1	
2	
3	
4	
5	
6	
7	UNITED STATES DISTRICT COURT
8	EASTERN DISTRICT OF CALIFORNIA
9	CHARLES A. ROGERS, et al. CASE NO. 1:10-cv-00792-LJO-SKO PC
10	Plaintiffs, ORDER ADOPTING FINDINGS AND
11	v. (D. 17)
12	(Doc. 17) W. GARDNER, et al.,
13	Defendants.
14	/
15	Plaintiffs Charles A. Rogers, Demitrius M. McClendon, and Antonio P. Youmans
16	("Plaintiffs") are state prisoners proceeding pro se and in forma pauperis in this civil rights action
17	pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant
18	to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.
19	On September 29, 2010, the Magistrate Judge issued a Findings and Recommendations
20	which recommended that Plaintiffs' motion requesting class certification be denied and this action
21	be severed such that each plaintiff shall proceed separately on his own claims. (Doc. #17.) The
22	Findings and Recommendations were served on Plaintiffs and contained notice to Plaintiffs that any
23	objections to the Findings and Recommendations were to be filed within thirty (30) days of the date
24	on which the Findings and Recommendations were served. Plaintiff Charles A. Rogers filed
25	objections on September 29, 2010. (Doc. #17.)
26	In accordance with the provisions of 28 U.S.C. $\S$ 636(b)(1)(C) and Local Rule 305, this Court
27	has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the Court
28	finds the Findings and Recommendations to be supported by the record and by proper analysis.

Plaintiffs have failed to persuade the Court that class certification is appropriate or that this
action should proceed jointly as to all three plaintiffs. A non-attorney proceeding pro se cannot fairly
and adequately protect the interests of fellow inmates in a class action. See Oxendine v. Williams,
509 F.2d 1405 (4th Cir. 1975). A non-attorney may bring his own claims to court, but may not
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 by actions brought by multiple incarcerated pro se plaintiffs. The objections are only signed by one 7 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 on all filings made in this action and the need for all filings to contain the original signatures of all 11 plaintiffs. Plaintiffs were unable to file joint objections signed by all three plaintiffs. The remaining 12 arguments made in the objections are unpersuasive. 13

Accordingly, the Court HEREBY ORDERS that:

1. The September 29, 2010 Findings and Recommendations are ADOPTED in full;

2. Plaintiffs' request for class certification is DENIED; and

 The Clerk is directed to open separate actions for Plaintiffs McClendon and Youmans and file copies of Plaintiffs' complaint in those actions. This action shall only proceed on the claims raised by Plaintiff Rogers.

IT IS SO ORDERED.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Dated: February 10, 2011

/s/ Lawrence J. O'Neill UNITED STATES DISTRICT JUDGE