

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION

Lioness, et al. v. Lumpkin

No. 1:23-cv-01004-RP

Plaintiffs' Closing Presentation

April 9, 2026

TDCJ Inmates Continue to Die in Extreme Heat

<p>2024</p> <p>Bradley Sheets</p> <hr/> <ul style="list-style-type: none">— 66 years old— Died in June 2024— No body temperature taken— Temperature inside was 88.8°F and heat index outside was 79-104°F on day of death— Not reported to TX Legislature	<p>2024</p> <p>Jason Wilson</p> <hr/> <ul style="list-style-type: none">— 46 years old— Died in July 2024— No body temperature taken— Heat index outside unit was 110°F near time of death— Not reported to TX Legislature	<p>2024</p> <p>Ryan Fairchild</p> <hr/> <ul style="list-style-type: none">— 42 years old— Died in August 2024— Body temperature of 108°F— Heat index outside unit was 122°F near time of death— Not reported to TX Legislature	<p>2025</p> <p>Wayne Straway</p> <hr/> <ul style="list-style-type: none">— 35 years old— Died in July 2025— Body temperature of 106°F— Heat index on automated temp logs was 101°F near time of death— Not reported to TX Legislature	<p>2025</p> <p>Keith Pursifull</p> <hr/> <ul style="list-style-type: none">— 29 years old— Died in August 2025— Body temperature of 105.4°F— Heat index on automated logs was 87-89°F near time of death; up to 105°F day before— Not reported to TX Legislature
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More than 10,000 heat-related grievances filed by TDCJ inmates between 2024 and 2025 · Dozens of reported heat-related illnesses among inmates and staff

TDCJ's Two-Phase Plan – “A Little Bit More Than Swag”



Installing Air Conditioning in Facilities

Fiscal Years 2028-29 (\$774.3 million, 41,043 beds)

The first phase continues installation on facilities built in the late 1980s and 1990s that are of similar layout. This phase focuses on 2,250 bed prototypes, 1,000 bed prototypes and transfer facilities.

Facility	Beds	Facility	Beds	Facility	Beds
Allred	2,155	Hobby	1,384	Robertson	2,469
Baten	420	Hughes	2,475	Smith	1,214
C. Moore	1,217	Jordan	1,008	Stiles	2,156
Clements	2,452	Lewis	1,008	Telford	2,279
Cole	875	Lynaugh	1,416	Torres	1,384
Connally	2,419	McConnell	2,429	Wallace	1,448
Dalhart	1,398	Michael	2,796	Wheeler	573
Daniel	1,384	Polunsky	2,031	Woodman	391
Formby	878	Roach	1,384		

Fiscal Years 2030-31 (\$730.7 million, 33,865 beds)

The second phase prioritizes construction on facilities built before 1987 with unique layouts.

Facility	Beds	Facility	Beds	Facility	Beds
Beto	3,391	Ferguson	2,417	Ramsey	1,865
Byrd	892	Goree	1,321	Rudd	612
Clemens	1,536	Hilltop	527	Stringfellow	893
Coffield	4,139	Huntsville	1,705	Vance	378
Crain	1,327	Memorial	1,541	Wainwright	2,464
Ellis	2,482	Neal	1,732	Wynne	2,621
Estelle	2,022				

Total: \$1.5 Billion (45 Facilities)

Estimated annual operating costs once fully implemented: \$23.2 million

Defendant's Exhibits

256

Eric Nichols

TBCJ Chairman

“Kind of something a little bit more than swag.”

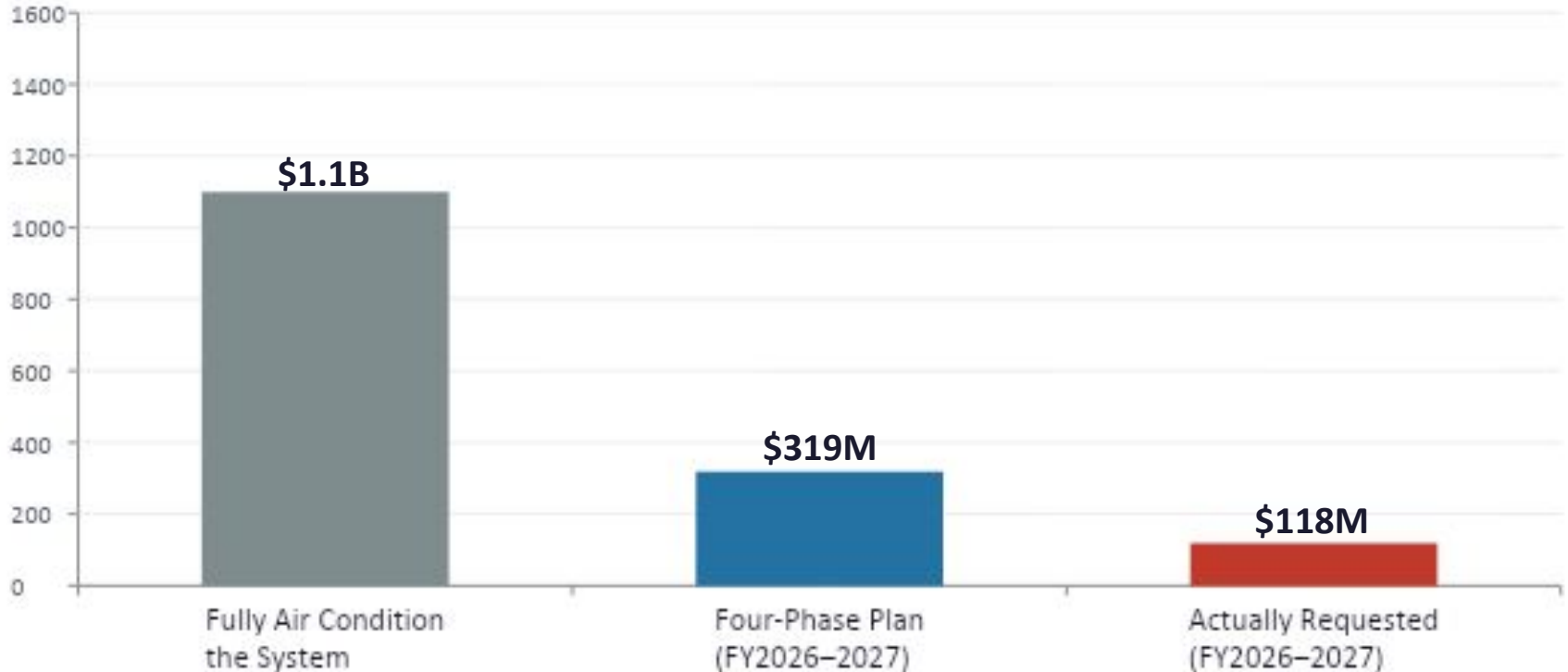
“In my view, it’s not the right word to use to call it a plan.”

“That was never my understanding from a board perspective of what that document represents.”

“I don’t think calling that a plan—I don’t think that’s appropriate.”

TDCJ Refused to Ask the Legislature for the Four-Phase “Plan”

Funding needed vs. funding requested (FY2026-2027)



TDCJ's Response to the Court's March 2025 Order:

“[T]he March 2025 Order did not change what TDCJ asked for in terms of funding from the Legislature, how quickly TDCJ moved, or in any other capacity.”

— Bryan Collier, Former TDCJ Executive Director

TDCJ & TBCJ Would Not Commit to a Deadline or a Funding Request

	Commit to Systemwide A/C Installation Date?	Commit to Specific Funding Request to Texas Legislature?
Bryan Collier <i>Former Executive Director</i>	 No commitment	 No commitment
Bobby Lumpkin <i>Current Executive Director</i>	 No commitment	 No commitment
Eric Nichols <i>TBCJ Chairman</i>	 No commitment	 No commitment

Why Hasn't TDCJ Requested Full Funding from the Legislature?

TDCJ's Arguments

1

TDCJ can't obligate \$1.5B in a single biennium.

2

There isn't enough vendor capacity to obligate that amount in a single biennium.

3

The Texas Legislature won't approve the funding.

The Evidence

Nothing in Texas law prevents TDCJ from obligating \$1.5B in a single biennium.

3/30/26 Rough Tr. 324:18-21 (Carroll)

There is ample vendor capacity in Texas and nationwide to fully air condition the TDCJ system.

3/30/26 Rough Tr. 337:10-14 (Carroll); 4/1/26 Rough Tr. 126:25-127:5 (Ramey)

Mr. Collier never received pushback from the TBCJ, the Legislature, or the Governor's office about the amount TDCJ could request for air conditioning.

3/31/26 Rough Tr. 153:18-154:25 (Collier)

TDCJ Continues to Underreport Heat-Related Deaths to the Legislature

2023

John Castillo*

Elizabeth Hagerty*

Patrick Womack*

Armando Gonzalez

Jon Southards

2024

Bradley Sheets

Jason Wilson

Ryan Fairchild

2025

Wayne Straway

Keith Pursifull

****TDCJ only reported these three heat-related deaths to the Texas Legislature***

TDCJ Practices Conceal the True Number of Heat-Related Deaths

1 Inmates' body temperatures consistently not taken at the time of death, despite UTMB pathologists requesting them.

2 TDCJ has not implemented any requirement that body or ambient temperatures be taken when an inmate is found unresponsive in extreme heat.

3 TDCJ fails to provide UTMB pathologists with medical records, EMS records, and other information necessary for pathologists to determine whether a death was heat-related.

4 TDCJ reported no heat-related deaths in 2025 when several autopsies have not been completed and at least 55 OIG investigations of summer deaths remain open.

AT TDCJ'S CURRENT PACE OF INSTALLATION + INMATE POPULATION

23

YEARS

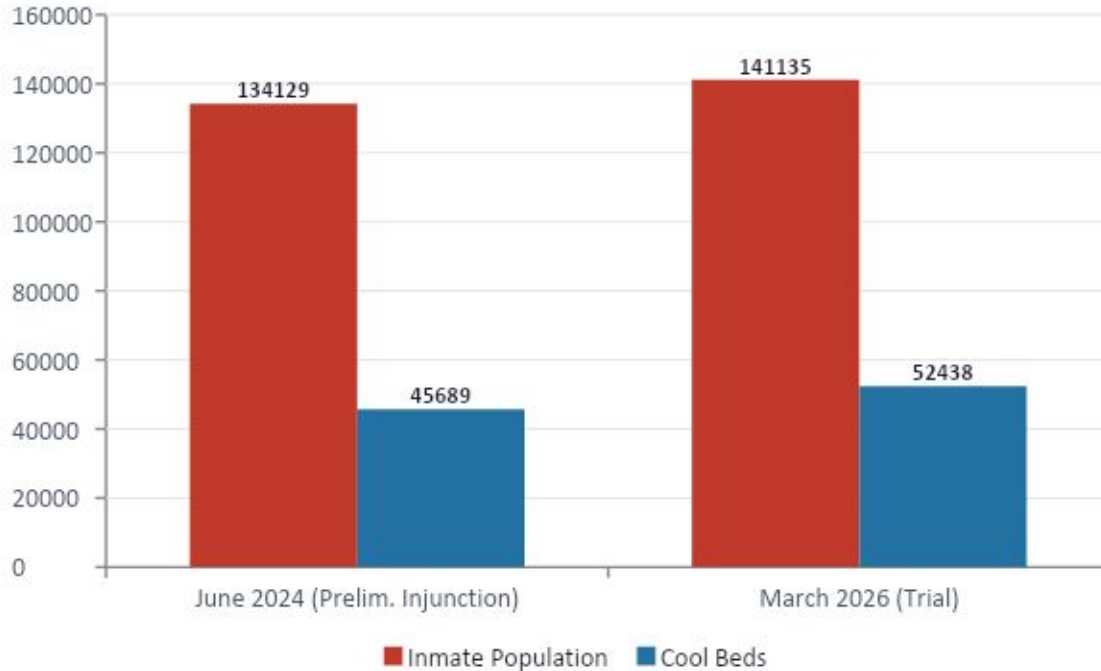
to fully air condition the TDCJ system

3,857 cool beds added per year · 6,749 cool beds added since the preliminary injunction hearing

Sources: TDCJ inmate population as of Feb. 2026 (PX 281-B); TDCJ cool beds as of June 28, 2024, & Mar. 25, 2026 (PX 150 & DX 254)

TDCJ Has Added More Inmates Than Cool Beds Since the Preliminary Injunction Hearing

June 2024 → March 2026 (21 months)



NET DEFICIT

-257

more inmates than cool beds added

INMATES WITHOUT COOL BEDS

88,697

as of March 2026

PROJECTED GROWTH BY AUGUST 2027

+10,000

more inmates (LBB projection)

BEDS INSTALLED PER YEAR

3,857

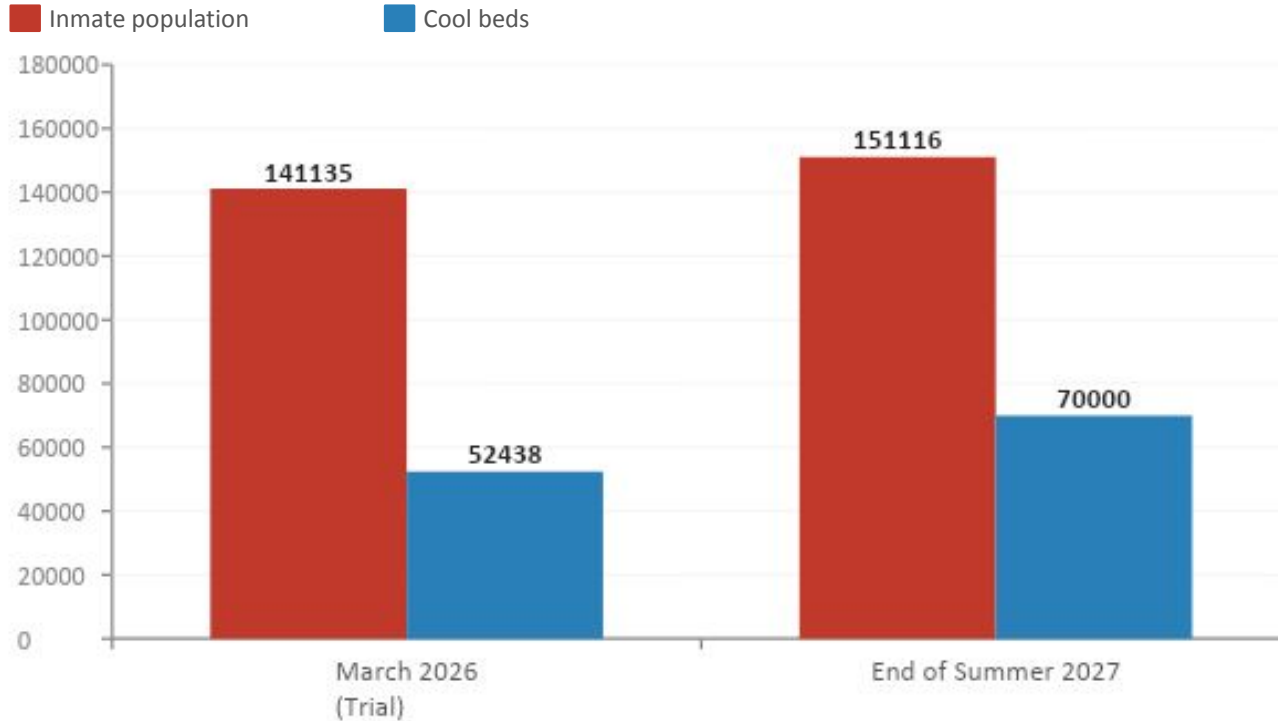
June 2024–March 2026

5,000

needed to keep pace
(2027–2028)

TDCJ's Forecasted Construction Will Leave >80,000 Inmates in Unairconditioned Cells in August 2027

March 2026 (Trial) → End of Summer 2027 (TDCJ Forecast & LBB Projection)



INMATES WITHOUT COOL BEDS

88,697

Trial (March 2026)

INMATES WITHOUT COOL BEDS

81,116

End of Summer - August 31, 2027
TDCJ's forecast

A/C BEDS TDCJ WOULD NEED TO
BUILD IN 17 MONTHS

17,562

A rate of 12,397 A/C beds per
year

TDCJ Has Chosen the Least Efficient Procurement Approach

“Gotta find a different way to do things, because this is not working” – Dale Cox (4/8/26 Rough Tr. 204:22-23.)

1

One systemwide contract — design + installation of all units

One procurement process · one contract



2

Bundle multiple units (10–20+) per contract — design + installation combined

Fewer procurement processes · larger contracts attract major vendors



3

One contract per unit — design + installation combined

Still streamlined · one procurement process per unit



4

Two separate contracts per unit — design, then installation

Sequential procurement processes · two procurement processes per unit

TDCJ'S CHOICE

TDCJ Can Fully Air Condition The System in 36 Months



TDCJ's Heat-Mitigation Measures Are Essentially Identical

AD 10.64 — Revision 11 (effective May 2024)

Cold showers

Welfare checks

Respite rooms

Fans

Ice water

Relaxed clothing rules

AD 10.64 — Revision 12 (effective April 2025)

Cold showers

Welfare checks

Respite rooms

Fans

Ice water

Relaxed clothing rules

TDCJ Lacks Sufficient Staff to Implement Its Heat-Mitigation Measures

21%

Vacancy Rate

One in five correctional officer positions is unfilled

6

**Units with >50%
Vacancy Rate**

Six TDCJ units reported more than half of their positions are vacant

35%

Annual Turnover Rate

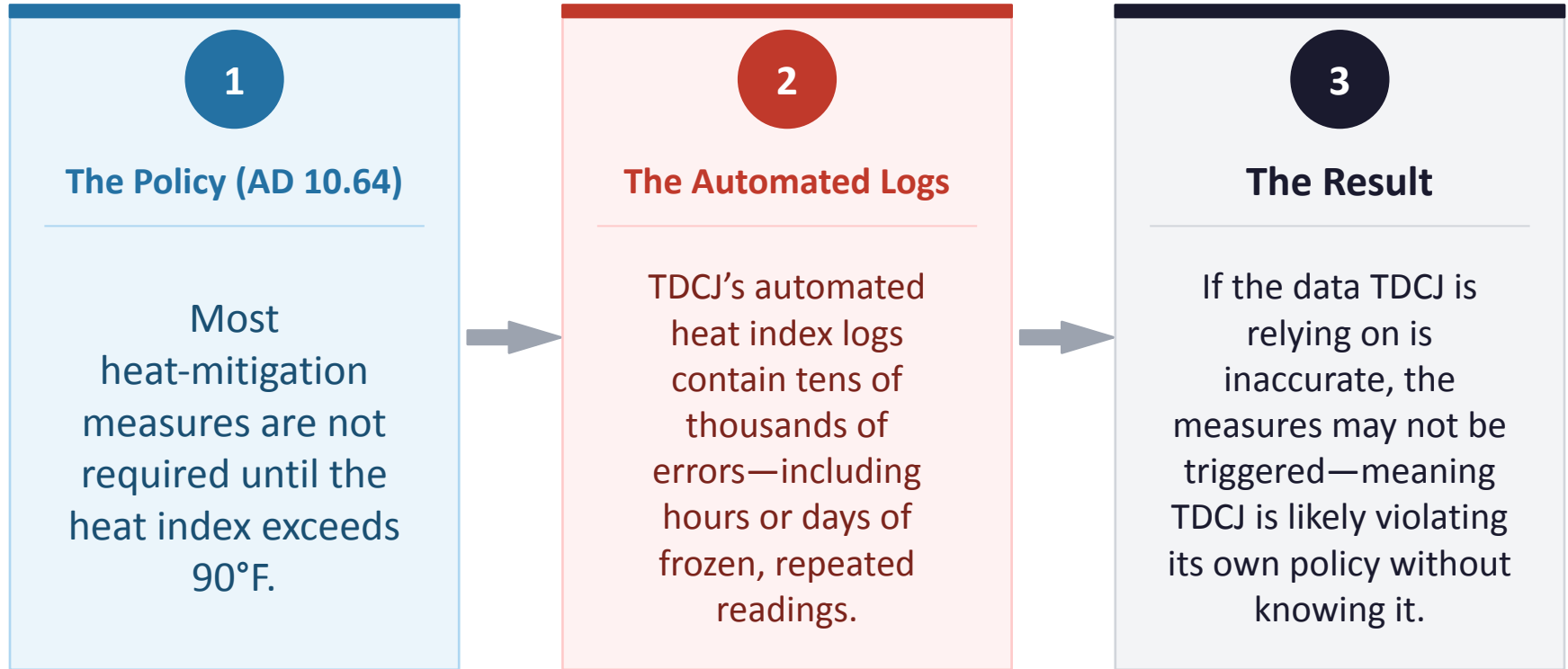
More than one in three employees leave TDCJ each year

63%

**Officers with ≤ 3
Years of
Experience**

Nearly two-thirds of officers are inexperienced

TDCJ Is Relying on Unreliable Data to Trigger Its Heat-Mitigation Measures



TBCJ's Audit of Falsified Temperature Log Submitted to the Court

TBCJ Chief Audit Executive Chris Cirrito · Issued November 8, 2024 · Produced to Plaintiffs in February 2025 · Submitted to the Court in March 2025

What the Audit Found

1 The log was falsified

2 Unlikely it was done without knowledge or consent of unit administrators

3 Unit Risk Manager and AD 10.20 Officer were promoted

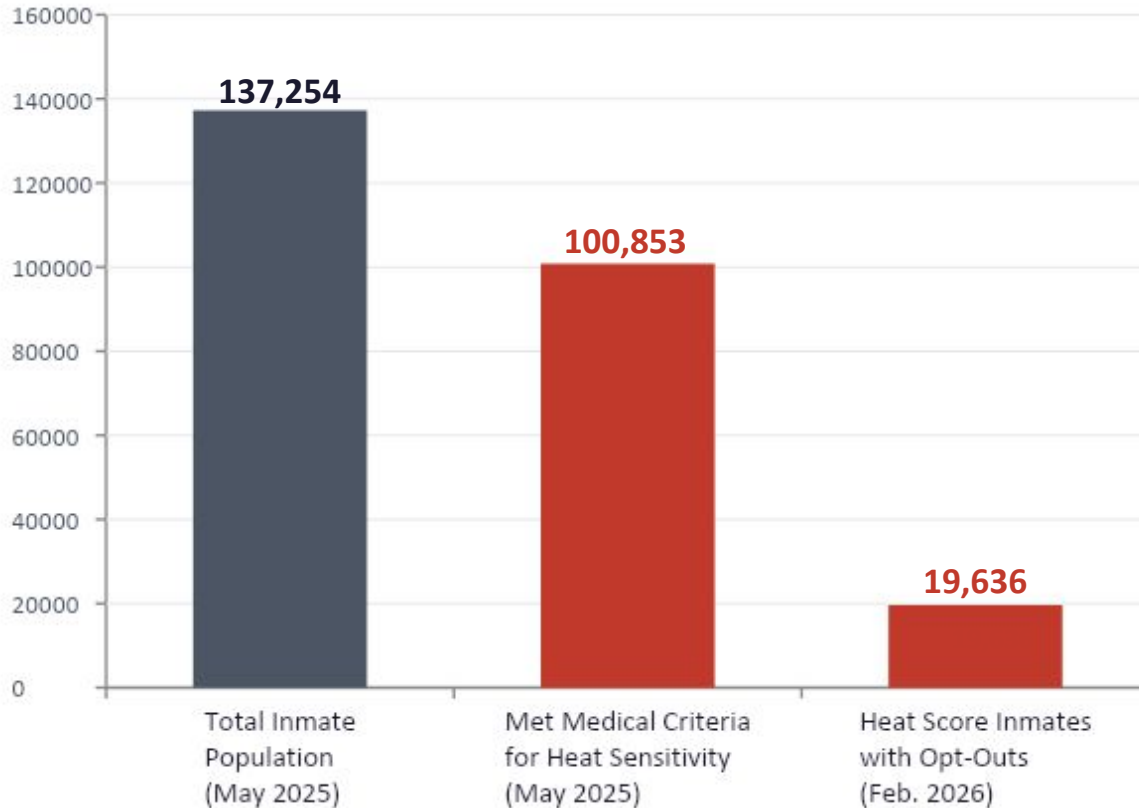
What the Audit Didn't Investigate

1 Who falsified the log

2 Why the log was falsified

3 How widespread the falsification was

TDCJ's Heat Score Is Still Arbitrary, Inadequate, and Ineffective



The Gap

81,217

**medically vulnerable inmates
without a heat score**

*80.5% of those who met
the admitted medical criteria for
heat sensitivity did not have a heat
score.*

**“Problem lists are problematic
because they are often
incomplete.”
– Dr. Michelle Felicella**

Air Conditioning Is the Only Effective Protection from Extreme Heat

The Court

March 2025 Order

“Air conditioning is the only effective protection from extreme heat.”

Director Lumpkin

October 2025 Deposition

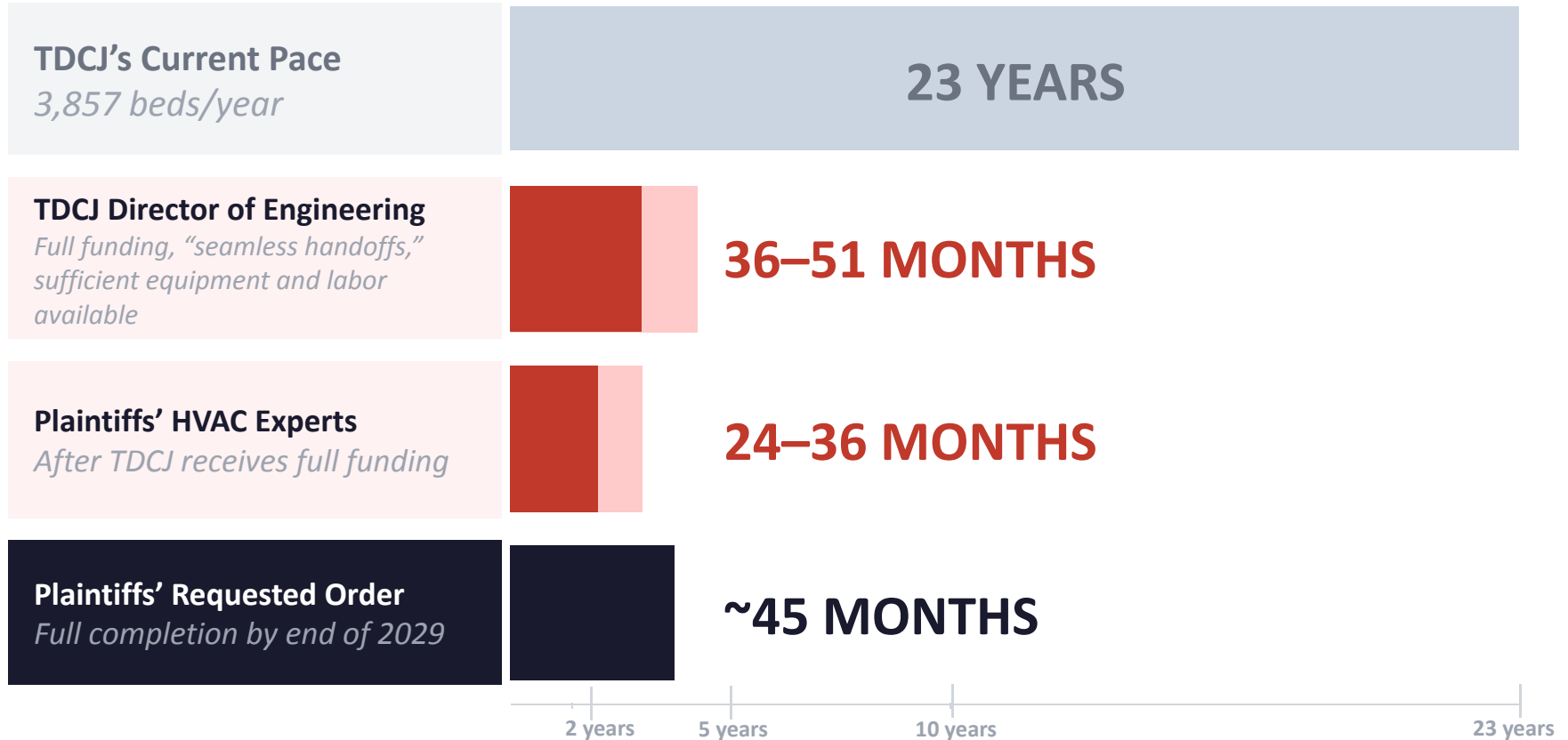
“Air conditioning is the only effective protection from the extreme heat.”

Air conditioning is “necessary in order to protect inmates’ health and safety.”

“The way to solve this problem is with air conditioning.”

TDCJ has to “get rid of the heat . . . by air-conditioning the system.”

TDCJ Can Fully Air Condition The System by the End of 2029



Sources: D. Cox Tr. 130:8–15 (July 29, 2025); TDCJ cool beds as of Mar. 25, 2026 (DX 254); 4/8/26 Rough Tr. 156:17-157:9 (Cox) (36-51 months is "[v]ery doable" and "not unreasonable").

**Air condition the entire system
by the end of 2029 —
on a court-enforced timeline
with specific, measurable milestones.**