

United States District Court
Southern District of Texas

ENTERED

February 21, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MARANDA LYNN O'DONNELL, *et al.*,
On behalf of themselves and all others
similarly situated,

Plaintiffs,

VS.

HARRIS COUNTY, TEXAS, *et al.*,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. H-16-1414

ORDER DENYING DEVIN COLE'S MOTION

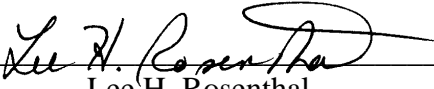
Devin Paul Cole filed a motion seeking: (1) to be added to the consolidated class of plaintiffs; (2) a hearing and briefing so that the plaintiffs' counsel can advise the plaintiffs of their federal due-process and equal-protection rights to sue the defendants for money damages; (3) \$100,000 in damages each for Miranda Lynn O'Donnell, Loetha Shanta McGruder, Robert Ryan Ford, and himself; (4) leave to amend the class-action complaint; and (5) judgment in favor of the plaintiffs after they amend the complaint. (Docket Entry No. 382). Mr. Cole states that he refuses to consent or agree to a settlement awarding less than \$100,000 for each plaintiff. *Id.* at 4.

Mr. Cole's request is precluded on several grounds. First, he is not a member of the class of misdemeanor arrestees on whose behalf this case is being litigated. He is currently in the Mark W. Stiles Unit in Jefferson County, Texas, after being held in Harris County jail. (*Id.* at 7; Docket Entry No. 297-1). He appears to have been convicted on his felony aggravated assault charge. (Docket Entry No. 382 at 7; Docket Entry No. 297-1). Second, to the extent that, during the pendency of this class action, Mr. Cole is arrested and held on misdemeanor charges in Harris County, his interests are adequately represented by able class counsel. Finally, Mr. Cole's motion seeks considerable changes in the scope of and grounds for relief, after lengthy and vigorous

motions, briefs, evidence, and arguments have resulted in trial and appellate court rulings defining both. His motion lacks any basis in the record or in the law.

Mr. Cole's motion, (Docket Entry No. 382), is denied.

SIGNED on February 21, 2018, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge