

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

FILED
DES MOINES, IOWA
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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

GEORGE GOFF,)
)
Plaintiff,) No.4:90-CV-50365
)
vs.)
)
CHARLES HARPER, et. al,) ORDER
)
Defendants.)

This matter comes before the Court on the plaintiff's motion to certify this action as a class action. The motion is made pursuant to Rule 23 of the Federal Rules of Civil Procedure. The State filed a pleading stating that it has no objection to the class being certified. Because of the lack of resistance by the State, the Court believes that this motion can be decided upon the pleadings alone and no formal hearing need be held.

The Court has carefully reviewed the pleadings of the parties and is persuaded that (1) joinder of all persons is indeed impracticable; (2) that all of the persons sought to be included within the class are similarly situated; and (3) the members of the proposed class have questions of law and fact common to each other. According to the plaintiff's motion, the proposed class will include all persons who have been, are now, or who will be confined in the Iowa State Penitentiary lockup.

As discussed in the motion, the Court must also consider what persons will be named as representatives of the class. At present, George Goff is the only plaintiff and he will remain as

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a representative of the class. In addition, the plaintiff requests that two other persons be named as class representatives. The State voiced no objection to the request that Allen Langley and Tim Thompson, as requested by the plaintiff, be named as class representatives. The Court is persuaded that these class representatives have common interests to the members of the class and that the representatives will properly prosecute the interests of the class through qualified counsel. The Court is further persuaded that Philip Mears has had the experience and the interest in such matters to very adequately represent the class.

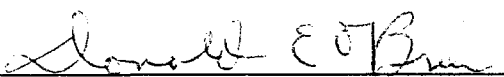
The Court orders that plaintiff's counsel shall take all the necessary steps to insure that members of the class have the required notice. See FRCP 23(c)(2). Under the circumstances set out above, a conditional class certification is not required.

Having considered all the above, the Court is persuaded that Goff has met the prerequisites for a class action under FRCP 23(a). Therefore, the Court hereby grants the plaintiff's motion for class certification.

Upon the foregoing,

IT IS HEREBY ORDERED that the plaintiff's motion to certify this action as a class action is granted.

Dated this 13th day of September, 1995.



Donald E. O'Brien, Senior Judge
UNITED STATES DISTRICT COURT