IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

MURTAZA ALI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
IMMIGRATION AND CUSTOMS ENFORCEMENT, et al.,	)	
	)	
	)	
Defendants.	)	Civil Action No. 1:16-CV-037-C

ORDER

In the Findings, Conclusions and Recommendation filed February 2, 2017, the Magistrate Judge recommended that the Court deny the motion to certify a class under Federal Rule of Civil Procedure 23. Plaintiff filed his objections to the Report and Recommendation on February 14, 2017.

The Court has reviewed the Report and Recommendation, along with Plaintiff's Objections. After considering the arguments raised in the Objections and reviewing the arguments raised in Plaintiff's Motion, the Court finds that the Objections should be OVERRULED. As already noted in a prior order of the Magistrate Judge in this case, a pro se plaintiff in a civil action is not entitled to appointment of counsel. Moreover, as found by the Magistrate Judge in the Report and Recommendation, Plaintiff has failed to meet the four prerequisites of Rule 23 to obtain class certification. Specifically, a pro se plaintiff is not an adequate class representative—the law is settled on this point. Moreover, the Court does not believe that Plaintiff has satisfied his burden of showing that the other Rule 23 requirements are

met. Finally, as noted by not only the Magistrate Judge but also the Plaintiff himself, the Court may exercise its discretion in whether or not it will grant class certification. The Court finds that the findings and conclusions of the Magistrate Judge are correct and adopts them as the findings and conclusions of the Court. The Court will not certify Plaintiff's putative class under Rule 23.

Accordingly, the Motion to Certify Class under Federal Rule of Civil Procedure 23 is **DENIED**.

The above-styled and -numbered civil action is returned to the docket of the Honorable E. Scott Frost, United States Magistrate Judge, for case management and all further proceedings consistent with Second Amended Special Order No. 3-301.

SO ORDERED this 3rd day of March, 2017.

SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE