

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MICHAEL L. GAMBUZZA,
CHRISTOPHER DRESCHER,
and All Others Similarly Situated,

Plaintiffs,

v.

Case No. 8:09-cv-1229-T-17TBM

LT. PARMENTER, et al.,

Defendants.

ORDER

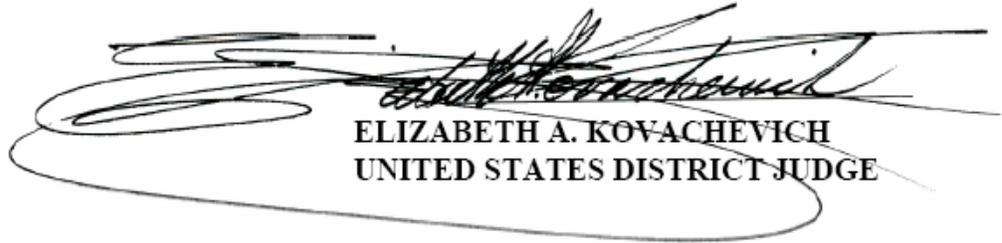
The Court has for its consideration the pro se prisoner Plaintiffs' amended civil rights complaint filed against Defendants pursuant to 42 U.S.C. § 1983. The Court has undertaken a preliminary screening of Plaintiffs' complaint in accord with 28 U.S.C. § 1915A. After doing so, the Court concludes that the complaint is due to be dismissed because Plaintiffs are purporting to bring a class action for themselves "and all others similarly situated."

It is plain error to permit an imprisoned litigant who is unassisted by counsel to represent his fellow inmates in a class action. Wallace v. Smith, 145 Fed. Appx. 300 (11th Cir. 2005)(quoting Oxendine v. Williams, 509 F.2d 1405, 1407 (4th Cir.1975). See also, Massimo v. Henderson, 468 F.2d 1209, 1210 (5th Cir.1972) (affirming dismissal of the portion of petitioner's complaint seeking relief on behalf of fellow inmates).

Accordingly, the Court orders:

That Plaintiffs' complaint is dismissed, without prejudice. The Clerk is directed to enter judgment against Plaintiffs, to terminate all pending motions, and to close this case.

ORDERED at Tampa, Florida, on July 31, 2009.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Michael L. Gambuzza and
Christopher Drescher