

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

JURIJUS KADAMOVAS on his own behalf and)	
on behalf of a class of those similarly situated,)	
)	
Plaintiff,)	
)	
v.)	No. 2:23-cv-00022-MPB-MKK
)	
FEDERAL BUREAU OF PRISONS Director,)	
et al.,)	
)	

Order Denying Without Prejudice Motion to Certify Class

When this case was filed, Plaintiff Jurijus Kadamovas sought to represent a class "of all current and future prisoners confined to death row, currently known as the Special Confinement Unit, at the United States Penitentiary, Terre Haute, Indiana." Dkt. 67 at ¶ 14. On December 23, 2024, President Biden announced that he was commuting the sentences of 37 of the 40 individuals on federal death row, including Mr. Kadamovas. Dkt. 147-1. Of the three individuals who still have federal death sentences, only two are housed at USP Terre Haute. Dkt. 151 at 1, n. 1.

The parties jointly moved to stay the proceedings in light of this major change of circumstances. Dkt. 147. The Court granted the stay, dkt. 149, and in a joint status report the parties indicated that "the Bureau of Prisons (BOP) has begun the process to review the housing designations of individuals whose death sentences were commuted to life imprisonment." Dkt. 151 at 1. While it appears likely that the inmates currently housed in the SCU will be transferred to other BOP facilities, such outcome is not certain at this time. That is especially so in light of President Trump's January 20, 2025, executive order, "Restoring the Death Penalty and Protecting Public Safety," which states in part,

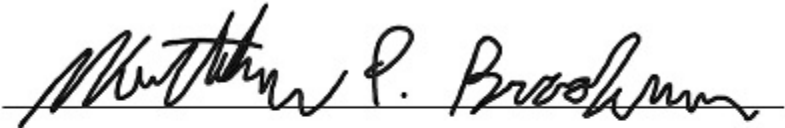
The Attorney General shall evaluate the places of imprisonment and conditions of confinement for each of the 37 murderers whose Federal death sentences were commuted by Present Biden, and the Attorney General shall take all lawful and appropriate action to ensure that these offenders are imprisoned in conditions consistent with the monstrosity of their crimes and the threats they pose.

See, Sec. 3(e) of President Trump's January 20, 2025, Executive Order, available at <https://www.whitehouse.gov/presidential-actions/2025/01/restoring-the-death-penalty-and-protecting-public-safety/>.

In light of the stay in this action and the uncertainty as to whether the 37 individuals impacted by the commutation will remain housed in the SCU at USP Terre Haute, the motion to certify class, dkt. [97], is **denied without prejudice**. Plaintiff is permitted to refile this motion once the stay is lifted, if Plaintiff determines that class certification is still possible.

IT IS SO ORDERED.

Dated: January 31, 2025

A handwritten signature in black ink, reading "Matthew P. Brookman", written over a horizontal line.

Matthew P. Brookman, Judge
United States District Court
Southern District of Indiana

Distribution:

All Electronically Registered Counsel