

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-10695

KENNETH JOHANSEN,
individually and on behalf of a class of all persons
and entities similarly situated,

Plaintiff-Appellant,

versus

BLUEGREEN VACATIONS UNLIMITED, INC.,
a Florida corporation,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

D.C. Docket No. 9:20-cv-81076-RS

Before WILSON, JILL PRYOR, and HULL, Circuit Judges.

PER CURIAM:

In this civil action, plaintiff-appellant Kenneth Johansen appeals the district court's denial of his motion for class certification of claims brought under the Telephone Consumer Protection Act ("TCPA"). Johansen's complaint alleged that the defendant-appellee Bluegreen Vacations Unlimited, Inc. violated the TCPA's do-not-call provisions. Johansen sought class certification to assert TCPA claims on behalf of a nationwide class. The district court denied class certification, finding that Johansen had failed to satisfy the typicality and adequacy requirements of Federal Rule of Civil Procedure 23(a). The only issue on appeal is the district court's denial of class certification.

We review a district court's class certification order for an abuse of discretion. *Cordoba v. DIRECTV, LLC*, 942 F.3d 1259, 1267 (11th Cir. 2019). "A district court abuses its discretion if it applies an incorrect legal standard, follows improper procedures in making the determination, or makes findings of fact that are clearly erroneous." *Id.* (quotation marks omitted). After review and with the benefit of oral argument, we conclude that Johansen has not carried his burden to show that the district court abused its discretion in denying Johansen's motion for class certification.

AFFIRMED.