

1 Plaintiffs have failed to persuade the Court that class certification is appropriate or that this
2 action should proceed jointly as to all three plaintiffs. A non-attorney proceeding pro se cannot fairly
3 and adequately protect the interests of fellow inmates in a class action. See Oxendine v. Williams,
4 509 F.2d 1405 (4th Cir. 1975). A non-attorney may bring his own claims to court, but may not
5 represent others. Flymbo v. State Farm Fire & CasualtyCo., 213 F.3d 1320, 1321 (2000).

6 The objections filed to the Findings and Recommendations exemplify the difficulties caused
7 by actions brought by multiple incarcerated pro se plaintiffs. The objections are only signed by one
8 party, Charles A. Rogers, who asserts that he is the “class representative” for Plaintiff’s McClendon
9 and Youmans. The Findings and Recommendations noted the delays and difficulties caused when
10 multiple incarcerated pro se plaintiffs attempt to litigate a joint action because of the need to agree
11 on all filings made in this action and the need for all filings to contain the original signatures of all
12 plaintiffs. Plaintiffs were unable to file joint objections signed by all three plaintiffs. The remaining
13 arguments made in the objections are unpersuasive.

14 Accordingly, the Court HEREBY ORDERS that:

- 15 1. The September 29, 2010 Findings and Recommendations are ADOPTED in full;
- 16 2. Plaintiffs’ request for class certification is DENIED; and
- 17 3. The Clerk is directed to open separate actions for Plaintiffs McClendon and Youmans
18 and file copies of Plaintiffs’ complaint in those actions. This action shall only
19 proceed on the claims raised by Plaintiff Rogers.

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21 IT IS SO ORDERED.

22 **Dated: February 10, 2011**

23 **/s/ Lawrence J. O’Neill**
24 **UNITED STATES DISTRICT JUDGE**