

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

ANTHONY PERRY, RICHARD
HENDERSHOT, JOSEPH JACKSON,
MICHAEL RICHMOND and
ERIBERTO GALINDO,

Petitioners,

04-C-332-C

v.

JOSEPH SCIBANA, Warden of the
Oxford Prison Camp,

Respondent.

This is a petition for a writ of habeas corpus in which petitioners allege that they are being forced to serve a longer duration of confinement because the Bureau of Prisons has computed their good time credits in a manner that is contrary to 18 U.S.C. § 3624(b). In an order dated June 4, 2004, I stayed a decision whether to issue an order to show cause in the action pending appointment of counsel and possible class certification. In that order, I stated that petitioners' counsel would bear the burden of showing that the requirements for class certification of the petitioners are met. General Telephone Co. of Southwest v. Falcon, 457 U.S. 147, 161 (1982); Retired Chicago Police Association v. City of Chicago,

7 F.3d 584, 596 (7th Cir. 1993).

Michael Gonring, Emily Feinstein and Adrienne Olson, members of the Wisconsin bar and lawyers with the law firm of Quarles & Brady in Madison, Wisconsin, have agreed to represent petitioners. Their representation will be furnished with limited compensation and reimbursement for fees and expenses incurred herein as provided under the Criminal Justice Act.

ORDER

IT IS ORDERED that Michael Gonring, Emily Feinstein and Adrienne Olson are appointed to represent petitioners in this action. They are to arrange promptly for service of petitioners' petition on respondent Scibana, the United States Attorney for the Western District of Wisconsin and the Attorney General in Washington, D.C., in accordance with Fed. R. Civ. P. 4(i).

Further, IT IS ORDERED that petitioners may have until July 9, 2004, in which to move for class certification or to advise the court either that they require additional time to determine the propriety of such a motion or that they have determined that class certification is not appropriate. If petitioners file a motion for class certification, respondent may have ten days from the date of filing of the motion in which to oppose it. Petitioners may have seven days from the date of filing of the opposition papers in which to serve and

file a reply.

Finally, IT IS ORDERED that if petitioners advise the court that they will not pursue class certification, or as soon as the court grants or denies their motion for class certification, the stay in this and all companion cases will be lifted. If the motion for class certification is granted, the companion cases will be dismissed as duplicative of the claim of the class in this case and respondent will have 10 days from the date of entry of the order in which to show cause why the petition for a writ of habeas corpus of the class should not be granted. If the motion for class certification is denied, respondent will have 10 days from the date of the order denying class certification in which to show cause why the petition in this and each of the previously stayed companion cases should not be granted.

Entered this 18th day of June, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge