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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD M. GILMAN, et al.,

NO. CIV. S-05-830 LKK/GGH

Plaintiffs,

v.

O R D E R

J. DAVIS., et al.,

Defendants.

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The above captioned case is a class action concerning numerous constitutional challenges to California's parole system. The class is defined as California state prisoners who: (i) have been sentenced to a term that includes life; (ii) are serving sentences that include the possibility of parole; (iii) are eligible for parole; and (iv) have been denied parole on one or more occasions. Gilman v. Davis, No. Civ. S-05-0830 LKK GGH, 2009 U.S. Dist. LEXIS 21614 (E.D. Cal. Mar. 4, 2009), aff'd 2010 U.S. App. LEXIS 11319 (9th Cir. June 3, 2010). The plaintiff class is represented by counsel. Plaintiffs seek injunctive and declaratory relief.

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1           Currently before this court is a motion for permissive joinder  
2 filed by Russel A. Bowden, Edwin D. McMillan, Donnie Holland, Aaron  
3 Sprague, Henry Murray, Charles Wiseman, Abraham Glasper, Edward  
4 Jones, Richard Smith, Jesse Pena and Mark A. Ballou, prisoners  
5 proceeding pro se. In essence, these prisoners argue that they  
6 should be considered class members and request that this court  
7 extend its February 4, 2010 preliminary injunction to include them.  
8 They do not contend that they are not adequately represented in the  
9 Gilman class action.

10           This court has determined that permissive joinder is not  
11 warranted. In this court's experience, an action brought by  
12 multiple inmate plaintiffs proceeding pro se presents procedural  
13 problems that cause delay and confusion. Delay often arises from  
14 the frequent transfer of inmates to other facilities or  
15 institutions, the changes in address that occur when inmates are  
16 released to parole, and the difficulties faced by inmates who  
17 attempt to communicate with each other and with unincarcerated  
18 individuals. Further, there is no indication that class counsel is  
19 not adequately representing the interests of the class.

20           The court advises Mr. Bowden, Mr. McMillan, Mr. Holland, Mr.  
21 Sprague, Mr. Murray, Mr. Wiseman, Mr. Glasper, Mr. Jones, Mr.  
22 Smith, Mr. Pena and Mr. Ballou that if they are members of the  
23 Gilman class action for equitable relief from prison conditions  
24 that they may not maintain a separate, individual suit for  
25 equitable relief involving the same subject matter of the class  
26 action. See Crawford v. Bell, 599 F.2d 890, 892-93 (9th Cir. 1979);

1 see also McNeil v. Guthrie, 945 F.2d 1163, 1165 (10th Cir. 1991)  
2 ("Individual suits for injunctive and equitable relief from alleged  
3 unconstitutional prison conditions cannot be brought where there  
4 is an existing class action."); Gillespie v. Crawford, 858 F.2d  
5 1101, 1103 (5th Cir. 1988) (per curiam) ("To allow individual suits  
6 would interfere with the orderly administration of the class action  
7 and risk inconsistent adjudications.").


8 For the foregoing reasons, the court ORDERS as follows:

9 (1) The motion for permissive joinder, ECF No. 272, is  
10 DENIED.

11 (2) The Clerk of Court is instructed to serve a copy of this  
12 order upon Russel A. Bowden, Edwin D. McMillan, Donnie  
13 Holland, Aaron Sprague, Henry Murray, Charles Wiseman,  
14 Abraham Glasper, Edward Jones, Richard Smith, Jesse Pena  
15 and Mark A. Ballou, at the addresses listed in their  
16 motion.

17 IT IS SO ORDERED.

18 DATED: September 22, 2010.

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22 LAWRENCE K. KARLTON  
23 SENIOR JUDGE  
24 UNITED STATES DISTRICT COURT  
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