UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY CENTRAL DIVISION AT LEXINGTON

CEM F. YALKUT,)
Plaintiff,) Civil Action No. 5:12-00010-KKC
v.) OPINION AND OPDED
TRIM MASTERS SYNDICATE,	OPINION AND ORDER
Defendant.)
*:	* **** ***** ****

This matter is before the Court on the Plaintiff's Motion for Class Certification (DE 1). The Plaintiff is proceeding pro se. With this motion, he asks this Court to certify this matter as a class action under Federal Rule of Civil Procedure 23. The motion must be denied.

In order for this to be certified as a class action, the Court must find that the representative parties will fairly and adequately protect the interests of the class. Fed. R. Civ. P. 23(a)(4). This requires the Court to find that: 1) the representatives have common interests with the unnamed class members, and 2) that the representatives will vigorously prosecute the class action through qualified counsel. *Senter v. Gen. Motors Corp.*, 532 F.2d 511, 524-25 (6th Cir.1976). Thus, a plaintiff who seeks to prosecute an action pro se is never an adequate class representative. *See Ziegler v. State of Michigan*, 90 F. App'x 808, 810 (6th Cir. 2004) (citing *Flymbo v. State Farm Fire & Cas. Co.*, 213 F.3d 1320, 1321 (10th Cir. 2000)).

Further, Rule 23 requires the Court to appoint class counsel who will "fairly and adequately represent the interests of the class." Fed. R. Civ. P. 23 (g)(1)(B). The Court

cannot find that a pro se plaintiff can fairly and adequately represent the interests of the class.

For all these reasons, the Court hereby ORDERS as follows:

- 1) the Plaintiff's Motion for Class Certification (DE 1) is DENIED;
- 2) if the Plaintiff wishes to assert an individual action against the Defendant acting only on his own behalf, he SHALL FILE a Complaint that complies with the Federal Rules of Civil Procedure within 30 days of the entry date of this Order. Failure to do so will result in dismissal of this action.

Dated this 30th day of July, 2012.

Signed By:

Karen K. Caldwell 术化

United States District Judge