

1 DAVID J. BERGER, State Bar No. 147645  
THOMAS J. MARTIN, State Bar No. 150039  
2 CATHERINE E. MORENO, State Bar No. 264517  
ANALISA M. PRATT, State Bar No. 262951  
3 SAVITH S. IYENGAR, State Bar No. 268342  
WILSON SONSINI GOODRICH & ROSATI  
4 Professional Corporation  
650 Page Mill Road  
5 Palo Alto, CA 94304-1050  
Telephone: (650) 493-9300  
6 Facsimile: (650) 565-5100  
Email: tmartin@wsgr.com

7 PHILIP HWANG, State Bar No. 185070  
8 PAUL CHAVEZ, State Bar No. 241576  
AUDREY DANIEL, State Bar No. 266117  
9 LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
131 Steuart Street, Suite 400  
10 San Francisco, CA 94105  
Telephone: (415) 543-9444  
11 Facsimile: (415) 543-0296  
Email: pchavez@lccr.com

12 JULIA HARUMI MASS, State Bar No. 189649  
13 ALAN L. SCHLOSSER, State Bar No. 49957  
AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
14 OF NORTHERN CALIFORNIA  
39 Drumm Street  
15 San Francisco, CA 94111  
Telephone: (415) 621-2493  
16 Facsimile: (415) 255-8437  
Email: jmass@aclunc.org

17 Attorneys for Plaintiffs  
18 UELIAN DE-ABADIA-PEIXOTO, ESMAR CIFUENTES,  
19 PEDRO NOLASCO JOSE, and MI LIAN WEI

20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA

23 UELIAN DE ABADIA-PEIXOTO, ESMAR )  
CIFUENTES, PEDRO NOLASCO JOSE, and MI )  
24 LIAN WEI on behalf of themselves and all others )  
25 similarly situated, )

26 Plaintiffs, )

27 vs. )

28 UNITED STATES DEPARTMENT OF )  
HOMELAND SECURITY, JANET )  
NAPOLITANO, Secretary of the United States )

Case No. CV 11 4001 DMR

**CLASS ACTION – (CIVIL RIGHTS)**

MOTION FOR CLASS  
CERTIFICATION AND  
APPOINTMENT OF CLASS  
COUNSEL

**FILED**

AUG 17 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

1 Department of Homeland Security, UNITED )  
 STATES IMMIGRATION AND CUSTOMS )  
 2 ENFORCEMENT, JOHN T. MORTON, Director )  
 of U.S. Immigration and Customs Enforcement, )  
 3 TIMOTHY AITKEN, Field Office Director of )  
 the San Francisco District of U.S. Immigration )  
 4 and Customs Enforcement, ERIC H. HOLDER, )  
 JR., United States Attorney General, THE )  
 5 EXECUTIVE OFFICE FOR IMMIGRATION )  
 REVIEW, and JUAN P. OSUNA, Director of the )  
 6 Executive Office for Immigration Review, )  
 7 Defendants. )

**Hearing Date:** October 27, 2011  
**Hearing Time:** 11:00 a.m.

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 9 Pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure, Plaintiffs move  
 10 that the Court certify this case to proceed as a class action and respectfully request a hearing on  
 11 this Motion on October 27, 2011 at 11:00 a.m.

12 The class is defined as follows:

13 All current and future adult immigration detainees who have or will have proceedings in  
 14 San Francisco Immigration Court.

15 Furthermore, pursuant to Rule 23(g), plaintiffs move that their counsel, Wilson Sonsini Goodrich  
 16 & Rosati, the Lawyers' Committee for Civil Rights, and the American Civil Liberties Union  
 17 Foundation of Northern California be appointed class counsel.

18 Plaintiffs base this Motion upon the Complaint, the accompanying Memorandum of  
 19 Points and Authorities in Support of Class Certification and Appointment of Class Counsel, and  
 20 the other papers and pleadings filed in this action.

21 Plaintiffs' counsel have not been able to obtain the Defendants' agreement that the class  
 22 should be certified because, due to the near simultaneous filing of this Motion and the  
 23 Complaint, Plaintiffs' counsel do not know who will be representing the Defendants.

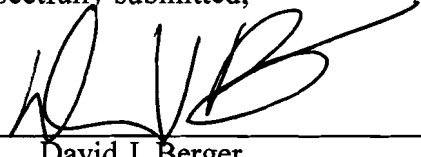
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1 Dated: August 17, 2011

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Respectfully submitted,

By: 

David J. Berger  
WILSON SONSINI GOODRICH & ROSATI  
*Professional Corporation*  
Thomas J. Martin  
Catherine E. Moreno  
Analisa M. Pratt  
Savith Iyengar

LAWYERS' COMMITTEE FOR CIVIL  
RIGHTS  
Phillip Hwang  
Paul Chavez  
Audrey Daniel

-and-

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF NORTHERN  
CALIFORNIA  
Julia Harumi Mass  
Alan L. Schlosser

*Attorneys for Plaintiffs Uelian De Abadia-  
Peixoto, Esmar Cifuentes, Pedro Nolasco Jose,  
and Mi Lian Wei*