IN THE UNITED STATES DISTRICT COURT

FOR THE

MIDDLE DISTRICT OF PENNSYLVANIA

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| José Bran., David Paiz-Cornejo., Jose Rubio., Luis Cruz Rodriguez., Irwin Garcia., Jose Alfaro., Jose David Luis.., Mario Oliva.., Mario Alberto Molina.., Plaintiff(s), Class, et al., V. UNITED STATES.., Federal Bureau of Prison's ("BOP").., J. Meyers, Johnson (National Gang unit Agency).., U.S. Department., et al., Individually and in their Official Capacities Defendant'(s), et al. | Case NO. 3:22-CV-00755 MOTION : FOR Class Action Certify & REQUEST An APPOINTMENT OF CLASS COUNSEL under Rule 23(g)(4) (See attachments) FILED SCRANTON JAN 12 2023 Per DEPUTY CLERK |

This Class Action Request For Violations of 42 U.S.C.§1983, Bivens V. Six unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971); Federal Tort Claims Act ("FTCA"), 28 U.S.C.§1346; and the Federal Civil Rights Conspiracy statute under 42 U.S.C.A. 1985(3); and request For Class Action Certification MOTION & Request For appoint of Class Counsel Under Rules 23-a, 23(c)(1)(A), 23(g)(4), 23(b)(3), 23(b)(2), 23(a)(4), Fed.R.Civ.P's

I.

MOTION asking honorable Magistrate Judge to grant Certify of Our Civil Suit as a Class Action under Rule 23(b)(2), Please establish plaintiff's Class of all present and future MS-13gang members, Inmates, of the Federal Bureau of Prison's and Bureau assign "Security Threat Group" (STG), Investigation, Segregation, at usp ("Lewisburg") PENNSYLVANIA in "SMU" Program, who are Similarly situated to the MS-13gang members who filed the lawsuit, On Courts approval & Discretion.

II.

This Plaintiff's and future (Legion) Class members Submitt this Request under Rule 23(a) requires Four Conditions of all Class actions, which is the reason for this request under Rule 23 (1) This class is so numerous that joinder of all MS-13gang members is impracticable, (2) There are questions of law and or fact Common to ALL Class (3) The claims and defenses of the representative parties are typical of the claims and Or defenses of the Class, and (4) The representative parties will fairly, and adequately, protect the interests of the Class."

III. §1983 & Bivens & FTCA, Insupport of claims (Ch. 2-5 (V.)).

IV. Insupport of class action (Ch. 5-W-5 - chap 6.))

V. Class Counsel (chap. 7-X-6.)

VI. 1985(3) (chap. 8-12-referenced-12032023-1-5

Respectfully Submitted: [signature]

JOSÉ BRAN #80679-083 01/04/2023

USP Lew, P.O. Box 1000

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ACTION THAT IMPOSE "Atypical and Significant Hardship on the Inmate in Relation to the Ordinary Incidents OF PRISON LIFE"....

... This does not mean that officials can do whatever they want without due process as ong as it involves a group of inmates, In one case where prison officials put all Cuban "Marielito" Prisoners into administrative Segregation because they thought these Prisoners presented special security risks, the Court held that due process was required and that each inmate was entitled to an individualized decision.

Perez v. Neubert, 611 F. Supp. 830, 839-40 (D.N.J. 1985).

515 U.S. 472, 115 S.Ct. 2293 (1995).

See, e.g., Kentucky Dep't of Corrections v. Thompson, 490 U.S. 454, 462, 109 S.Ct. 1904 (1989).

Sandin v. Conner, 515 U.S. at 482.

Meachum v. Fano, 427 U.S. 215, 224-25, 96 S.Ct. 2532 (1976); see Sandin, 515 U.S. 478-79 (citing Meachum reasoning).

Sandin, 515 U.S. at 484. (Sandin, 515 U.S. at 484).

Sandin, 515 U.S. at 497 (Breyer J., dissenting).

Vitek v. Jones, 445 U.S. 480, 491-94, 100 S.Ct. 1254 (1980).

Washington v. Harper, 494 U.S. 210, 221-22, 110 S.Ct. 1028 (1990).

Procunier v. Martinez, 416 U.S. 396, 417-19, 94 S.Ct. 1800 (1974).

Sandin v. Conner, 515 U.S. 472, 477-78, 115 S.Ct. 2293 (1995) (citing Wolff v. Donnell, 418 U.S. 539, 557-58 (1974)).

2.) LIBERTY INTERESTS

Liberty Interests can be Created at any level of law, Or at more than One. For example, a statute might seem to grant too much discretion to create a liberty interest, but regulations promulgated under the statute may Contain the necessary mandatory language and substantive Predicates. State Constitutions Or Common law, as interpreted by State Courts, may Create liberty or property interests.

Magluta v. Samples, 375 F.3d 1269, 1277-82 (11th Cir. 2004); Sealey v. Giltner, 197 F.3d 578, 584-2d Cir. 1999) (holding that Sandin did not abolish liberty interest analysis, just limited it to atypical and Significant deprivation); Frazier v. Coughlin, 81 F.3d 313, 317 (2d Cir. 1996) (holding a plaintiff must show "both that the Confinement or restraint Creates an 'atypical and significant hardship' under Sandin, and that the State has granted its inmates, by regulations or by statute, a protected liberty interest in remaining free from that Confinement Or restraint.").

1)

Williams v. Benjamin, 77 F.3d 756, 769 (4th Cir. 1996) (citing state regulations in Sandin analysis); Jones v. Moran, 900 F. Supp. 1267, 1273-74 (N.D. Cal. 1995).

1)

There was some basis for believing that was what Sandin meant, since the Court at one point cited Board of Pardons v. Allen, 482 U.S. 369, 107 S. Ct. 2415 (1987), as an example of a surviving State-Created liberty interest. That case is a classic example of liberty interest analysis based on analysis of the language of State laws. The dissenting Opinion in Sandin interprets the majority Opinion the same way. Sandin v. Conner, 515 U.S. 472, 497-99, 115 S. Ct. 2293 (1995).

1)

Wilkinson v. Austin, 545 U.S. 209, 223, 125 S. Ct. 2384 (2005) (quoting Sandin).

This view might be consistent with the statement in Wilkinson that a "Liberty interest in avoiding particular Conditions of Confinement may arise from State policies or regulations, Subject to the important limitations set forth in Sandin v. Conner..." Wilkinson, 545 U.S. at 222 (emphasis Supplied). The reference to "policies" would amount to saying that a liberty interest can arise from what the State does, in addition to what it writes down in regulations.

1)

See Tellier v. Fields, 280 F.3d 69, 83 (2d Cir. 2000) (stating that the liberty interest analysis is a little different after Sandin, because Sandin "shifted the emphasis of the inquiry from the strict language of the statute to an analysis of the right safeguarded by the statute."); Carter v. Munoz 2008 WL 4057846, *4 (E.D. Cal., Aug. 28, 2008); ("harsh conditions of Management Cell status" may support claim of Liberty interest; no discussion of extent to which regulations limit discretion), report and recommendation adopted, 2008 WL 4601106 (E.D. Cal., Oct. 15, 2008); Koch v. Lewis, 216 F. regulation may yet be necessary to trigger a liberty interest, the sort of mandatory language necessary under Hewitt is no longer a prerequisite."), Vacated as moot, 339 F.3d 1099 (9th Cir. 2005). In Koch, the court observed that the prison rules contained specific procedures for "Security Threat Group (STG) Validation" and added: "Although [the state's policies] were not mandatory enough to support a liberty interest under Hewitt, they are sufficient to form the bases [sic] of a Liberty interest under Sandin. →

That is not to say that regulatory language retains much significance in the modern due-process analysis." Koch, 216 F.Supp.2d at 1000.

9) 3. DUE PROCESS OF LAW

The basic requirement of due process is the right to Notice and an Opportunity to be heard - "at a meaningful time and in a meaningful manner." The "process that is due" can take different forms in different kinds of cases. For example, some cases require a face-to-face hearing, but in others, it is enough for the prisoner to be "heard" in writing.

2)

The requirements of due process in a given type of case are determined by balancing three factors: 1) how serious the deprivation is, (2) how much good additional procedures are likely to do, and (3) how expensive or difficult additional procedures would be for the officials who must carry them out. This "balancing test" determines what due process requires, even if state law or prison regulations call for something different. The requirements of due process in particular kinds of cases are discussed later in this presentment.

5)

The Matthews v. Eldridge standard, and not the "reasonable relationship" standard of Turner v. Safley, governs prison due process issues. See, e.g., Gilbert v. Frazier, 931 F.2d 1581, 1582 (7th Cir. 1991) - (holding a hearing is required before prisoner is convicted of a disciplinary offense);

7)

Honey v. Distelrath, 195 F.3d 531, 534 (9th Cir. 1999); Hicks v. Feeney, 770 F.2d 375, 378-79 (3d Cir. 1985); Spruytte v. Walters, 753 F.2d at 509-10; Burtnieks v. City of New York, 716 F.2d at 988; Anderson v. City of New York, 611 F.Supp. 481, 492 (S.D.N.Y) (1985)). (failure to promulgate and enforce policy to execute state law may be an established procedure). But see Lewis v. Young, 162 Wis.2d 574, 470 N.W.2d 328, 331 (Wis. App. 1991) (misinterpretation or disregard for prison rules must be pursued in state Court).

4. SEGREGATED CONFINEMENT A LIBERTY DEPRIVATION

5) Courts found that the disciplinary rules themselves create a liberty interest: Now, under Sandin, the placement of convicts in segregation is a deprivation of liberty, requiring due-process protections only if they are subjected to "atypical and significant hardship... in relation to the ordinary incidents of prison life."

See, e.g., Gudema v. Nassau County, 163 F.3d 717, 724 (2d Cir. 1998) ("... [T]he unavailability of an appropriate remedy is part of a due process plaintiff's claim..."); Pletka v. Nix, 957 F.2d 1480, 1484 (8th Cir. 1992) ("It has always been true that a person may not be punished by government without due process of law."); McCann v. Coughlin, 698 F.2d 112, 121 (2d Cir. 1982); Gilbert v. Frazier, 931 F.2d 1581, 1582 (7th Cir. 1991); Green v. Ferrell, 801 F.2d 765, 768-69 (5th Cir. 1986); Sher v. Coughlin, 739 F.2d 77, 81 (2d Cir. 1984); see Wright v. Coughlin, 31 F. Supp. 2d 301, 311 (W.D.N.Y. 1998) (quoting state regulations provision that disciplinary sentences may be imposed only "upon an adverse disposition at a hearing conducted in accordance with the regulations"), vacated and remanded on other grounds, 225 F.3d 647 (2d Cir. 2000).

5. CLASS ACTION: Rule 23(a), Fed. R. Civ. P. §23.2, (c)(1)(A), Fed. R. Civ. P. Class Action Fairness Act (CAFA), Pub. L. No. 109-2, 119 Stat. 4 (Feb. 18, 2005); Wade v. Kirkland, 118 F.3d 667, 670 (9th Cir. 1997); Cotterall v. Paul, 755 F.2d 777, 780-(11th Cir. 1985). Riverside v. McLaughlin, 500 U.S. 44, 111 S. Ct. 1661, 1667 (1991); and cases cited; Goetz v. Crosson, 728 F. Supp. 995, 1000-01 (S.D.N.Y. 1990); see Hagan v. Rogers, 570 F.3d 146, 159 (3d Cir. 2009) (holding district court abused its discretion in denying class certification to pro-se plaintiffs without ruling on their request for appointment of counsel).

Newsom v. Norris, 888 F.2d 371, 381-82 (6th Cir. 1989)

Rule 23(a)(1), Fed. R. Civ. P.; Stewart v. Abraham, 275 F.3d 220, 226-27 (3d Cir. 2001); Evans v. U.S. Pipe & Foundry Co., 696 F.2d 925, 930 (11th Cir. 1983); Fox v. Cheminova, 213 F.R.D. 113, 122 (E.D.N.Y. 2003); Martinez v. Mecca Farms, Inc., 213 F.R.D. 601, 605 (S.D. Fla. 2002); "The Court may make commonsense assumptions in order to find support for numerosity."); Daniels v. City of New York, 198 F.R.D. 409, 417 (S.D.N.Y. 2001)

The Class must be so numerous that joinder of all class members is impracticable. To meet this requirement, the class need not be enormous in number. It is not necessary to prove the size of the class with precision as long as there is some basis for a reasonable estimate. Including that class members are unlikely to bring their own suits because of poverty, illiteracy or in language barriers, lack of education, limited access to legal representation, etc.

In cases involving fluid classes, the class often is certified to include future as well as present members, see, e.g., Neiberger v. Hawkins, 208 F.R.D. 301, 318-19 (D. Colo. 2002); Jones' El v. Berge, 172 F. Supp. 2d 1128, 1131 (W.D. Wis. 2001); Dean v. Coughlin, 107 F.3d at 335; Arrango v. Ward, 103 F.3d at 639. Even if future class members are not included in the class definition, those individuals will benefit from any relief that is granted when they become class members. Bremiller v. Cleveland Psychiatric Institute, 898 F. Supp. 572, 579 (N.D. Ohio 1995).

3) ("Indeed, (b)(2) classes have been certified in a legion of civil rights cases where commonality findings were based primarily on the fact that defendant's conduct is central to the claims of all class members irrespective of their individual circumstances and the disparate effects of the conduct."); Amone v. Aveiro, 226 F.R.D. 677, 684-85 (D. Haw. 2005) (where plaintiffs challenge a policy or practice affecting the whole class, factual variations among class members do not defeat class certification); Marisol A. by Forbes v. Giuliani, 929 F. Supp. 662, 690 (S.D.N.Y. 1996); Nicholson v. Williams, 205 F.R.D. 92, 98 (E.D.N.Y. 2001) ("Typicality is satisfied where the claims of the named plaintiffs arise from the same practice or course of conduct that gives rise to the claims of the proposed class members."); J.B. ex rel. Hart v. Valdez, 186 F.3d 1280, 1299 (10th Cir. 1999); See DeHoyos v. Allstate Corp., 240 F.R.D. 269, 282 (W.D. Tex. 2007) ("The test is simply whether the defendants discriminated "in the same general fashion against the class representatives and the other members of the class." (citation omitted)).

4) Rule 23(g)(1), Fed. R. Civ. P.;

Graham v. Perez, 121 F. Supp. 2d 317, 321 (S.D.N.Y. 2000) ("[i]t is well settled in this Circuit that pro-se plaintiffs cannot act as class representatives" because they do not satisfy the requirements of Rule 23(a)(4) (citation omitted)); Maldonado v. Terhune, 28 F. Supp. 2d 284, 288 (D.N.J. 1998) (holding that pro-se prisoners are "inadequate to represent the interests of his fellow inmates in a class action"); Allnew v. City of Duluth, 983 F. Supp. 825, 830 (D. Minn. 1997) and cases cited.

The qualified Counsel Rules 23(a),(b),(2),(3),(a)(4),23(g)(4) Fed.R.Civ.P.; requirement has generally been construed to mean that counsel must have reasonable amount of expirience relevant to the proposed class action. (i.e., appraise) Class Counsel, based on the work they have done in investigating the case; their experience in handling class actions, other complex litigation, and the types of claims in the case; their knowledge of the applicable law; the resources they will commit to representing the class; and any other factors relevant to their ability to fairly and adequately represent the class. if class actions are too complex for a pro-se prisoner to handle, that complexity ought to support appointment of Counsel.

Date: 01/04/2023
Respectfully Submitted,
JOSE BRAN #80679-083
UNITED STATES PENITENTIARY
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I declare and Affirm under penalty of perjury that the foregoing is true and Correct, upon information and belief, §1746. 01/04/2023, executed at:
USP Lewisburg
P.O.Box 1000
Lewisburg, PA 17837

José Bran
Affiant
Signature

"241. Conspiracy against rights"

"242". Deprivation of rights under Color of law

The Federal Civil Rights Conspiracy statute
Under 42 U.S.C.A. 1985(3)

12032023-1 Referenced

1.

UNITED STATES, et al., Conspire to Injure, Oppress, the Free exercise or enjoyment of any right or Privilege Secured to plaintiff's and Class(Legion) members by the Constitution or laws of the United States.

§ 242. Deprivation of right under Color of Law;

3.

Whoever, under Color of any law, statute, Ordinance, regulation, or Custom, willfully Subject's any person in any State, Territory, Commonwealth, possession, Or District to the deprivation of any rights, priveleges, Or immunities Secured Or protected by the Constitution Or laws of the united States, Or to different punishment, pains, Or penalties, On account of Such person being, an alien, Or by reason of his Color, Or race, than are prescribed for the punishment of Citizens.

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"No person shall be held to answer for a Capital, Or otherwise infamous Crime, unless on a presentment or indictment of a Grand Jury, nor shall be Compelled in any Criminal case to be a witness against himself, nor be deprived of life, Liberty, Or property, without due process of Law;"

3)

"Because the replevin procedures were authorized by State law," The Fourteenth Amendment Clause, is based on the Due process Clause of the Fifth Amendment, Which applies to the Federal government. the Clauses parallel each other, with one protecting People against deprivation by the States and the other by the Federal government. The essential purpose of the due process clause is to Prevent government from acting arbitrarily. The focus is On the procedure itself. prisoner facing Actual deprivation of bodily freedom to the liberty to enter a Contract. The Bill of Rights was written to protect the individual. The due process clause in particular was intended to prevent the government from arbitrarily depriving persons of their most basic rights, to life, Liberty, and Property, and to ensure that if Such a deprivation Occurred, the government be required to act according to fundamental notions of justice and fairness.

3) In every stage of these National/Nation-Wide-lockdown, Investigation Segregation, We have Petitioned for redress Several intents were made, in the most humble terms. Our repeated Petitions and Informal Notices have been answered only by repeated injury to Our Constitutional rights.

under the law of Conspiracy, as long as each of the "Defendants" knew the general scope and essential nature, in this case "National/Nation-Wide Lockdown", (STG) Security Threat Group assignment, Investigation, "SMU" program Confinement, of MS-13 gang members, of the FBOP/BOP-Incident of January 31, 2022, and as long as one of the Defendant's had Acted to further its general objectives, Each Defendant(s) could be held liable for all Actions.

1)

"Furthermore, in 1971, the Supreme Court had made it possible to Sue individual members of the government personally for their Official Actions, and to try the Case in front of jurors who could award damages as they Saw fit." ("previously, it had Only been possible to Sue a government Agency or the U.S. government itself, and the amount of the recovery was fixed by law".) "under the law at the time of trial, the judge told the jury they could find a defendant immune only if he Sincerely and reasonably believed his Officially approved Conduct was lawful".

2)

The Sense of the Constitution does matter." There are rights, and you Can Say people including Inmates and prisoner's are damaged if their rights are taken away", nor Can we fathom any Conceivably legitimate governmental interest in Such an Undertaking".

D.

The issue of injury, or harm was Certainly not artificial to the "united states, et al.," defendants, because Under the law of Conspiracy, as long as each of them knew the general Scope and essential nature of this National/Nation-Wide Lockdown, STG assignment, Investigation of ALL FBOP/BOP, MS-13 gang members within Federal Prison's, Plaintiff's and Class members weren't going around chopping people's head off Or doing really nasty dirty stuff, Class member's Disciplinary records shows Otherwise. and nor Defendant's can be Or Claim immunity protections from Civil suit Action, a reasonably jury Could find a defendant(s) immune Only if he [Or she] Sincerely and reasonably believed his Officially approved Conduct was lawful; whatever authority the Government may have to interfere with a group engaged in unlawful Activity... it is never permissible to impede Or deter lawful Civil rights/THE BILL of Rights and to violate and keep violating Constitutional rights, Inmates lives are Chattered when their rights are being intentionally violated.

E.

Bran explains: "All of the MS-13 gang members did not disrupt, Or had Cause Security, or government interests, For them to be Transfer to SMU program, investigation Confinement, nor had any become more active Stage-up to a violent Stage. ALL Dependant's individually and In their Official(Cs) Capacity at all times mentioned Conspired with One another and Concluded that the Only way of Stopping MS-13 gang members and the Only way that they Could possibly affect it it would be to violate their Constitutional rights, "There are a Third World Country and illegal ALIENS, and Divide, and Segregate them, and throw them in SMU program, just because we are Latinos and immigrants doesn't mean that the United States Constitution doesn't protect Our god giving rights, Defendants deprieved us from regular prison life and privileges that were entitled too.

I)

Bran and Class (Legion) members argued that in targeting inmates, MS-13 gang members whom if had no reason to believe were engaged in Violence Or illegal Activities, and actively interfering with institutions Security Or any other risk Or threat to Community Or other's in prisons.

F.

Plaintiff's requests for this honorable Magistrate judge to Certify this Civil Suit Action, as a Class Action, and bring the Case under a federal Civil Rights Conspiracy Statute, and assigned a class appointment of Counsel, to preserve expenses to both parties and for Defendant's to avoid future claims under here stated and Second Amended Complaint.

J.

Some of the Class (Legion) members are in G-Block and J-Block building, but ALL are MS-13 gang members, assigned with STG assignment, investigation, Segregation, doing SMU program, and are Confined in harsh of Confinement and Constitutional Rights violations, even if MS-13 gang members and are released, there Chances of being back and being back at SMU program are extreme, therefore, we ask this honorable Court, to grant a Class Certification to better explain to class Counsel Our issues, and to quickly issued REMEDY And bring it into Settlement.

(11)

# Challenging The Legal Legality of this illegal Segregation SMU Program Confinement at USP-LEW

12032023-4

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See King v. Higgins, 702 F.2d 18, 22 (1st Cir. 1983) (holding that where a new hearing led to a better result for the prisoner, damages were proper for the result of the prior hearing that denied due process).

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See, e.g., Medberry v. Crosby, 351 F.3d 1049, 1053 (11th Cir. 2003); Bostic v. Carlson, 884 F.2d 1267, 1269 (9th Cir. 1989); Boudin v. Thomas, 732 F.2d 1107, 1111 (2d Cir.) reh'g denied, 737 F.2d 261, 262 (2d Cir. 1984); Krist v. Ricketts, 504 F.2d 887, 887-88 (5th Cir. 1974) (per curiam); see Abdul-Hakeem v. Koehler, 910 F.2d 66, 69-70 (2d Cir. 1990) (clarifying Boudin, holding that habeas or §1983 may be used to challenge the place of confinement).

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See Montgomery v. Anderson, 262 F.3d 641, 643-44 (7th Cir. 2001) ("Disciplinary segregation affects the severity, rather than duration of custody. More-restrictive custody must be challenged under §1983, in the uncommon circumstances when it can be challenged at all."); Brown v. Plaut, 131 F.3d 163, 167-68 (D.C. Cir. 1997); Toussaint v. McCarthy, 801 F.2d 1080, 1102-03 (9th Cir. 1986).

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"Challenges to the validity of any confinement or to particulars affecting its duration are the province of habeas corpus, ...; requests for relief turning on circumstances of confinement may be presented in a §1983 action." Muhammad v. Close, 540 U.S. 749, 750, 124 S.Ct. 1303 (2004) (per curiam). It added: "This Court has never followed the speculations in Preiser v. Rodriguez, 411 U.S. 475, 499, 93 S.Ct. 1827 (1973), that such a prisoner subject to 'additional and unconstitutional restraint' might have a habeas claim independent of §1983...."

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But See Levine v. Apker, 455 F.3d 71, 78 (2d Cir. 2006) (stating, after Muhammed, that Federal prisoners may use a habeas petition under 28 U.S.C. §2241 to challenge the execution of sentence, a category it says "includes matters such as 'the administration of parole, computation of a prisoner's sentence by prison officials, prison disciplinary actions, prison transfers, type of detention and prison conditions'" (quoting Jiminian v. Nash, 245 F.3d 144, 146 (2d Cir. 2001)). (Preiser v. Rodriguez, 411 U.S. 475, 494, 93 S.Ct. 1827-1973).

12032023-5

Damages of this illegal STG assignment to SMU Program, Investigation Segregation Without a hearing Or any Charging Instrument(s)

e.

Brown explains: If a disciplinary hearing denies due-process, you can seek damages in a federal Civil Rights action against prison officials who were personally involved in the violation. In general, prison disciplinary Officials are entitled only to "qualified immunity" from damages in federal Court, and not to the absolute immunity afforded to quasi-judicial officials. If they knew or should have known that they were violating the Constitution, you can recover damages from them.

If the Court finds that, given a proper hearing, you would have been cleared or would have received a less severe Sentence, you may be entitled to damages for the punishment that we were erroneously subjected to. Damages have been awarded for the loss of freedom and privileges in punitive Segregation, lost Wages, Or any other Consequences of the wrongful Conviction.

See, e.g., Trabaugh v. Hall, 176 F. 3d 1087, 1089 (8th Cir. 1999) ($100 a day and Consideration of punitive damages); Maurer v. Patterson, 197 F.R.D. 244, 249-50 (S.D.N.Y. 2000) ($25,000 lump sum for 30 days in Segregation and removal from grievance Committee; punitives reduced to $20,000); Soto v. Lord, 693 F. Supp. 8, 22 (S.D.N.Y. 1988) ($50 a day for 60 days punitive Segregation, plus lost wages); see also Patterson v. Coughlin, 905 F. 2d 564, 570 (2d Cir. 1990) (amount of damages was a factual issue and prison Officials were entitled to a jury trial even after Summary judgement was granted against them on liability).

f) Minieri v. State, 613 N.Y.S.2d at 511; Gittens v. State, 504 N.Y.S. 2d at 974 (failure to release an Inmate at the end of his term of punitive Confinement was actionable as "Wrongful excessive Confinement," a "species" of false imprisonment). But see Collier v. Evans, 199 Ga. App. 763, 406 S.E. 2d 90 (Ga. App. 1991) (involving false imprisonment claim based on excessive detention resulting from improper disciplinary hearings); Saxton v. Ohio Dept of Rehab & Corr., 80 Ohio App. 3d 389, 609 N.E. 2d 245, 246 (Ohio App. 1992).

g)

Even if future class (Legion) members are not included in the class definition, those individuals will benefit from any relief that is granted when they become class members. Bremiller v. Cleveland Psychiatric Institute, 898 F. Supp. 572, 579 (N.D. Ohio 1995).

Inmate Name: JOSE BRAN
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09 JAN 2023

CERTIFIED MAIL

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