UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KIRTI TIWARI, et al.,

Plaintiffs,

v.

PATRICK M. SHANAHAN, Acting Secretary, United States Department of Defense, in his official capacity,

Defendant.

C17-242 TSZ

ORDER

Upon reconsideration sua sponte, the Court hereby AMENDS its previous Order entered January 31, 2019, docket no. 192, as follows:

Paragraph 7 and footnote 29 in the "Conclusion," on page 31 of the Order, are AMENDED to read:

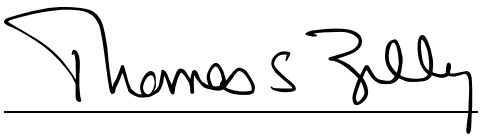
(7) The Court ENTERS the following permanent injunction: Defendant and the United States Department of Defense are hereby ENJOINED from requiring, in the absence of individualized suspicion, a biennial series of National Intelligence Agency Checks for continuous monitoring or security clearance eligibility purposes with respect to any plaintiff;[29] and

[29] The Court DECLINES to certify a class because the Court is satisfied that entry of this permanent injunction will operate in favor of all MAVNI personnel who are similarly situated to plaintiffs, namely any citizen affiliated with the DoD who accessed into the United States Army

With the changes indicated above, the Clerk is DIRECTED to enter judgment consistent with the prior Order, docket no. 192, to send a copy of this Order and the Judgment to all counsel of record, and to CLOSE this case.

IT IS SO ORDERED.

Dated this 14th day of February, 2019.



Thomas S. Zilly
United States District Judge

through the MAVNI program after February 12, 2012, and before September 30, 2016. *See DiFrancesco v. Fox*, 2019 WL 145627 at *2-*3 (D. Mont. Jan. 9, 2019) (ruling that, because "all potential class members . . . would benefit from an injunction issued on behalf of the individually named plaintiffs," certification of a class would serve "[n]o useful need or purpose," and that "[t]he costs and complexities associated with maintaining a class action outweigh the benefits class certification is intended to provide" (citing *James v. Ball*, 613 F.2d 180, 186 (9th Cir. 1979), *rev'd on other grounds*, 451 U.S. 355 (1981))); *see also Davis v. Smith*, 607 F.2d 535, 540 (2d Cir. 1978).