

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SYNTHIA CHINA BLAST,

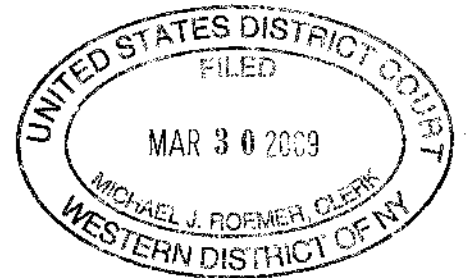
Plaintiff,

v.

BRIAN FISCHER, Commissioner, New York State Dept. of Corrections; MARK LEONARD, Director Of Ministerial and Family Services, New York State Dept. of Corrections; KAREN BELLAMY, Director, CORC; ROBERT KILPATRICK, Superintendent, Wende Correctional Facility; KAREN CROWLEY, Deputy Superintendent, Wende Correctional Facility; REV. D. SNYDER, Coordinating Chaplin, Wende Correctional Facility, "All Defendants being sued Under their individual, personal, and official capacity for injunctive relief and punitive and/or compensatory damages",

Defendants.

DECISION AND ORDER
07-CV-0567A



INTRODUCTION

Currently before the Court is a motion by *pro se* plaintiff Synthia China Blast for class certification. For the reasons stated below, plaintiff's motion is denied.

BACKGROUND

Plaintiff commenced this action on August 8, 2007, alleging a § 1983 civil rights action – including alleged violations of her First Amendment right to free exercise of religion, the Fourteenth Amendment right to equal protection, and the Religious Land Use Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc-1. Plaintiff seeks to

bring these claims on behalf of herself and the entire class of jailed Santeria¹ practitioners currently present in New York State Department of Correctional Services (“DOCS”) facilities. Plaintiff – an inmate at the Wende Correctional facility in Alden, NY² - alleges that DOCS has illegally interfered with the rights of all inmates who wish to practice Santeria. More specifically, plaintiff argues that DOCS Directive # 4202 (Religious Services & Practices) and Directive # 4911(J) (Religious Items Allowed) are being selectively applied to prohibit non-mainstream religious practitioners from being able to obtain and use various religious items without any true justification.³

On November 15, 2007, plaintiff filed a motion for appointed counsel. Dkt. #12. Plaintiff’s motion for appointed counsel was denied by the Hon. Kenneth Schroeder, Jr. on May 1st, 2008. Dkt. #55. On February 12, 2008, plaintiff filed a motion requesting class certification on behalf of all Santeria practitioners currently placed in DOCS facilities. Dkt. #40. In support of that motion, plaintiff states that she believes there are at least 253 practitioners of Santeria placed within DOCS facilities that are being deprived of the right to freely practice their religion.

DISCUSSION

The Court finds that plaintiff’s motion for class certification should be denied. It is well established law that class action suits cannot be maintained by *pro se* litigants. See

¹ Santeria is a Cuban-based religion that is a fusion of the Western African Yoruba Religion and Iberian Catholicism. The religion is practiced by a small number of individuals within the United States located primarily in New York, South Carolina, and Florida.

<http://religiousmovements.lib.virginia.edu/nrms/santeria.html>.

² Wende Correctional Facility is an all male prison. Plaintiff Blast is a male in the process of becoming trans-gendered and requests that all references to her be in the form of a female pro-noun.

³ DOCS Directive 4202(L)-(N) describes the various religious items allowed to be possessed and used by inmates for religious purposes. DOCS Directive 4911 explains the requirements and procedures for any item – including religious – that is brought into, or sent to, a DOCS facility.

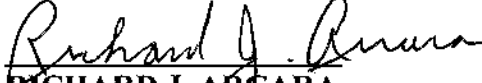
Iannacone v. Law, 142 F.3d 533, 558 (2d Cir. 1998) (citing Pridgen v. Andersen, 113 F.3d 391, 393 (2d Cir. 1997)). *Pro se* litigants do not possess the legal knowledge or understanding to advance a lawsuit as complicated as a class action suit. Further, plaintiff's argument on behalf of appointing counsel to represent this class is unnecessary, as plaintiff was already denied the right to appointed counsel. Dkt. #55. Therefore, plaintiff's motion for class certification is denied.

CONCLUSION

Plaintiff's motion for class certification is denied. As the plaintiff is advancing her claim *pro se*, she cannot bring this claim on behalf of a class.

SO ORDERED.

DATED: Buffalo, New York
March 20, 2009


RICHARD J. ARCARA
United States District Court Judge