

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>RODNEY SNEED, #39033,</b>	)	
<b>KENNETH KEITH, #037204, and</b>	)	
<b>TARRENCE GREEN, #033584,</b>	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>3:08-CV-2273-G</b>
	)	
<b>SHERIFF LESLEY COTTON, et al.,</b>	)	
<b>Defendants.</b>	)	

**FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the provisions of 28 U.S.C. § 636(b), and an order of the District Court in implementation thereof, this case has been referred to the United States Magistrate Judge. The findings, conclusions and recommendation of the Magistrate Judge are as follows:

**FINDINGS AND CONCLUSIONS:**

On December 24, 2008, Rodney Sneed, Kenneth Keith, and Tarrence Green, inmates at the Navarro County Justice Center, filed a complaint alleging civil rights claims stemming from their pretrial confinement and inability to post bond in their criminal cases. They request release from confinement and compensation for civil rights violations. While the caption of the complaint identifies Sneed as the sole plaintiff, the complaint form lists two additional plaintiffs on page two, and includes the signature of all three on page four.

Along with the complaint, they submitted an unsigned motion to proceed *in forma pauperis*. While the caption of the motion again identifies Sneed as the sole plaintiff, the

Navarro County Justice Center submitted copies of inmate trust account print-outs for Sneed and for Keith, but not for Green.

Although the claims of each inmate are brought in a single complaint, the court finds that each individual should be required to file his own civil action asserting his individual claims. Separate cases are proper because of the need for each individual plaintiff to represent himself with regard to the claims alleged in this case, the need for each plaintiff to sign the pleadings, and the likelihood that the factual grounds for each inmate's claims may differ. *See Beaird, et al., v. Lappin, et al.*, No. 3:06-CV-967-L, (N.D. Tex. July 24, 2006)(dismissing multiple prisoner complaint without prejudice and directing clerk to open a new civil action on behalf of each Plaintiff named in the complaint) (citations omitted).<sup>1</sup>

Additionally, prisoners who file a complaint jointly, must each pay the full filing fee. *See Beaird*, No. 3:06-CV-967-L at 6 (citing *Bouribone v. Berge*, 391 F.3d 852, 854-56 (7th Cir. 2004), and *Hubbard v. Haley*, 262 F.3d 1194, 1196 (11th Cir. 2001)). Pursuant to the Prison Litigation Reform Act of 1995 ("PLRA"), even where a prisoner is granted leave to proceed in forma pauperis, he must pay the full filing fee. *See* 28 U.S.C. § 1915(b).<sup>2</sup>

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<sup>1</sup> In *Beaird*, the court noted a split in the Circuits as to whether it is permissible for prisoner-plaintiffs to proceed jointly in one action, or whether each plaintiff must file a separate action. *Compare Hubbard v. Haley*, 262 F.3d 1194 (11th Cir. 2001) (finding each prisoner must bring separate suits), *with Bouribone v. Berge*, 391 F.3d 852 (7th Cir. 2004) (finding multiple prisoner-plaintiffs may proceed together). The court determined the proper procedure was to require the prisoner-plaintiffs to file separate actions.

<sup>2</sup> A filing fee of \$350.00 applies to civil actions under 28 U.S.C. § 1914(a).

RECOMMENDATION:


For the foregoing reasons, it is recommended that Rodney Sneed be GRANTED leave to proceed *in forma pauperis* as the sole Plaintiff in this action unless within 15 days, of the date of this recommendation, he informs the court in writing that he wishes to voluntarily dismiss this case without incurring a filing fee obligation. *See Note 2, supra.*

It is further recommended that, insofar as the complaint includes Kenneth Keith and Tarrence Green as Plaintiffs, that their claims be DISMISSED, but without prejudice to each individual's right to file a new complaint in his own behalf on the appropriate form for filing a 42 U.S.C. § 1983 action accompanied by a properly executed request to proceed *in forma pauperis*.

The Clerk will MAIL copies of this recommendation to Sneed, to Green and to Keith at the Navarro County Jail. The Clerk shall also MAIL to Green and to Keith the requisite forms for filing a civil rights complaint and for requesting leave to proceed *in forma pauperis*.

The referral of this case for pretrial management will continue.

Signed this 8<sup>th</sup> day of January, 2009.

  
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WM. F. SANDERSON, JR.  
UNITED STATES MAGISTRATE JUDGE

NOTICE

In the event that you wish to object to this recommendation, you are hereby notified that you must file your written objections within ten days after being served with a copy of this recommendation. Pursuant to *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*), a party's failure to file written objections to these proposed findings of fact and

conclusions of law within such ten-day period may bar a *de novo* determination by the district judge of any finding of fact or conclusion of law and shall bar such party, except upon grounds of plain error, from attacking on appeal the unobjected to proposed findings of fact and conclusions of law accepted by the district court.