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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS R. AGUIRRE,

Plaintiff,

No. 2: 12-cv-2165 KJN P

vs.

COUNTY OF SACRAMENTO, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s August 20, 2012 motion for class certification.

Pro se prisoner plaintiffs may not bring class actions. The prerequisites to maintenance of a class action are that (1) the class is so numerous that joinder of all members is impracticable, (2) there are common questions of law and fact, (3) the representative party’s claims or defenses are typical of the class claims or defenses, and (4) the representative party will fairly and adequately protect the class interests. Fed.R.Civ.P. 23(a). It is well established that pro se prisoner plaintiffs are unable to fairly represent and adequately protect the interests of the class. See Oxendine v. Williams, 509 F.2d 1405, 1407 (4th Cir. 1975); Griffin v. Smith, 493 F.Supp. 129, 131 (W.D.N.Y. 1980). Therefore, this pro se action cannot proceed as a class

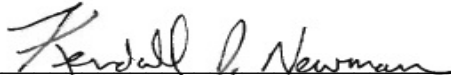
1 action.

2 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for class
3 certification (Dkt. No. 3) is denied.

4 DATED: October 16, 2012

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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