

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA

21-cv-0103
RECEIVED

JAN 13 2021

TONY R. MOORE CLERK
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT LOUISIANA

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| Brian D. Broadfield, |) | |
| Plaintiff, |) | No. |
| V. |) | |
| Jeffery Rosen Acting Attorney |) | |
| General of the United States |) | |
| of America, Michael Carvajal |) | |
| Director of the Federal Bureau |) | Motion to certify Class action |
| of Prisons, |) | (Fed.R.Civ.P 23 (c)(1) |
| Defendants. |) | |

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MOTION TO CERTIFY AS A CLASS ACTION

I Brian Broadfield , Plaintiff, Pro Se moves the Court, pursuant to Rule 23(c)(1) of the Federal Rules Of Civil Procedure, for an order determining that this action may be maintained as a class action on behalf of the following class:

All Prisoners detained incarcerated under the custody of The Attorney General of the United States , Who are currently Eligible to earn time credits Under 18 U.S.C § 3632 (d)(4)(A)(i)(ii), and being held In the Federal Bureau of prisons] and addressing the following issues:

Under the Federal resgister Notice the defendant are currently seeking to codify a rule that would define the meaning of one day to mean one eight hour-period, the rule will make a rule that is outside the meaning and intent of congress, and a class of plaintiffs will suffer irreparable harm.

I Brian Broadfield further move this court for an order confirming I Brian Broadfield may serve as a representative, and that this court under rule 23 appoint class counsel to represent the class, who shall serve as class counsel.

I Brian Broadfield further moves the Court for an Order athorizing the notice and maintance of this class action to be given to members of Rule 23 (c)(2)(A) or Rule 23 (c)(2)(B) of the Federal Rules of Civil Procedure. This notice shall be by means of a weekly news letter given to all prisoners within the class, with in the bureau of prisons, by first class mail.

Grounds for relief

The grounds for this motion, as more fully set out in the Motion for writ of mandamus, and the motion for emergency restraining order, and preliminary injunction are:

1. The class includes an undefined prisoners that are confined within the Federal Bureau of Prisons and a undertimed future number of prisoners. Therefore, the class members are so numerous that the joinder of all is impracticable.
2. The common questions of law and fact are whether the Federal Bureau of prisons can set definition of the meaning of a day to mean one eight hour-period, where the meaning and intent of congress was to define it as one 24 hour-period, and whether the proposed rule will irreparably harm a class of plaintiffs, and violate the laws and Constitution of the United States of America..
3. The representative claims, are typical of those of a class members, of any plaintiffs claims within a large group challenging the conditions of confinement, or execution of the laws of the United States of America.
4. I Brian Broadfiel will fairly and adequately protect the interests of the class, As has been shown so far, the Plaintiff is vigorously pursuing this action in the intial Pro Se petition, and has no antagonistic to those of the other class members.
5. The defendants have acted on grounds applicable to all prisoners eligible to earn time credits under 18 U.S.C3632 (D0(4)(A)(i)(ii), as a whole making final injunctive relief as a whole. Therefore, the proposed class qualifies for certification under Rule 23 (b)(2) of the Federal Rules of Civil Procedure.
6. Common questions of law predominate, and a class action is the superior means of litigating these claims, so that the class could also be certified under Rule 23 (b)(2) of the Federal Rules of Civil Procedure.

Record on Motion

The attached motion is based on all the records and parers onthis file in this action including this paper, the attached motion and certificate of service, the attached Writ of Mandamus, attached affidavit of affiant, and the motion for temporary restraining order and preliminary injunction.

By

S/ _____

D/ _____