1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:18-cv-02171 AC VITALY V. KONONOV, et al., 12 Plaintiffs. 13 ORDER and v. 14 FINDINGS AND RECOMMENDATIONS SACRAMENTO COUNTY SHERIFF'S DEPARTMENT, et al., 15 Defendants. 16 17 Plaintiff Vitaly Kononov, proceeding pro se, has filed this putative civil rights class action 18 19 on behalf of himself and nineteen other plaintiffs, challenging conditions of confinement at the 20 Sacramento County Main Jail, where plaintiff was apparently previously incarcerated. 21 The instant complaint is comprised almost entirely of a copy of the complaint filed and 22 currently pending in Armani Lee et al. v. County of Sacramento, Case No. 2:18-cv-2081 TLN 23 KJN P (originally filed as Case No. 2:18-cv-1259). That case is a prisoner civil rights class action 24 filed, inter alia, by the Prison Law Office and Disability Rights California. The duplicative nature 25 of the present action requires its dismissal. If plaintiff seeks to be included as a member of the 26 class in Armani Lee, he should contact counsel of record for that plaintiff class. 27 Plaintiff is further informed that, because he proceeds pro se, he may only represent 28 himself. "Although a non-attorney may appear in propria persona in his own behalf, that 1

privilege is personal to him. He has no authority to appear as an attorney for others than himself." C.E. Pope Equity Trust v. U.S., 818 F.2d 696, 697 (9th Cir. 1987) (citations omitted); accord McShane v. United States, 366 F.2d 286, 288 (9th Cir. 1966). Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a district judge to this action. Further, IT IS HEREBY RECOMMENDED that: 1. This action be dismissed because duplicative of Armani Lee et al. v. County of Sacramento, Case No. 2:18-cv-2081 TLN KJN P; and 2. Plaintiff's motion to proceed in forma pauperis, ECF No. 2, be denied as moot. These findings and recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). DATED: October 12, 2018 auson Clane UNITED STATES MAGISTRATE JUDGE