

1
2
3
4
5
6
7
8
9

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ROBERT MCGUIRE,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, *et. al.*,

Defendants.

Case No. 3:23-CV-00165-ART-CLB

**ORDER DENYING MOTION
FOR CLASS CERTIFICATION AND
MOTION FOR APPOINTMENT OF
COUNSEL**

[ECF Nos. 12, 13]

10 Before the Court is Plaintiff Robert McGuire's ("McGuire") motion for class
11 certification, (ECF No. 12), and motion for appointment of counsel, (ECF No. 13). For
12 the reasons discussed below, the motions, (ECF Nos. 12, 13), are denied.

13 McGuire's motions ask that the Court reconsider a prior order denying class
14 certification and appoint counsel to represent the class. (ECF Nos. 12, 13.) Specifically,
15 McGuire requests class action certification for all inmates housed in Unit 5 A/B at ESP
16 in August 2020 and all inmates transferred from Unit 5 A/B to Unit 3 A/B at HDSP. As
17 the Court previously explained, *pro se* litigants have the right to plead and conduct their
18 own cases personally. See 28 U.S.C. § 1654. However, *pro se* litigants have no authority
19 to represent anyone other than themselves. See *Cato v. United States*, 70 F.3d 1103,
20 1105 n.1 (9th Cir. 1995); *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th
21 Cir. 1987). Thus, to pursue their claims, each plaintiff will need to initiate their own
22 lawsuits by filing individual applications to proceed *in forma pauperis* and individual
23 complaints with the Clerk of the Court.

24 McGuire has presented no evidence that other plaintiffs have initiated lawsuits
25 with the same allegations as the Court previously directed. Thus, McGuire's motion for
26 class certification is premature. Similarly, a request for class counsel is premature as
27 there is no class at this juncture.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, McGuire’s motions for class certification, (ECF No. 12), and for appointment of counsel, (ECF No. 13), are **DENIED**.

IT IS SO ORDERED.

DATED: February 6, 2024


UNITED STATES MAGISTRATE JUDGE