

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00105-MEH

ANDREW LYNN JOHNSON,

Plaintiff,

v.

JOE PELLE,
REVADA FARNSWORTH, and
BRUCE HAAS,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on June 22, 2015.

Plaintiff's Motion for Class Certificate [sic] [filed June 22, 2015; docket #38] is **denied without prejudice**. Although not altogether clear, the Court liberally construes Plaintiff's motion as a request for class certification. First, Plaintiff's allegations in the operative pleading (docket #19) do not state, or even mention, any claims on behalf of a "class." Second, a prerequisite for class action certification is a finding by a court that the representative party can "fairly and adequately protect the interests of the class." Fed. R. Civ. P. 23(a)(4). The Tenth Circuit Court of Appeals has held that, while a *pro se* litigant may assert his own claims in federal court, his competence as a layperson is too limited to protect the rights of others. *See Fymbo v. State Farm Fire & Cas. Co.*, 213 F.3d 1320, 1321 (10th Cir. 2000).