

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: FEDERAL BUREAU OF PRISONS  
HOME CONFINEMENT LITIGATION (NO. II)**

MDL No. 2982

**ORDER DENYING TRANSFER**

**Before the Panel:** Petitioner Rhonda Fleming, who is proceeding *pro se*, moves to centralize this litigation in the Central District of California or, alternatively, the District of Connecticut. This litigation consists of two actions pending in two districts, as listed on Schedule A.<sup>1</sup>

After considering the parties' arguments, we conclude that centralization will not serve the convenience of the parties and witnesses or further the just and efficient conduct of the litigation. Although both actions involve inmates' alleged entitlement to transfer to home confinement based on the risks of COVID-19 transmission and infection at U.S. Bureau of Prisons institutions, the actions focus on the conditions and practices at different institutions – one in Florida and one in California. Thus, the actions will not share significant common factual questions. Additionally, both actions are in procedural postures that would make centralization inefficient. In the *Fleming* action, the magistrate judge has recommended denial of petitioner's petition for habeas corpus, and the report and recommendation is pending before the district judge. In the *Torres* action, a class has been provisionally certified, and discovery is due to close next month.

IT IS THEREFORE ORDERED that the motion for centralization of the actions listed on Schedule A is denied.

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<sup>1</sup> Petitioner's motion lists two additional actions that are closed (*Lee* and *Shanahan*). Her supplemental briefing alleges that there also is a related action in D. Connecticut (*Martinez-Brooks*). That action was closed in October 2020, following a class settlement with respect to inmates at FCI Danbury and entry of an order dismissing all claims. Implementation of the settlement is subject to the court's jurisdiction and remains ongoing, but the case remains closed.

PANEL ON MULTIDISTRICT LITIGATION



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Karen K. Caldwell

Chair

Catherine D. Perry  
Matthew F. Kennelly  
Roger T. Benitez

Nathaniel M. Gorton  
David C. Norton  
Dale A. Kimball

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**SCHEDULE A**

Central District of California

TORRES, ET AL. v. MILUSNIC, ET AL., C.A. No. 2:20-04450

Northern District of Florida

FLEMING v. STRONG, C.A. No. 4:20-00212