

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SHAROB ABDUL-AZIZ, et al.,

Civil Action No. 14-2026 (FLW)

Plaintiff,

v.

GARY M. LANIGAN, et al.,

MEMORANDUM AND ORDER

Defendants.

This matter has been opened to the Court by a motion for class certification pursuant to Federal Rule of Civil Procedure 23 submitted by Plaintiffs Charles Rashid, Ibn Pasha, and William McCray. It appearing that:

1. There are currently four individual Plaintiffs joined in this action – Plaintiffs Rashid, Pasha, McCray, and Plaintiff Sharob Abdul-Aziz. On December 12, 2016, the Court issued a Memorandum and Order (ECF No. 45), striking the document titled “Sharob Abdul-Aziz Independently file [sic] Amended Complaint” submitted by Plaintiff Sharob Abdul-Aziz (ECF No. 31), and denying without prejudice the motion to amend submitted by Plaintiffs Pasha, McCray, and Rashid. (ECF No. 37 at Ex. 1). The Court found that Plaintiffs could not proceed with two operative complaints in a single action and ordered Plaintiffs to notify the Court within 45 days as to whether they intend to remain joined together as Plaintiffs in a single action. (ECF No. 45.) The Court further ordered that to the extent Plaintiffs Abdul-Aziz, Pasha, McCray, and Rashid intended to remain joined as Plaintiffs in a single action, they must submit a writing to that effect, which is signed by each Plaintiff, and a single Amended Complaint, also signed by

each Plaintiff. The Court ordered that to the extent one or more of the Plaintiffs did not wish to proceed together in a single action, Plaintiffs must notify the Court within 45 days, and the Court would then assess whether severance would be appropriate.

2. In light of the Court's December 12, 2016 Order, to which the Plaintiffs have not yet responded, the Court finds that any determination as to class certification is premature. The Court notes that, like the previously-filed motion to amend, the instant motion class certification is brought by only three of the four Plaintiffs. Furthermore, Plaintiffs have not yet responded to the Court's Order and submitted a single Amended Complaint signed by all Plaintiffs and/or informed the Court as to whether they intend to remain joined as Plaintiffs in this action. As such, the Court will deny without prejudice the motion for class certification brought by Plaintiffs Rashid, Pasha, and McCray at this time. If appropriate, Plaintiffs may request to renew their motion for class certification after Plaintiffs submit their responses to the Court's December 12, 2016 Order.

IT IS THEREFORE, on this 20th day of December, 2016,

ORDERED that, for the reasons stated in this Memorandum and Order, the Court will **DENY WITHOUT PREJUDICE** the motion for class certification brought by Plaintiffs Rashid, Pasha, and McCray (ECF No. 38); it is further

ORDERED that, if appropriate, Plaintiffs may request to renew their motion for class certification after Plaintiffs submit their responses to the Court's December 12, 2016 Order.

ORDERED that the Clerk of the Court shall send a copy of this Memorandum and Order to Plaintiffs Abdul-Aziz, Pasha, McCray, and Rashid at the addresses on file.

/s/ Freda L. Wolfson
Freda L. Wolfson
United States District Judge