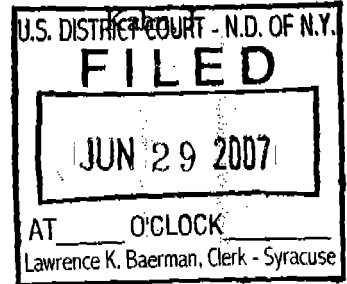


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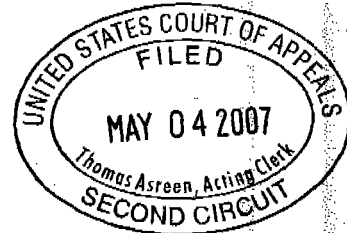


United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 4th day of 2007, two thousand seven,

Present:

Hon. Dennis Jacobs,
Chief Judge,
Hon. Amalya L. Kearse,
Hon. Rosemary S. Pooler,
Circuit Judges.



John Kelsey and Timothy Wright, both individually and on behalf of a class of others similarly situated,

Plaintiffs-Respondents,

v.

07-0826-mv

The County of Schoharie, John S. Bates, Jr., both individually and in his official capacity as Sheriff of the County of Schoharie, and Jim Hazzard, both individually and in his official capacity as Administrator of the Schoharie County Jail,

Defendants-Petitioners.

Defendants-Petitioners seek permission to appeal, pursuant to Fed. R. Civ. P. 23(f), the district court's order granting the Plaintiffs' motion for class certification. Upon due consideration, it is ORDERED that the Rule 23(f) petition is DENIED because an immediate appeal is not warranted. *See Sumitomo Copper Litigation v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139-40 (2d Cir. 2001).

FOR THE COURT:

Thomas W. Asreen, Acting Clerk

By: Richard Alcantara
Richard Alcantara, Deputy Clerk

SAC-MRX

ISSUED AS A MANDATE: 6-25-07

RECEIVED COPY
Clerk
[Signature]