IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

SERGEI VASENIN, KEMOYE MUSLAR, and CYNTHIA ACEVEDO, and a class of similarly situated people,

Plaintiffs,

v.

MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security, in his official capacity; DAVID J. VENTURELLA, Acting Director, U.S. Immigration and Customs Enforcement, in his official capacity; MARCOS CHARLES, Acting Executive Associate Director, U.S. Immigration and Customs Enforcement and Removal Operations, in his official capacity; FRANK PADULA, Interim Chicago Field Office Director, U.S. Immigration and Customs Enforcement, in his official capacity; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; DEPARTMENT OF HOMELAND SECURITY; INDIANA DEPARTMENT OF CORRECTION; CHRISTOPHER LEE DIXSON, Interim Warden of Miami Correctional Facility, in his official capacity; LLOYD ARNOLD, Commissioner, Indiana Department of Correction, in his official capacity; DR. ADRIENNE BEDFORD, Chief Medical Officer, Indiana Department of Correction, in her official capacity,

Defendants.

Case No. 3:26-cv-01582

Class Action

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

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INTRODUCTION

Miami Correctional Facility ("Miami Correctional") is one of the largest and deadliest state prisons in Indiana. Reports of inhumane conditions, understaffing, and failure to provide adequate health care have routinely made headlines over the last decade, forcing half the prison to shutter in 2022. Nevertheless, last year, Immigration and Customs Enforcement ("ICE") contracted with the Indiana Department of Correction ("IDOC") to use previously abandoned buildings at Miami Correctional as a civil detention facility to detain up to 1,000 immigrants at a time, subjecting this group to punitive and abusive conditions.

In the year since Miami Correctional began detaining immigrants for ICE, at least two detained immigrants have died after not receiving adequate medical care. On October 12, 2026, after multiple detained people warned staff for days that a newly arrived man urgently needed mental health care and might hurt himself, the man attempted suicide by hanging in his cell.

Immigrants detained at Miami Correctional are locked in their cells for days at a time and go days or weeks without prescribed medications and medical or mental health care. These conditions of confinement are caused by facility-wide policies and practices at Miami Correctional and fall well below even the minimum standards required for the treatment of prisoners serving criminal sentences, much less the higher standards that apply to people held in civil detention.

Plaintiffs Sergei Vasenin, Kemoye Muslar, and Cynthia Acevedo bring this Motion for Class Certification on behalf of themselves and all others similarly situated under Rules 23(a), 23(b)(2), and 23(b)(1)(A) of the Federal Rules of Civil Procedure. Plaintiffs seek class certification to challenge Defendants' common policies and practices of subjecting immigrants detained at Miami Correctional to punitive conditions of confinement, including dangerously inadequate medical and mental health care.

Plaintiffs respectfully move this Court to certify the following class: "All civil immigration detainees who are currently detained, or who will be detained, at Miami Correctional Facility" ("Class"). This proposed Class satisfies the Rule 23(a) requirements of numerosity, commonality, typicality, and adequacy, Fed. R. Civ. P. 23(a)(1)–(4), as well as requirements under Rule 23(b)(2) and Rule 23(b)(1)(A).

First, the proposed Class numbers well into the hundreds and increases with each passing day. As of August 2026, there were over 700 immigrants detained at Miami Correctional. As people are transferred out or otherwise leave Miami Correctional, ICE continually brings in more. These figures far exceed Rule 23(a)'s numerosity requirement. Furthermore, they reflect an inherently transitory class, making joinder of large numbers of individual plaintiffs effectively impossible.

Second, the proposed Class shares the experience of being subjected to both the Federal and State Defendants' policies and practices at Miami Correctional. The proposed Class members are detained immigrants in the custody of Defendants. The Federal Defendants maintain and oversee the contract with IDOC that facilitates Class members' placement in Miami Correctional, a state prison being used, in part, as a civil detention facility. The proposed Class members are thus subject to the day-to-day operational practices of the State Defendants' officers, who run the facility under the federal contract and with Federal Defendants' oversight and approval. The unconstitutional and inhumane policies and practices to which Defendants subject detained immigrants apply facility wide. This universal experience presents common questions of both fact and law: The shared factual questions include whether detained immigrants at Miami Correctional are subject to abusive conditions of confinement, including inadequate medical and mental health care and punitive use of solitary confinement. They also include whether Defendants' medical and

mental health care procedures, practices, and omissions place detained immigrants at a substantial risk of serious harm. Whether Defendants' policies and practices are objectively unreasonable and thus violate due process guarantees under the Fifth and Fourteenth Amendments is therefore a central legal question that is capable of classwide resolution.

Third, Plaintiffs are subjected to and suffer ongoing harms from the same set of facility-wide policies and practices that affect all detained immigrants at Miami Correctional. Their claims are thus typical of those of the proposed Class.

Fourth, the proposed Class Representatives and proposed Class Counsel will fairly and adequately represent the Class. Named Plaintiffs seek relief that will benefit all of the detained immigrants at Miami Correctional, and they do not have any conflicting interests with the rest of the proposed Class. Plaintiffs are represented by experienced, qualified counsel from the ACLU of Illinois, ACLU of Indiana, National Immigrant Justice Center, MacArthur Justice Center, and Dunn Isaacson Rhee LLP, as well as a former deputy section chief of the Department of Justice's Special Litigation Section. Together, these counsel have extensive experience litigating class action lawsuits, including those challenging conditions of confinement both in prisons and in immigration detention centers. They also have sufficient resources to litigate a class action to successful resolution.

Finally, the proposed Class qualifies for certification under both Rule 23(b)(2) and Rule 23(b)(1)(A). Plaintiffs challenge Defendants' conduct that applies to the Class as a whole, such that the injunctive relief they seek will provide relief on a classwide basis, consistent with Rule 23(b)(2). Furthermore, bringing separate actions on behalf of individual detained immigrants would create the risk of inconsistent adjudications that would establish incompatible standards of conduct for Defendants, providing independent grounds to certify the proposed Class under Rule

23(b)(1)(A).

Courts in this Circuit and across the country have certified nearly identical classes of people held in immigration detention facilities who challenge the conditions of their confinement. *E.g.*, *Moreno Gonzalez v. Noem*, No. 1:25-cv-13323, 2025 WL 3204602, at *5 (N.D. Ill. Nov. 17, 2025) (certifying class of all current and future detainees at ICE's Broadview facility); *L.T. v. U.S. Immigr. & Customs Enf't*, No. 5:26-cv-00322, 2026 WL 2338452, at *21-23 (C.D. Cal. Aug. 12, 2026) (certifying class of all people detained, now or in the future, at the Adelanto ICE Processing Center); *Gomez Ruiz v. U.S. Immigr. & Customs Enf't*, No. 3:25-cv-09757, 2026 WL 391924, at *2 (N.D. Cal. Feb. 10, 2026) (certifying class of people detained at the California City Detention Facility); *D.N.N. v. Liggins*, 822 F. Supp. 3d 543, 573 (D. Md. 2026) (certifying class of "all persons who are now or in the future will be detained at the Baltimore Hold Rooms"); *Barco Mercado v. Mullin*, No. 25-cv-6568, 2026 WL 2874458, at *43 (S.D.N.Y. Sept. 24, 2026) (certifying, after trial, class of people detained by ICE at 26 Federal Plaza); *see also Ind. Prot. & Advoc. Servs. Comm'n v. Comm'r, Ind. Dep't of Corr.*, No. 1:08-cv-01317, 2010 WL 1737821, at *3 (S.D. Ind. Apr. 27, 2010) (certifying class of mentally ill IDOC prisoners held in segregation). This Court should do the same.

STATEMENT OF FACTS

In the year since its immigration detention operations began in October 2025, Miami Correctional, a high-security prison in the State of Indiana, has become a large and deadly ICE detention center. To accommodate the influx of detained immigrants resulting from the current administration's mass deportation efforts, the United States Department of Homeland Security ("DHS"), including ICE, entered into a two-year agreement with IDOC to convert a previously abandoned section of Miami Correctional into a new ICE detention center. *See* Intergovernmental

Serv. Agreement No. 70CDCR25DIG000036 between U.S. Immigr. & Customs Enf't and Miami Corr. Facility (eff. Sept. 30, 2025) at 1 (Compl. Ex. 1) [hereinafter Agreement].[1] Immigrants are now detained in a part of the prison that was shuttered by IDOC in 2022 because of chronic understaffing and safety issues.[2]

The newly christened "Speedway Slammer" has a stated capacity of 1,000 immigration detention beds. Agreement at 1. As of August 18, 2026, Defendants held 728 immigrants in the cells that previously held convicted prisoners.[3] The ICE detention contract is enormously lucrative for IDOC, which stands to receive at least $80 million over two years. Agreement art. 1(C)–(D) ($291.24 bed-day rate; 450-bed minimum). To receive those funds, the parties agreed that ICE would fill 450 beds within the first 120 days of the agreement. Agreement art. 1(D).[4] Hundreds of detained immigrants have cycled in and out of those beds since that time.

A. Punitive Conditions of Confinement

Defendants confine detained immigrants in cramped two-person cells. Decl. of Sergei Vasenin ¶ 13 (Ex. 1) [hereinafter Vasenin Decl.]; J.L.H. Decl. ¶¶ 15–16 (Ex. 2); Decl. of Cynthia

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[1] *See also* Kristine Phillips, *Deaths, Drugs and Discord: Inside Speedway Slammer, Indiana's Latest ICE Detention Center*, Indianapolis Star (Nov. 4, 2025, updated Dec. 1, 2025), https://www.indystar.com/story/news/investigations/2025/11/04/ice-detention-speedway-slammer-indiana-plagued-with-violence-miami-correctional-facility-immigration/86116762007/ (last visited Oct. 28, 2026) [hereinafter Phillips, *Speedway Slammer*]; Mike Potter, *ICE Sends First 40 Detainees to Indiana Prison*, WTHR (Oct. 1, 2025, 3:35 PM, updated Oct. 2, 2025), https://www.wthr.com/article/news/politics/national-politics/ice-sends-first-15-detainees-to-indiana-prison-immigration-customs-enforcmenet-money-federal-miami-correctional-facility-prisoners/531-aa0f7df5-f01a-4b23-983b-cdc3ab4e996c (last visited Oct. 28, 2026).

[2] Phillips, *Speedway Slammer*.

[3] Ind. Dep't of Corr., *DOC Population Trends* (Weekly Secretary Bed Report dated Aug. 18, 2026), https://indianacapitalchronicle.com/wp-content/uploads/2026/08/attachment_6284.pdf (last visited Oct. 28, 2026).

[4] *See also* Niki Kelly, *Behind the Walls of Indiana's ICE Detention Facility*, Ind. Cap. Chron. (Dec. 22, 2025, 7:00 AM), https://indianacapitalchronicle.com/2025/12/22/behind-the-walls-of-indianas-ice-detention-facility/ (last visited Oct. 28, 2026) [hereinafter Kelly, *Behind the Walls*] (census of 558 as of Dec. 17, 2025); *id.* (about 811 people had moved through the facility by that date).

Acevedo ¶ 38 (Ex. 3) [hereinafter Acevedo Decl.]. Defendants systematically deprive detained individuals of basic necessities, such as soap, toothpaste, and clean clothes. M.A.G.B. Decl. ¶¶ 28–29 (Ex. 4); I.I. Decl. ¶¶ 64–65 (Ex. 5); S.O. Decl. ¶¶ 31–32, 36 (Ex. 6); K.G. Decl. ¶¶ 26, 30 (Ex. 7); I.G.K. Decl. ¶¶ 31–32 (Ex. 8); A.N.B. Decl. ¶ 14 (Ex. 9); Decl. of Kemoye Muslar ¶¶ 37–39 (Ex. 10) [hereinafter Muslar Decl.]. The cells and shower facilities are squalid, with mold, insect infestations, and recurring plumbing failures that flood cells with sewage. M.A.G.B. Decl. ¶ 27; S.O. Decl. ¶ 28; Y.M. Decl. ¶ 34 (Ex. 11); U.C. Decl. ¶¶ 31–32 (Ex. 12); I.I. Decl. ¶¶ 50, 58; Acevedo Decl. ¶ 39; Muslar Decl. ¶¶ 23, 35; G.C.Z. Decl. ¶ 12 (Ex. 13); I.G.K. Decl. ¶ 29. Defendants force detained immigrants to clean their own cells, often without providing cleaning products. A.A. Decl. ¶ 6 (Ex. 14); D.O. Decl. ¶ 34 (Ex. 15); Muslar Decl. ¶ 36; Acevedo Decl. ¶ 39; S.O. Decl. ¶ 28. Defendants also deny detained immigrants sufficient food—and, when they do provide food, serve rotten or spoiled meals, sometimes in the middle of the night. J.L.H. Decl. ¶¶ 12, 14; S.G.B. Decl. ¶¶ 14–15 (Ex. 16); U.C. Decl. ¶ 22; I.G.K. Decl. ¶ 28; K.G. Decl. ¶¶ 29, 32; Y.M. Decl. ¶¶ 30–31, 33; Muslar Decl. ¶¶ 40–42; G.C.Z. Decl. ¶¶ 5, 13.

Conditions are most extreme for the dozens of detained people who are caught in the crosshairs of Defendants' frequently and arbitrarily applied solitary confinement policies and practices. U.C. Decl. ¶ 23; Vasenin Decl. ¶¶ 39, 43; I.I. Decl. ¶ 3; I.I. Suppl. Decl. ¶ 23 (Ex. 17); Muslar Decl. ¶ 31. Defendants send detained people to solitary confinement on months-old conduct reports for which they have already been punished, with no explanation at all, or for the most minor infractions—including for asking to finish a shower, declining a medical appointment, calling for a plunger when a cell flooded with sewage, and after suffering an assault. I.G.K. Decl. ¶ 18; Vasenin Decl. ¶¶ 31–34; D.J.L. Decl. ¶¶ 10–21, 34–37 (Ex. 18); I.I. Decl. ¶¶ 49–50; K.U. Decl. ¶ 42 (Ex. 19); U.C. Decl. ¶ 23; D.K. Decl. ¶ 6 (Ex. 20). Some of these detained immigrants

are sent to the state prison side of the facility, where they are confined in decrepit solitary confinement cells alongside convicted prisoners. D.J.L. Decl. ¶ 31; J.R.G. Decl. ¶ 22 (Ex. 21); D.K. Decl. ¶ 7; I.I. Decl. ¶¶ 3, 51; K.U. Decl. ¶ 38; U.C. Decl. ¶ 8. Confinement can last weeks or even months. Vasenin Decl. ¶¶ 30–34, 38–42; U.C. Decl. ¶¶ 18–20; D.J.L. Decl. ¶ 36; I.G.K. Decl. ¶ 18; D.K. Decl. ¶ 4; I.I. Decl. ¶ 49; Muslar Decl. ¶¶ 27–28, 31. These individuals spend 23 to 24 hours per day in filthy and dangerous cells with no windows, feces covering the walls, and putrid odors. D.K. Decl. ¶ 8; Vasenin Decl. ¶¶ 40, 43; D.J.L. Decl. ¶¶ 34, 38; U.C. Decl. ¶¶ 20, 23; A.A. Decl. ¶ 8; I.G.K. Decl. ¶¶ 16, 21, 23; S.G.B. Decl. ¶ 19. All immigrants detained at Miami Correctional live under a constant threat of arbitrary placement in solitary confinement, which results in serious mental and emotional harm. Vasenin Decl. ¶¶ 20, 36–37, 47; I.G.K. Decl. ¶ 20; U.C. Decl. ¶ 28; D.K. Decl. ¶ 17; Muslar Decl. ¶ 30; D.J.L. Decl. ¶¶ 41, 50.

Defendants also regularly impose a form of collective solitary confinement. They lock down entire units frequently and without explanation, confining hundreds of detained immigrants in cramped quarters for days—a form of "mass punishment." Y.M. Decl. ¶ 23; U.C. Decl. ¶¶ 29–31; K.U. Decl. ¶¶ 28–29, 32; S.O. Decl. ¶¶ 18, 26; K.G. Decl. ¶ 18; Muslar Decl. ¶ 23; I.I. Decl. ¶ 46; I.G.K. Decl. ¶ 30; J.R.G. Decl. ¶ 11; C.S.L. Decl. ¶ 16 (Ex. 22); A.M. Decl. ¶ 22 (Ex. 23). People subjected to this mass punishment go hungry, receiving meals infrequently, if at all; they cannot exercise or move their bodies; their cells grow filthy; and they cannot shower for days at a time. Muslar Decl. ¶¶ 22–24; K.G. Decl. ¶¶ 19, 23; D.K. Decl. ¶ 19; S.O. Decl. ¶¶ 20, 25; E.J.D.Y. Decl. ¶ 26 (Ex. 24); Y.M. Decl. ¶¶ 23–24; Y.B.F. Decl. ¶ 18 (Ex. 25). Their access to medical care and prescription medications, already subject to delay and denials, is further curtailed. I.I. Decl. ¶ 47; C.S.L. Decl. ¶ 17; K.U. Decl. ¶ 33; S.O. Decl. ¶¶ 21–24; E.J.D.Y. Decl. ¶ 26; Acevedo Decl. ¶¶ 40, 42.

Defendants rampantly abuse detained immigrants. Defendants' staff target detained immigrants with racist and xenophobic taunts and threats. J.R.G. Decl. ¶¶ 9–10; Muslar Decl. ¶ 32; C.S.L. Decl. ¶ 18; K.U. Decl. ¶¶ 36–37; G.K. Decl. ¶ 35; D.O. Decl. ¶¶ 24–25. This verbal abuse can escalate into the physical, with Defendants' staff gratuitously pepper spraying and physically assaulting detainees, as well as conducting invasive pat-downs. D.J.L. Decl. ¶¶ 13–21; I.G.K. Decl. ¶ 18; U.C. Decl. ¶¶ 13–14; C.S.L. Decl. ¶¶ 19–20; K.U. Decl. ¶¶ 38–40; S.O. Decl. ¶ 16; S.G. Decl. ¶ 25 (Ex. 26); J.R.G. Decl. ¶ 13; Vasenin Decl. ¶¶ 23–25; D.O. Decl. ¶¶ 26–28.

B. Inadequate Medical and Mental Health Care

The understaffing issues that long plagued Miami Correctional as a prison have crossed over to ICE operations of the facility as well. Defendants fail to hire and retain sufficient medical staff, resulting in inadequate medical and mental health intake screenings; delays and denials of essential prescription medications; and a broken system for requesting medical and mental health care, even for urgent conditions.[5] Decl. of Emily Brandt ¶¶ 10, 14–15 (Ex. 27) [hereinafter Brandt Decl.]; Y.M. Decl. ¶ 14; Muslar Decl. ¶¶ 5–9; A.N.B. Decl. ¶ 8; I.I. Decl. ¶ 6; Acevedo Decl. ¶¶ 11–12; S.O. Decl. ¶¶ 11–12; K.G. Decl. ¶¶ 10–12; J.R.G. Decl. ¶¶ 30–39; R.P. Decl. ¶¶ 12–13 (Ex. 28). Medical intake screenings are cursory and are often conducted in public, sometimes by non-medical staff, and in a language detained people do not speak fluently. M.A.M.A. Decl. ¶ 16 (Ex. 29); Muslar Decl. ¶ 6; M.A.G.B. Decl. ¶ 7; C.S.L. Decl. ¶ 11; Y.A.B.

[5] *See* Kristine Phillips, *Deaths, Delays, "Fake" Data: How Braun's ICE Prison Deal Fueled a Medical Crisis*, Indianapolis Star (July 20, 2026), https://www.indystar.com/story/news/investigations/2026/07/20/mike-braun-ice-prison-deal-fueled-medical-crisis-at-miami-speedway-slammer-amid-deaths-backlogs/89824424007/ (last visited Oct. 28, 2026) [hereinafter Phillips, *Deaths, Delays*] (by February the entire prison had "only 19 nurses"); Kristine Phillips, *Indiana Adds $3.5M to Boost Medical Staffing for ICE Detainees at Miami Prison*, Indianapolis Star (Oct. 5, 2026), https://www.indystar.com/story/news/investigations/2026/10/05/indiana-adds-3-5-million-medical-staff-ice-detainees-immigration-mike-braun-miami-correctional/92056459007/ (last visited Oct. 28, 2026) (Centurion staffing fell from 77% of required FTE hours in Oct. 2025 to 54% by June 2026).

Decl. ¶¶ 6–9 (Ex. 30); I.I. Decl. ¶ 5; K.U. Decl. ¶¶ 13–14. Language barriers persist well beyond intake: Staff often provide no interpreter at all, or rely on other detained people or translation apps to communicate essential medical information. Acevedo Decl. ¶ 16; C.S.L. Decl. ¶¶ 13–15; S.G. Decl. ¶¶ 5–7, 9; M.A.G.B. Decl. ¶¶ 7, 23; M.A.M.A. Decl. ¶ 16; A.B. Decl. ¶¶ 6–9; D.K. Decl. ¶¶ 30–31; A.G.M. Decl. ¶¶ 13, 28, 34 (Ex. 31).

Detained people who need care must submit sick-call requests, which often go unanswered. A.A. Decl. ¶ 11; Y.A.B. Decl. ¶¶ 12–14; I.G.K. Decl. ¶ 12; J.R.G. Decl. ¶ 34; E.J.D.Y. Decl. ¶¶ 16, 22. Receiving medical care can require repeated requests—in some cases as many as ten. Muslar Decl. ¶ 9; I.I. Decl. ¶ 12; K.U. Decl. ¶ 23; S.O. Decl. ¶¶ 11–12; A.G.M. Decl. ¶ 12; K.G. Decl. ¶¶ 10–12; Y.M. Decl. ¶ 14; D.K. Decl. ¶¶ 21, 25. Even then, detained people routinely wait weeks or months for appointments, follow-up care, specialist referrals, and mental health treatment. Brandt Decl. ¶ 20; M.A.G.B. Decl. ¶¶ 25–26; I.I. Decl. ¶¶ 4, 12, 32–33; J.L.H. Decl. ¶ 5; S.G.B. Decl. ¶ 4; I.G.K. Decl. ¶¶ 8, 13; Y.M. Decl. ¶¶ 9, 13, 20; Vasenin Decl. ¶¶ 37, 56; Muslar Decl. ¶¶ 7–9; C.S.L. Decl. ¶¶ 13–15; R.P. Decl. ¶¶ 20–21; A.G.M. Decl. ¶¶ 10, 12–15; U.C. Decl. ¶ 5; K.U. Decl. ¶¶ 15–23; D.K. Decl. ¶ 27; E.J.D.Y. Decl. ¶¶ 24–25; A.M. Decl. ¶¶ 8–10, 12; D.O. Decl. ¶¶ 12–13. Staff sometimes discard requests outright or pressure detained people to sign forms refusing care they want. J.R.G. Decl. ¶¶ 35, 37; R.P. Decl. ¶¶ 14, 25; D.K. Decl. ¶¶ 26, 29; I.I. Decl. ¶¶ 18–19; Acevedo Decl. ¶ 14. Left without care, some detained people resort to trading food for pain relievers or sharing their own medication. S.G. Decl. ¶ 9; Y.M. Decl. ¶¶ 9–13; Muslar Decl. ¶ 9; D.K. Decl. ¶¶ 13–14.

Defendants also routinely fail to provide prescription medications, both on arrival and

throughout detention, even when people arrive carrying their own medications.[6] Brandt Decl. ¶¶ 27, 29; A.N.B. Decl. ¶¶ 8, 21–23; I.I. Decl. ¶ 6; K.U. Decl. ¶ 15; E.J.D.Y. Decl. ¶¶ 9, 11, 23; J.L.H. Decl. ¶¶ 3, 5; U.C. Decl. ¶ 4; Acevedo Decl. ¶¶ 11–18; C.S.L. Decl. ¶ 12; D.K. Decl. ¶ 27; A.G.M. Decl. ¶ 33; R.P. Decl. ¶¶ 11–13; J.R.G. Decl. ¶¶ 30–31, 39; M.A.G.B. Decl. ¶ 26. The consequences are serious. Plaintiff Cynthia Acevedo's epileptic seizures have grown "much, much worse" without consistent medication, Acevedo Decl. ¶¶ 18–19, and another detained immigrant has gone months without HIV treatment while his health deteriorates, Y.B.F. Decl. ¶ 10.

Defendants are likewise unprepared to respond to medical emergencies and mental health crises. State Defendants' officers are slow to call for help, medical staff are slow to arrive, and officers sometimes ignore or mock people in acute distress. Muslar Decl. ¶ 12; K.G. Decl. ¶¶ 16–17; M.A.M.A. Decl. ¶ 20; I.G.K. Decl. ¶ 15; Vasenin Decl. ¶ 61; K.U. Decl. ¶¶ 26–27; M.A.G.B. Decl. ¶¶ 13–14; G.C.Z. Decl. ¶ 17. When Tuan Van Bui stopped breathing in April 2026, the response came too late. He died soon after.[7] A.M. Decl. ¶ 21; D.O. Decl. ¶ 15; Muslar Decl.

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[6] *See* Letter from David J. Venturella, Senior Off. Performing the Duties of the Dir., U.S. Immigr. & Customs Enf't, to Rep. André Carson 4 (July 23, 2026), https://indianacapitalchronicle.com/wp-content/uploads/2026/07/ICE-response.pdf (last visited Oct. 28, 2026) [hereinafter Venturella Ltr.] (reporting that from April 1 to April 22, 2026, detainees missed 44 doses "due to the medication not being available").

[7] Phillips, *Deaths, Delays* ("Bui was receiving medication for his health problems, including hypertension . . . . But two detainees who saw him collapse said help arrived too late. [One] detainee recalled that Bui appeared out of breath, his face bluish. He said he started chest compressions while other detainees rushed to the housing unit's intercom to alert prison staff. It took 15 minutes for an officer to arrive . . . and another five for medical staff to get there. . . . [Another] detainee estimated a longer response time: 45 minutes."); Will Bunch, *The U.S. Welcomed This Child of the Vietnam War. Why Did He Die in ICE Custody?*, Phila. Inquirer (June 11, 2026), https://www.inquirer.com/opinion/tuan-van-bui-ice-custody-death-20260611.html ("ICE's account of Van Bui's death [is] so different from what other detainees told the family—that staff did nothing at first while they, the detainees, attempted CPR until paramedics finally arrived a full hour after the collapse, too late to do anything but declare him dead[.]"); *id.* (Van Bui's stepdaughter recounted that "None of the staff did CPR. The cellmates did the CPR . . . relentlessly, with somebody else pressed up against the gate of the jail cell just yelling, 'Help! Help!' . . . It's reported that [the corrections officers] waited at least around 15 to 20 minutes before they got up, locked down all the

¶ 13; I.I. Decl. ¶ 29. After one man was punched repeatedly in the ribs by his cellmate, staff took days to order an X-ray; by the time he was rushed to the hospital, his lungs were filling with blood. U.C. Decl. ¶¶ 6–10. People in obvious psychiatric crisis go unattended, leaving other detained people to intervene. Muslar Decl. ¶ 16; I.I. Decl. ¶¶ 41–43.

On October 12, 2026, a newly arrived man told his cellmate he wanted to kill himself. For three days, other detained people repeatedly warned officers, and one submitted a written emergency request for help. M.R.M. Decl. ¶¶ 5–10, 13 (Ex. 32); I.I. Supp. Decl. ¶¶ 4–8, 14. When the man broke the television in his cell and began cutting his wrists with its pieces, an officer locked him back inside and told his cellmate something to the effect of "nothing is wrong." M.R.M. Decl. ¶¶ 15–16; I.I. Supp. Decl. ¶¶ 17–18; D.K. Supp. Decl. ¶¶ 6–7 (Ex. 33). Minutes later, the man hung himself from the top bunk with the television cable. M.R.M. Decl. ¶ 18; I.I. Supp. Decl. ¶ 19; D.K. Supp. Decl. ¶¶ 9–11; Muslar Decl. ¶ 19. This severe understaffing and accompanying inadequate medical care have contributed to the deaths of at least two detained immigrants in the first six months of Miami Correctional's operation as an ICE detention facility.[8]

C. The Named Plaintiffs

Named Plaintiffs Sergei Vasenin, Kemoye Muslar, and Cynthia Acevedo are willing and able to represent the interests of the proposed Class. Vasenin Decl. ¶ 73; Muslar Decl. ¶ 48;

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cells, and then finally went over to see what happened. Once they came over, they b[r]ought a defibrillator, except they did not know how to use it, so they had to call the paramedics. By the time the paramedics showed up, they declared him dead, which was about an hour later than he actually collapsed.").

[8] U.S. Immigr. & Customs Enf't, *Detainee Death Report: SIM, Lorth*, https://www.ice.gov/doclib/foia/reports/ddr_SIM.pdf (last visited Oct. 28, 2026) (death on Feb. 16, 2026); U.S. Immigr. & Customs Enf't, *Detainee Death Report: BUI, Tuan Van*, https://www.ice.gov/doclib/foia/reports/ddrTuanVanBui.pdf (last visited Oct. 28, 2026) (death on Apr. 1, 2026); *see* Kristine Phillips, *Indiana Dropped Prison Staffing Penalties Before ICE Detainee Deaths*, Indianapolis Star (Sept. 1, 2026), https://www.indystar.com/story/news/investigations/2026/09/01/indiana-dropped-prison-staffing-penalties-before-ice-detainee-deaths-miami-mike-braun-immigration/91156117007/; G.C.Z. Decl. ¶ 17; I.I. Decl. ¶¶ 25–30.

Acevedo Decl. ¶ 46. They experience the same punitive, inhumane conditions common to all detained immigrants held at Miami Correctional. Defendants' policies and practices regarding conditions of confinement, including inadequate medical and mental health care, have affected each of the Named Plaintiffs personally.

After spending close to one year detained at Miami Correctional, Mr. Vasenin has experienced delays and denials in accessing medical and mental health care, he has been threatened and abused by correctional staff, and he has twice been placed in segregation for weeks without cause. Vasenin Decl. ¶¶ 19–25, 56, 62–69. First, in June 2026, Defendants placed Mr. Vasenin in segregation for almost three weeks after another individual attacked him, even though Mr. Vasenin was found not guilty of any infractions himself. Second, in August 2026, Defendants held him in segregation for about six weeks, even after staff informed him there was no disciplinary justification for keeping him there. *Id.* ¶¶ 29–34, 38–42. In segregation, he was confined 23 hours a day in a small cell, often without showers or outdoor recreation. *Id.* ¶¶ 35, 40, 43. He waited nearly two months for depression and anxiety medication, was denied access to mental health care while in segregation despite repeated requests, and experienced worsening mental health symptoms and suicidal ideation. *Id.* ¶¶ 37, 48–49, 64–69.

Since arriving in November 2025, Mr. Muslar has experienced delays in accessing medical care, punitive lockdowns lasting up to 10 days, spoiled and insufficient food, and lack of appropriate hygiene and clothing items. Muslar Decl. ¶¶ 4, 6–7, 23–24, 37–42.

Ms. Acevedo has likewise experienced inadequate medical care, excessive lockdowns, and officer abuse. Acevedo Decl. ¶¶ 8–21, 33, 38–42. Ms. Acevedo, who has epilepsy, received no seizure medication for almost a week after she arrived at Miami Correctional. *Id.* ¶ 11. She regularly goes days without receiving her epilepsy medication when the facility has run out or

when she is placed on lockdown. *Id.* ¶¶ 8, 11–12, 38, 40, 42. Her seizures have increased to about four per week and grown so severe that during one recent episode she fell and broke her teeth. *Id.* ¶¶ 18–19. Her medical appointments are often conducted in English, which she does not speak well, without an interpreter. *Id.* ¶ 16. Ms. Acevedo suffers every day she remains detained at Miami Correctional and fears long-term damage to her health. *Id.* ¶ 19

LEGAL STANDARD

To certify a class under Rule 23, Plaintiffs must meet all the requirements of Rule 23(a) and at least one of the requirements of Rule 23(b). *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 345 (2011). The proposed Class satisfies each element of Rule 23(a):

> (1) the class is so numerous that joinder of all members is impracticable; (2) there are questions of law or fact common to the class; (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class; and (4) the representative parties will fairly and adequately protect the interests of the class.

Fed. R. Civ. P. 23(a); *see Kleen Prods. LLC v. Int'l Paper Co.*, 831 F.3d 919, 923 (7th Cir. 2016).[9]

Merits questions may be considered "to the extent—but only to the extent—that they are relevant to determining whether the Rule 23 prerequisites for class certification are satisfied." *Amgen Inc. v. Conn. Ret. Plans & Tr. Funds*, 568 U.S. 455, 466 (2013). Although the Court must "rigorously analyze" whether the requirements of Rule 23 are met, *Beaton v. SpeedyPC Software*, 907 F.3d 1018, 1025 (7th Cir. 2018), and Plaintiffs bear the burden of meeting the requirements of Rule 23, *Messner v. Northshore Univ. HealthSystem*, 669 F.3d 802, 811 (7th Cir. 2012), once a plaintiff satisfies Rule 23(a) and at least one subsection of Rule 23(b), "the class *must* be certified." *Simpson v. Dart*, 23 F.4th 706, 711 (7th Cir. 2022).

The proposed Class also satisfies two Rule 23(b) provisions. First, Defendants have "acted

[9] With respect to quoted material, unless otherwise indicated, brackets, ellipses, footnote call numbers, internal quotations, and citations have been omitted for readability. Emphasis is added unless indicated.

or refused to act on grounds that apply generally to the class," such that "final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole." Fed. R. Civ. P. 23(b)(2). Second, individual class members pursuing separate actions would create a risk of "inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for" Defendants. Fed. R. Civ. P. 23(b)(1)(A).

ARGUMENT

I. The Proposed Class Satisfies the Requirements of Rule 23(a).

The proposed Class satisfies each Rule 23(a) requirement: numerosity, commonality, typicality, and adequacy of representation. Fed. R. Civ. P. 23(a).[10]

A. The Proposed Class Is So Numerous and Fluid That Joinder Is Impracticable.

Rule 23(a) permits class certification where "the class is so numerous that joinder of all members is impracticable." Fed. R. Civ. P. 23(a)(1). Plaintiffs easily satisfy the numerosity requirement. Miami Correctional has the capacity to hold 1,000 immigrants in detention. By December 2025—roughly two months after it began holding immigrants—Miami Correctional held more than 550 people, and by August 2026 it held approximately 728.[11] And because ICE

[10] Though the Seventh Circuit has rejected a heightened ascertainability requirement for class certification, *Mullins v. Direct Digit., LLC*, 795 F.3d 654, 657-58 (7th Cir. 2015), the proposed Class definition is also sufficiently definite that its members are ascertainable. Defendants assign each noncitizen in the immigration system an Alien Registration Number (A-Number) and maintain records of the individuals detained at Miami Correctional, so the proposed Class of immigration detainees held at Miami Correctional can be ascertained through "objective criteria." *Id.* at 657. Class members can also be identified by searching Defendants' custody records. *See Hernandez v. Lynch*, No. 5:16-cv-00620-JGB-KK, 2016 WL 7116611, at *14 (C.D. Cal. Nov. 10, 2016) (class of immigration detainees could "be ascertained using objective criteria and identified through a search of Defendants' records concerning individuals in ICE custody"), *aff'd* sub nom. *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017).

[11] Kelly, *Behind the Walls* (census of 558 as of Dec. 17, 2025); Press Release, Off. of Rep. Lauren Underwood, *Underwood Details Systemic Issues During Inspections of ICE Detention and Processing Facilities in Chicago, Lombard, and Bunker Hill, Indiana* (Dec. 23, 2025), https://underwood.house.gov/media/press-releases/underwood-details-systemic-issues-during-inspections-ice-detention-and ("550 people are currently detained."); Ind. Dep't of Corr., *DOC Population Trends*, *supra*.

continually brings in new people as others leave—about 811 had passed through by December 2025 alone—the Class's future members will number in the hundreds, if not thousands, more.[12] These figures far surpass the forty-member threshold the Seventh Circuit has generally regarded as sufficient to satisfy the numerosity requirement. *Mulvania v. Sheriff of Rock Island Cnty.*, 850 F.3d 849, 859–60 (7th Cir. 2017).

Furthermore, the proposed Class is fluid. The proposed Class consists of people who are, or will be, in immigration detention at Miami Correctional. Some are in immigration proceedings and are held there pending final resolution of their removal proceedings; others have final orders of removal and are held there pending removal from the United States. The Federal Defendants frequently transfer immigrants among various detention facilities throughout the Midwest and the United States. As a result, members of the Class enter and leave Miami Correctional every day, making joinder of all members not just impracticable, but impossible.[13] The "inherently transitory nature" of detention at the facility "makes . . . joinder in a single, non-class suit impossible, since only a portion of the class will have standing to bring their claims at any one time." *Olson v. Brown*, 284 F.R.D. 398, 408 (N.D. Ind. 2012) (finding a class of current and future jail inmates who were inherently transitory met the numerosity requirement). This is particularly true here because ICE has "complete discretion over the duration" of detention, and "a detained individual has no control over how long Defendants will detain him." *Aguilar v. U.S. Immigr. & Customs Enf't Chi. Field Off.*, 346 F. Supp. 3d 1174, 1182 (N.D. Ill. 2018) (citing *Moreno v. Napolitano*,

[12] Kelly, *Behind the Walls*.

[13] Kelly, *Behind the Walls* (census "constantly changing as ICE brings in more men from around the nation and sends others back"); Venturella Ltr., *supra* note 6, at 4 (average stay 56.3 days as of Apr. 19, 2026); Relevant Rsch., *Miami Correctional Center: ICE Statistical Report*, DetentionReports.com (data as of July 9, 2026), https://detentionreports.com/facility/INMIAMI.html (last visited Oct. 28, 2026) (average stay 48 days); Muslar Decl. ¶¶ 3–4; I.G.K. Decl. ¶ 6; K.G. Decl. ¶¶ 6, 36; Acevedo Decl. ¶¶ 4–6; A.N.B. Decl. ¶ 5.

No. 11-C-5452, 2012 WL 5995820, at *7 (N.D. Ill. Nov. 30, 2012)); *see also Xirum v. U.S. Immigr. & Customs Enf't*, No. 1:22-cv-00801-TWP-KMB, 2024 WL 4348245, at *5 (S.D. Ind. Sept. 30, 2024) ("Plaintiffs' argument about the inherently transitory nature of detained noncitizens is well taken."); *Lyon v. U.S. Immigr. & Customs Enf't*, 300 F.R.D. 628, 639 (N.D. Cal. 2014) ("the length of detention cannot be ascertained at the outset and may be ended before class certification by various circumstances"), *modified*, 308 F.R.D. 203 (N.D. Cal. 2015). Courts are especially likely to find numerosity where the proposed Class includes future, unknowable class members. *Gomez v. Ill. State Bd. of Educ.*, 117 F.R.D. 394, 399 (N.D. Ill. 1987) ("As members *in futuro,* they are necessarily unidentifiable, and therefore joinder is clearly impracticable.").

Class members are geographically dispersed, further making joinder impracticable. ICE brings them to Miami Correctional from across the country and later transfers them to other facilities or removes them from the United States. Muslar Decl. ¶¶ 3–4; I.G.K. Decl. ¶ 6; K.G. Decl. ¶¶ 4, 6; Acevedo Decl. ¶¶ 4–5; A.N.B. Decl. ¶¶ 4–5; *see Gaspar v. Linvatec Corp.*, 167 F.R.D. 51, 56 (N.D. Ill. 1996) ("the more geographically separated the proposed members are, the more joinder becomes impracticable"). Many also speak little or no English. Acevedo Decl. ¶ 3; A.B. Decl. ¶¶ 11, 16–17; M..L. Decl. ¶¶ 15, 21–23; M.A.G.B. Decl. ¶ 7; S.G. Decl. ¶ 7. Foreign citizenship and language barriers "militate against separate lawsuits." *Magtoles v. United Staffing Registry, Inc.*, No. 21-cv-1850, 2022 WL 1667005, at *4 (E.D.N.Y. May 25, 2022). In addition, proposed class members largely do not have the resources to litigate separate lawsuits. *See id*.

The numerosity and fluidity of the class indicate that joinder is "highly impracticable," if not impossible, and that it would be "an ineffective use of judicial resources" to determine liability "on a person-by-person basis when the underlying facts and issues are essentially the same." *Healey v. Int'l Bhd. of Elec. Workers, Loc. Union No. 134*, 296 F.R.D. 587, 593 (N.D. Ill. 2013).

B. The Challenged Policies and Practices Present Common Questions of Law and Fact.

The proposed Class satisfies Rule 23(a)(2)'s requirement that "there are questions of law or fact common to the class." "Even a single common question will do" to satisfy this requirement. *Dukes*, 564 U.S. at 359. Here, proposed class members share numerous questions of both law and fact that are capable of classwide resolution—meaning that their answer "will resolve an issue that is central to the validity of each one of the claims in one stroke." *Bell v. PNC Bank, Nat'l Ass'n*, 800 F.3d 360, 374 (7th Cir. 2015) (quoting *Dukes*, 564 U.S. at 350).

Factual questions common to all Class members include:

a. Whether, as a result of Defendants' policies and practices, Defendants deny detained immigrants minimally adequate medical and mental health care, including by failing to:

   i. Maintain adequate staffing levels to keep detained immigrants safe from harm;
   ii. Provide sufficient medical and mental health screenings to immigration detainees upon their arrival at Miami Correctional;
   iii. Ensure continuity of care for immigration detainees, including from their previous detention facilities;
   iv. Provide a functional process by which immigration detainees can seek and receive non-emergency medical or mental health care;
   v. Ensure that immigration detainees can communicate with medical providers in a language they speak and understand;
   vi. Ensure that immigration detainees timely and consistently receive prescription medication;
   vii. Ensure that immigration detainees receive specialty medical services;
   viii. Adequately respond to immigration detainees' urgent and emergent medical and mental health care issues;
   ix. Ensure that immigration detainees held in solitary confinement or on lockdown receive timely and adequate medical and mental health care; and
   x. Prevent significant acts of self-harm and suicide.

b. Whether Defendants, by policy and practice, operate Miami Correctional in a way that subjects immigration detainees to:

   i. Unsanitary and unsafe facilities;
   ii. Insufficient food, hygiene products, or cleaning supplies to ensure adequate living conditions;
   iii. Excessive and prolonged mass lockdowns on immigration detainees that are akin to solitary confinement;

iv. Punitive solitary confinement for minor infractions or for no reason at all;
v. Staff misconduct, including harassment, threats, and unreasonable uses of force.

The proposed Class also presents common questions of law, including:

a. Whether detainees have objectively serious medical needs;
b. Whether Defendants' responses to detainees' medical needs are objectively unreasonable;
c. Whether Defendants act purposefully, knowingly, or recklessly with respect to the risk of harm to detainees; and
d. Whether the conditions of detention at Miami Correctional are unnecessarily restrictive or punitive.

These factual and legal questions arise from Federal and State Defendants' policies and practices, which apply to the entire population of immigrants detained at Miami Correctional. Courts in this circuit regularly affirm that these kinds of broad, far-reaching policies and practices give rise to common questions that satisfy the commonality requirement. *E.g.*, *Chi. Tchrs. Union, Loc. No. 1 v. Bd. of Educ. of City of Chi.*, 797 F.3d 426, 440 (7th Cir. 2015) (certifying a class challenging a uniform employment policy that applied across the proposed class); *Holmes v. Godinez*, 311 F.R.D. 177, 217 (N.D. Ill. 2015) ("A single system-wide illegal practice or policy can satisfy the commonality requirement."); *Lacy v. Dart*, No. 14-C-6259, 2015 WL 1995576, at *4 (N.D. Ill. Apr. 30, 2015) (certifying a class of jail detainees who shared a common question of whether defendants' policies and practices were compliant with federal disability laws); *see also Scott v. Dart*, 99 F.4th 1076, 1090 (7th Cir. 2024) ("challenges to confinement conditions that allege gross and systemic deficiencies . . . may proceed on a classwide basis") (collecting cases).

Likewise, courts across the country have certified nearly identical classes of immigration detainees, holding that questions about facility-wide policies and practices like those here are common to every detained person. *See, e.g.*, *Moreno Gonzalez*, 2025 WL 3204602, at *3 (questions about ICE practices regarding access to medical care "would injure all detainees" and

thus are "common to all proposed class members"); *Barco Mercado*, 2026 WL 2874458, at *41 (finding commonality in challenge to conditions and medical care in ICE hold rooms); *D.N.N.*, 822 F. Supp. 3d at 576-77 (finding commonality where plaintiffs "identify an overarching practice, manifested in specific, discrete policies" governing sleep, sanitation, food, and medical care); *Gomez Ruiz v. U.S. Immigr. & Customs Enf't*, 834 F. Supp. 3d 835, 851 (N.D. Cal. 2026) ("individual factual differences pose no obstacle to commonality"); *L.T.*, 2026 WL 2338452, at *21–22 (finding commonality where common questions about Defendants' systemic failures to ensure adequate medical care and nonpunitive conditions of confinement were "capable of classwide resolution"); *see also H.C.R. v. Mullin*, 825 F. Supp. 3d 1267, 1307 (M.D. Fla. 2026) (certifying class of people detained at Florida's "Alligator Alcatraz" facility challenging restrictions on access to counsel); *Advocs. for Hum. Rts. v. U.S. Dep't of Homeland Sec.*, 825 F. Supp. 3d 858, 894 (D. Minn. 2026) (certifying class challenging restrictions on attorney access at ICE facility); *Pablo Sequen v. Albarran*, 810 F. Supp. 3d 1084, 1121 (N.D. Cal. 2025) (certifying class of people held in ICE hold rooms at 630 Sansome Street).

To be sure, Defendants' broad policies of violating detained immigrants' rights have led to some differing harms among class members. But the fact that there are member-specific facts or injuries at issue does not defeat class commonality. *E.g.*, *Pella Corp. v. Saltzman*, 606 F.3d 391, 394 (7th Cir. 2010) ("the need for individual proof alone does not necessarily preclude class certification"); *Rosario v. Livaditis*, 963 F.2d 1013, 1017 (7th Cir. 1992) ("The fact that there is some factual variation among the class grievances will not defeat a class action."). The key question remains whether there is a "common nucleus of operative fact" which unites class members, *Rosario*, 963 F.2d at 1018, and whether the class proceeding can generate "common answers," *Dukes*, 564 U.S. at 350. Here, these requirements are satisfied: The class members'

contention is "capable of classwide resolution," because proof of Defendants' policies and practices which uniformly subject detainees to unreasonable conditions and insufficient care will "resolve an issue that is central to the validity of each one of the claims in one stroke." *Id.*

C. Plaintiffs' Claims Are Typical of Those of the Proposed Class.

Rule 23(a)(3) requires that "the claims or defenses of the representative parties are typical of the claims or defenses of the class." The named Plaintiffs satisfy this requirement. "A plaintiff's claim is typical if it arises from the same event or practice or course of conduct that gives rise to the claims of other class members and is based on the same legal theory." *Lacy v. Cook Cnty.*, 897 F.3d 847, 866 (7th Cir. 2018). Plaintiffs are all currently detained at Miami Correctional. Their claims relate to unconstitutional conditions of confinement and inadequate medical care from Defendants' facility-wide policies and practices. Plaintiffs' experiences at Miami Correctional therefore "share the same essential characteristics" as those of other members of the proposed Class. *Brown v. Cook Cnty.*, 332 F.R.D. 229, 241 (N.D. Ill. 2019) ("claims may feature some factual variations" and still meet Rule 23(a)(3)'s typicality requirement). Because named Plaintiffs suffer from the same injurious policies and practices that apply to all detained immigrants at Miami Correctional, their claims are typical of the proposed Class.

D. Plaintiffs and Class Counsel Will Fairly and Adequately Represent the Interests of the Class.

Rule 23(a)(4) requires that "the representative parties will fairly and adequately protect the interests of the class." The adequate representation inquiry proceeds in two parts: Courts consider (1) "the adequacy of representation provided in protecting the different, separate, and distinct interests of the class members"; and (2) "the adequacy of the named plaintiff's counsel." *Retired Chi. Police Ass'n v. City of Chi.*, 7 F.3d 584, 598 (7th Cir. 1993). To represent the Class adequately, Plaintiffs must not have antagonistic or conflicting claims. *Rosario*, 963 F.2d at 1018. Here, both

the named Plaintiffs and their counsel will fairly and adequately protect the interests of the proposed Class.

i. Plaintiffs Will Fairly and Adequately Protect the Interests of the Class.

The proposed Class Representatives are immigrants currently detained at Miami Correctional. Each of them has interests and experiences aligned with all of those who have suffered and will continue to suffer under the unconstitutional conditions at Miami Correctional. *See* Vasenin Decl.; Muslar Decl.; Acevedo Decl. They do not seek any unique or additional benefit from this litigation that would give rise to conflicting interests from those of other class members. Rather, Plaintiffs seek relief that will protect them and the entire class that are subjected to Defendants' challenged policies and practices. *See Palmer v. Combined Ins. Co. of Am.*, 217 F.R.D. 430, 437 (N.D. Ill. 2003) (adequacy satisfied where named plaintiffs "assert the same injuries as the members of the class" and "has the same interest in pursuing this case as the rest of the class members"). The named Plaintiffs share a joint interest in obtaining declaratory and injunctive relief to remedy the unlawful conditions of confinement and inadequate medical and mental health care at Miami Correctional.

Plaintiffs will maintain this interest even if they are released or transferred during the pendency of this litigation. When a class representative's "claim is so 'inherently transitory' that it is uncertain that any member of the class would maintain a live controversy long enough for a judge to certify a class," the "case is not moot for the purpose of class certification." *Olson v. Brown*, 594 F.3d 577, 580 (7th Cir. 2010). And because ICE continually brings new people to Miami Correctional, where they are subject to the same facility-wide policies and practices, "there will be a constant class of persons suffering the deprivation complained of." *Id.* at 582; *see supra* Part I.A. Courts in this circuit have consistently recognized plaintiffs as adequate representatives in lawsuits challenging conditions of confinement even when the plaintiffs are no longer detained

at the facility at issue. *E.g.*, *Walsh v. Kelley*, No. 17-cv-05405, 2021 WL 4459531, at *4 (N.D. Ill. Sept. 29, 2021) (granting class certification even when some of the named plaintiffs were no longer imprisoned in the county detention facility because "they represent an 'inherently transitory' class"); *Moreno v. Napolitano*, No. 11-cv-5452, 2014 WL 4911938, at *11 (N.D. Ill. Sept. 30, 2014) (confirming the named plaintiffs remained adequate class representatives even after ICE had rescinded their detainers because they "had live controversies at the time they filed suit," and "they suffered an injury-in-fact similar to that of the putative class members"); *Olson*, 284 F.R.D. at 414 (determining that a prisoner who had since been transferred from the relevant county jail had shown sufficient "interest in the outcome to ensure vigorous advocacy"). The named Plaintiffs are dedicated to vindicating the rights of the class regardless of where they are detained.

ii. Proposed Class Counsel Will Fairly and Adequately Protect the Interests of the Class.

Proposed Class Counsel is well-qualified. The proposed Class is represented by counsel from the ACLU of Illinois, ACLU of Indiana, National Immigrant Justice Center, MacArthur Justice Center, and Dunn Isaacson Rhee LLP, as well as Shelley R. Jackson, a former deputy section chief in the U.S. Department of Justice's Civil Rights Division, Special Litigation Section, where she litigated conditions-of-confinement cases involving jails and prisons. *See* Exs. 34–39. These counsel have extensive collective experience litigating class action lawsuits, including those challenging conditions in detention and correctional facilities and on behalf of detained immigrants, as well as other civil facilities. Certain counsel's relevant experience includes serving as counsel in *Moreno Gonzalez v. Noem*, No. 25-cv-13323 (N.D. Ill.), in which the court recently certified a class of immigrants held at the Broadview ICE facility in Illinois, and *Barco Mercado v. Mullin*, No. 25-cv-6568 (S.D.N.Y.) (same, for 26 Federal Plaza). Counsel have committed, and will continue to commit, the resources necessary to litigate this case. Proposed Counsel are

adequate for the purposes of class certification under Rule 23(a)(4) and should be appointed Class Counsel pursuant to Rule 23(g).

II. The Proposed Class Satisfies the Requirements of Rule 23(b)(2) and Rule 23(b)(1)(A).

The proposed Class satisfies the requirements of both Rules 23(b)(2) and 23(b)(1)(A).

A. The Class Satisfies Rule 23(b)(2).

Rule 23(b)(2) requires that "the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole." Fed. R. Civ. P. 23(b)(2). Civil rights cases are "prime examples of what (b)(2) is meant to capture." *Dukes*, 564 U.S. at 361 (quoting *Amchem Prods. Inc. v. Windsor*, 521 U.S. 591, 614 (1997)). The Seventh Circuit has established that "Rule 23(b)(2) is the appropriate rule to enlist when the plaintiffs' primary goal is not monetary relief, but rather to require the defendant to do or not do something that would benefit the whole class." *Chi. Tchrs. Union,* 797 F.3d at 441; *see also Monroe v. Meeks*, 335 F.R.D. 201, 207-08 (S.D. Ill. 2020) (certifying a class of prisoners who requested uniform "injunctive relief to address systemic failures in treatment" that is "a result of IDOC policies, procedures, and practices that deny evaluation and medically necessary treatment").

Here, Defendants apply facility-wide policies and practices that lead to the inhumane and unconstitutional treatment of immigrants detained at Miami Correctional. These policies and practices include creating unlivable cell conditions, the punitive use of solitary confinement, restrictive housing and lockdowns, and wholly inadequate medical care and mental health care. And they affect all members of the proposed Class so that "a single injunction or declaratory judgment would provide relief to each member of the class." *Dukes*, 564 U.S. at 360. Plaintiffs therefore seek such a uniform injunction, mandating that Defendants immediately cease

perpetuating such policies and practices throughout the immigration detention units or anywhere immigrant detainees are being held at Miami Correctional. Such court-ordered action is consistent with the relief ordered in other class action lawsuits challenging conditions of confinement based on widespread policies and practices in the Seventh Circuit. *E.g.*, *Mays v. Dart*, 453 F. Supp. 3d 1074, 1087 (N.D. Ill. 2020) (certifying a class of pretrial detainees under Rule 23(b)(2) "because they seek the same . . . injunctive relief for everyone in the class"), *aff'd in part, rev'd in part*, 974 F.3d 810 (7th Cir. 2020); *Williams v. Lane*, 96 F.R.D. 383, 386–87 (N.D. Ill. 1983) (Rule 23(b)(2) satisfied because the policies and practices of the defendant prison administrators were generally applicable to a class of current and former prisoners).

B. The Class Satisfies Rule 23(b)(1)(A).

Plaintiffs also meet the requirements of Rule 23(b)(1)(A), in that prosecuting separate actions by or against individual class members would create a risk of "inconsistent or varying adjudication with respect to individual class members that would establish incompatible standards of conduct for the party opposing the class." Fed. R. Civ. P. 23(b)(1)(A). This rule is often met in cases challenging systemic conditions like those created by Defendants' policies and practices, because of the compliance issues and inconsistencies that would arise from varying adjudications regarding the same policies at the same facility. *See*, *e.g.*, *Moreno Gonzalez*, 2025 WL 3204602 at *5 ("The result would be to saddle the defendant with the impossible task of complying with various incompatible standards for a single holding facility."); *Moreno*, 2014 WL 4911938 at *11 (certifying class of individuals under Rule 23(b)(1)(A) where plaintiffs "contend that ICE's standard policies and procedures used to issue detainers violate their . . . due process rights" as "individual adjudications . . . could establish incompatible standards of conduct for Defendants"); *Ashker v. Governor of Cal.*, No. 09-cv-5796, 2014 WL 2465191, at *7 (N.D. Cal. June 2, 2014)

(certifying class of prisoners in conditions-of-confinement case under Rule 23(b)(1)(A) because "If each of the hundreds of proposed members . . . were forced to adjudicate his claims individually, there would be a significant risk of inconsistent judgments"). Cases challenging conditions of confinement are therefore often litigated as class actions rather than piecemeal suits. *E.g.*, *Flood v. Dominguez*, 270 F.R.D. 413, 420 (N.D. Ind. 2010) ("While it is true that cases involving personal injury and inadequate medical care are particularly fact specific and thus generally unsuitable for class certification, courts routinely address conditions of confinement claims in class actions. Indeed, courts have found class treatment appropriate where certain conditions of confinement common to all are unlawful."). Because allowing individual adjudications for Miami Correctional detainees could lead to hundreds of lawsuits challenging the same facility-wide policy and result in Defendants facing irreconcilable directives, the proposed Class meets the requirements of Rule 23(b)(1)(A).

CONCLUSION

The proposed Class satisfies the requirements of Rule 23. Plaintiffs respectfully request that this Court grant their Motion for Class Certification and certify a Class of "All civil immigration detainees who are currently detained, or who will be detained, at Miami Correctional Facility." Named Plaintiffs Vasenin, Muslar, and Acevedo request that they be certified as the representatives of the Class and that their counsel of record be designated as Class Counsel.

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Respectfully submitted,

/s/ Kevin M. Fee

Kenneth J. Falk
Grace C. Wenstrom
ACLU OF INDIANA
1031 E. Washington St.
Indianapolis, IN 46202
Phone: (317) 635-4059
Fax: (317) 635-4105
kfalk@aclu-in.org
gwenstrom@aclu-in.org

Alexa Van Brunt†
Noor Tarabishy*
Danielle Berkowsky*
Chisato Kimura*
Anne Gottschalk*
Vatsala Kumar*
MACARTHUR JUSTICE CENTER
25 E. Washington St., Ste. 1515
Chicago, Illinois 60602
Phone: (312) 503-1336
alexa.vanbrunt@macarthurjustice.org
noor.tarabishy@macarthurjustice.org
danielle.berkowksy@macarthurjustice.org
chisato.kimura@macarthurjustice.org
anne.gottschalk@macarthurjustice.org
vatsala.kumar@macarthurjustice.org

Mark Fleming
Eunice H. Cho
Mark Feldman
Allena Martin
NATIONAL IMMIGRANT JUSTICE CENTER
111 W. Jackson Blvd., Suite 800
Chicago, IL 60604
Phone: (312) 660-1628
mfleming@immigrantjustice.org
echo@immigrantjustice.org

Kevin M. Fee †
Michelle Teresa García † *
Samuel B. Cole
Jennifer L. Stark †
Samantha Reed †
Kathleen Hickey †
Caroline Garau †
Katie Mayopoulos*‡
ROGER BALDWIN FOUNDATION OF ACLU, INC.
150 N. Michigan, Suite 600
Chicago, IL 60601
Phone: (312) 201-9740
Fax: (312) 288-5225
kfee@aclu-il.org
mgarcia@aclu-il.org
scole@aclu-il.org
jstark@aclu-il.org
sreed@aclu-il.org
khickey@aclu-il.org
cgarau@aclu-il.org
kmayopoulos@aclu-il.org

William A. Isaacson*
Amy J. Mauser*
John Paredes*§
DUNN ISAACSON RHEE LLP
401 9th St. NW
Washington, D.C. 20005
Phone: (202) 240-2900
wisaacson@dirllp.com
amauser@dirllp.com
jparedes@dirllp.com

Christine M. Ray*
DUNN ISAACSON RHEE LLP
11 Park Place
New York, NY 10007

mfeldman@immigrantjustice.org
amartin@immigrantjustice.org
Phone: (202) 240-2900
cray@dirllp.com

Shelley R. Jackson*
SHELLEY R. JACKSON, ESQ., LLC
4806 23rd St. N.
Arlington, VA 22207
Phone: (703) 798-0902
shelleyjackson798@gmail.com

Attorneys for Plaintiffs

*Motion for Pro Hac Vice admission to the U.S. District Court for the Northern District of Indiana forthcoming.
†Admission to the U.S. District Court for the Northern District of Indiana pending.
‡Admission to the State of Illinois Bar pending swearing in.
§Licensed in New York. Practice limited to matters before the U.S. federal courts and supervised by active members of the District of Columbia Bar while his application for admission to that bar is pending.