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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

BRIAN ELLIS PORTER,  
  
                    Plaintiff,  
  
          v.  
  
CHERYLEE WEGMAN, et al.,  
  
                    Defendants.

Case No. 1:10-cv-01500-LJO-DLB PC

**ORDER DENYING MOTION TO JOIN AS  
CO-PLAINTIFF AND DIRECTING  
CLERK’S OFFICE TO SERVE COURTESY  
COPY OF ORDER ON INMATE GEORGE  
HAMILTON**

(ECF No. 85)

Plaintiff Brian Ellis Porter (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. Section 1983. On December 2, 2013, inmate George Hamilton filed a motion seeking to join in this action as a co-plaintiff. (ECF No. 85.)

Plaintiff Porter is proceeding pro se and he may not represent the interests of any other inmates in this action. *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664-65 (9th Cir. 2008); *Fymbo v. State Farm Fire & Casualty Co.*, 213 F.3d 1320, 1321 (10th Cir. 2000); *Johns v. Cnty. of San Diego*, 114 F.3d 874, 876 (9th Cir. 1997); *C. E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987).

Further, the Court will not permit inmates Porter and Hamilton to join as co-plaintiffs proceeding pro se. Courts have broad discretion regarding the permissive joinder of parties. Fed. R. Civ. P. 20, 21; see *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1296-97 (9th Cir. 2000); *Maddox v. Cnty. of Sacramento*, No. 2:06-cv-0072-GEB-EFB, 2006 WL 3201078, \*2 (E.D. Cal. Nov. 6, 2006). The need for all co-plaintiffs to agree upon and sign all filings becomes almost impossibly

1 burdensome where the plaintiffs are incarcerated and it may become impossible if the plaintiffs can  
2 no longer verbally communicate with one another as a result of transfer to different prisons or even  
3 transfer to different yards within a single prison.<sup>1</sup> Indeed, only inmate Hamilton filed a request for  
4 joinder, and Plaintiff Porter did not sign the motion.

5  
6 Due to the significant and sometimes insurmountable complications which result from  
7 multiple incarcerated plaintiffs proceeding pro se in the same action and because none of the inmates  
8 may represent the others in the action, inmate Hamilton's motion to join as a co-plaintiff is  
9 HEREBY DENIED. *See Campbell v. Burt*, 141 F.3d 927, 931 (9th Cir. 1998) (affirming denial of  
10 joinder motion where proposed parties did not indicate a desire to join and the pro se litigant plaintiff  
11 could not represent their interests in court).

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13 The Clerk's Office is DIRECTED to serve a courtesy copy of this order on George Hamilton,  
14 CDCR # K-54885, at Kern Valley State Prison.

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16 IT IS SO ORDERED.

17 Dated: December 17, 2013

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Inmates may not correspond with each other inmates in the absence of written authorization from the warden. Cal. Code Regs. tit. 15 § 3139.