcerated inmates, allege that they suffer from a variety of physical disabilities that require them to use a catheter to eliminate urine. Plaintiffs also allege that they have been issued the wrong sized catheters, have been issued an insufficient number of catheters and have been compelled to reuse single-use catheters without even having hot water to wash the used catheters. In addition to causing unnecessary pain, plaintiffs allege that the foregoing incidents have caused them to suffer from urinary tract infections. In support of their motion, plaintiffs have submitted a memo from defendant Goodwin in which he claims that catheters marked "For Single Use Only" can be reused by the same patient "with proper washing," and states that "[t]his is the 'community standard' nationwide." At least preliminarily, this practice appears to be inconsistent with the manufacturer's directions.

At this point, I need not decide whether plaintiffs will be successful in their action or their motion; the only issue is whether the action appears to have sufficient merit to warrant the submission of the case to the *Pro Bono* Panel. Based on the allegations in plaintiffs' recently filed motion, I conclude that plaintiffs have met this threshold and direct that this case be added to the list of cases considered by the *Pro Bono* Panel.

SO ORDERED