UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

JOHN DOE,

Plaintiff,

v.

JAMES COX, *et al.*,

Defendants.

Case No. 2:14-cv-2140-APG-GWF

ORDER (1) DENYING WITHOUT PREJUDICE MOTIONS TO CERTIFY CLASS AND (2) REFERRING THIS CASE TO THE PILOT PRO BONO PROGRAM

(Dkt. #28, 33)

Prior to his amended complaint being screened, plaintiff John Doe filed two motions to certify a class. It is unclear from his motions the exact contours of the class, although it appears to be HIV-positive inmates incarcerated by the Nevada Department of Corrections. It is also unclear which claims Doe seeks to assert on behalf of the class and which claims he asserts only on his own behalf. Doe also requests counsel to be appointed to represent himself and the class.

I deny Doe's motion for class certification because in addition to the defects identified above, Doe may proceed pro se but he may not represent a class in a class action because he has no authority to act as an attorney for others. *See C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987). I will not appoint an attorney under 28 U.S.C. §1915(e)(1) for the reasons stated in Magistrate Judge Foley's December 1, 2015 Order (Dkt. #39). However, I will refer this case to the Pilot Pro Bono Program.

IT IS THEREFORE ORDERED that John Doe's motions to certify class action **(Dkt. #28, #33) are DENIED**.

IT IS FURTHER ORDERED that this case is referred to the Pilot Pro Bono Program ("Program") adopted in General Order 2014-01 for the purpose of screening for financial eligibility (if necessary) and identifying counsel willing to be appointed as pro bono counsel for plaintiff John Doe. The scope of appointment shall be for all purposes through the conclusion of

trial. By referring this case to the Program, the court is not expressing an opinion as to the merits of the case.

IT IS FURTHER ORDERED that the Clerk shall also forward this order to the Pro Bono Liaison.

DATED this 14th day of March, 2016.

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE