

Action. This Court has authority to order precertification discovery pursuant to longstanding Second Circuit precedent and should establish the general boundaries of precertification discovery by analogy to the established standards under Fed. R. Civ. P. 23.

An expeditious Order to Show Cause and precertification discovery are appropriate and necessary because Petitioner has alleged that Respondents have a pattern and practice of continuously and irreparably violating potential class members' Fourth, Tenth, and Fourteenth Amendment rights. Expedition is further justified by the fact that a newly implemented federal program, Secure Communities, will likely significantly increase the size of the proposed class. Secure Communities begins across Connecticut today.

For the further reasons set forth in the accompanying Memorandum of Law, Petitioner therefore requests that the Court expeditiously issue an Order to Show Cause, set a return date within the three-day period set forth in 28 U.S.C. § 2243, grant leave to propound discovery requests, and order responses on an expedited basis.

DATED: February 22, 2012
New Haven, Connecticut

Respectfully submitted,

/s/

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UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF CONNECTICUT

Sergio BRIZUELA,

on behalf of himself and all others similarly
situated,

Petitioner,

v.

Jose FELICIANO, Warden, New Haven
Correctional Center; Leo C. ARNONE,
Commissioner, Connecticut Department of
Correction; Connecticut Department of Correction,

Respondents.

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) Case No. 3:12-cv-00226
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) **ORDER TO SHOW CAUSE AND**
) **LEAVE TO PROPOUND**
) **PRECERTIFICATION**
) **DISCOVERY**
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Good cause appearing therefore and upon reading the Petition for Habeas Corpus
("Petition"), Motion for Class Certification or Representative Habeas Action ("Class
Certification Motion"), Motion for Order to Show Cause and Leave To Propound
Precertification Discovery, and its accompanying Memorandum of Law,

IT IS HEREBY ORDERED that the Respondents file an answer to the Petition with this
Court on or before _____, 2012 to show cause why the relief sought in the Petition
should not be granted, and

IT IS FURTHER ORDERED that Petitioner file a traverse with this Court, if desired,
on or before _____, 2012 and

IT IS FURTHER ORDERED that Petitioner is granted leave to propound precertification discovery restricted to the question of the appropriateness of certifying a representative habeas action or alternatively a class action.

IT IS FURTHER ORDERED that Respondents comply with discovery requests on an expedited basis.

DONE AND ORDERED AT New Haven, Connecticut, on February ____, 2012.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2012, a copy of the foregoing Notice of Motion for an Order to Show Cause and Leave to Propound Precertification Discovery Requests was filed electronically and that notice of this filing was sent by FedEx to the parties at the addresses listed below.

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