

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

GILBERTO PEREIRA BRITO, FLORENTIN
AVILA LUCAS, and JACKY CELICOURT,
individually and on behalf of all those similarly
situated,

Plaintiff-Petitioners,

v.

WILLIAM BARR, Attorney General, U.S.
Department of Justice, MARCOS CHARLES,
Acting Field Office Director, Enforcement and
Removal Operations, U.S. Immigration and
Customs Enforcement, MARK MORGAN, Acting
Director, U.S. Immigration and Customs
Enforcement, KEVIN MCALEENAN, Secretary,
U.S. Department of Homeland Security, JAMES
MCHENRY, Director, Executive Office of
Immigration Review, U.S. Department of Justice,
ANTONE MONIZ, Superintendent of the
Plymouth County Correctional Facility,
YOLANDA SMITH, Superintendent of the Suffolk
County House of Correction, STEVEN SOUZA,
Superintendent of the Bristol County House of
Correction, CHRISTOPHER BRACKETT,
Superintendent of the Strafford County Department
of Corrections, and LORI STREETER,
Superintendent of the Franklin County House of
Corrections, in their official capacities,

Defendant-Respondents.

Case No. 19-11314-PBS

PLAINTIFF-PETITIONERS' MOTION FOR CLASS CERTIFICATION

Plaintiff-Petitioners Gilberto Pereira Brito, Florentin Avila Lucas, and Jacky Celicourt, individually and on behalf of all those similarly situated, hereby move for class certification pursuant to Fed. R. Civ. P. 23(a) and (b)(2). As argued in the attached Memorandum of Law and accompanying Exhibits, Plaintiff-Petitioners, individually and on behalf of all those similarly situated, meet all the requirements for class certification on their claims.

Plaintiffs ask that this Court certify a class that will be defined as: All people who, now or in the future, are detained pursuant to 8 U.S.C. §1226(a), and are held in immigration detention in Massachusetts or are otherwise subject to the jurisdiction of the Boston Immigration Court. Plaintiffs ask the Court to certify the class as to Counts I (Detention in Violation of the U.S. Constitution) and II (Detention in Violation of the Immigration and Nationality Act and the Administrative Procedure Act) of the Habeas Corpus Petition and Class Action Complaint (Docket No. 1), and all relief requested therein.

Plaintiffs further ask this Court to order Defendants to give notice to all class members that the class has been certified, including both class members currently detained and those who are detained in the future. Plaintiffs propose that the form of the notice should be negotiated by the parties and proposed to the Court, jointly if possible but separately if necessary, within 14 days of the Court's order on this Motion.

Lastly, Plaintiffs request that undersigned counsel be appointed as class counsel.

Respectfully submitted,

GILBERTO PEREIRA BRITO, FLORENTIN AVILA LUCAS, and JACKY CELICOURT, individually and on behalf of all those similarly situated,

By their attorneys,

/s/ Susan Finegan

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Attorneys for Petitioners

Dated: June 18, 2019

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), Plaintiff-Petitioners' counsel certifies that counsel conferred with counsel for the Defendants regarding this motion, and all oppose Plaintiff-Petitioners' Motion for Class Certification.

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2019, the above-captioned document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants.

/s/ Susan M. Finegan
Susan M. Finegan