

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, HAMMOND DIVISION

Joshua Allen VanKirk et al. v. Lake County Sheriff's Office et al.

VanKirk · No. 2:26-CV-120-PPS-JEM · Decided May 18, 2026

SUMMARY

The court declined to proceed with the prisoners’ proposed class action because pro se prisoners cannot adequately represent a class. It also determined that permissive joinder was inappropriate due to issues involving representation, service, exhaustion, filing fees, and potential delays. The court dismissed seven plaintiffs from the action and directed the clerk to open separate related cases for each of them.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, Hammond Division
WRITING FOR THE COURT	Philip P. Simon
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	May 18, 2026
DOCKET	2:26-CV-120-PPS-JEM
DISPOSITION	other
PROCEDURAL POSTURE	Eight unrepresented prisoners filed a pleading titled Class Action Complaint for Violation of Civil Rights and each moved to proceed in forma pauperis. The district court declined to allow the case to proceed as a class action or as a jointly filed action under Federal Rule of Civil Procedure 20(a)(1), dismissed seven named plaintiffs from the action, and directed the clerk to open a separate case for each of those plaintiffs.
STANDARD OF REVIEW	The opinion does not state a formal standard of review. It applies the court's discretion under Federal Rule of Civil Procedure 20 and Rule 21 to determine whether joinder is appropriate and whether a party should be dropped on just terms.
PRECEDENTIAL VALUE	unpublished district court opinion; precedential status not designated in the source

PARTIES

Joshua Allen VanKirk, Jerod Leon Hargrove, Lamont Pariel
Wilkerson, Edward Trzasa, Terrell Hampton, Matthew Midkiff, Darion
Caldwell, Shamarian Unbare Scott Haywood v. Lake County Sheriff's
Office, Oscar Martinez, Jr., Manchaga, Christopher Anderson, Jarrett

TOPICS

joinder class actions civil procedure prisoners rights section 1983

PRACTICE AREAS

civil procedure civil rights prisoner litigation class actions

QUESTIONS PRESENTED

1. Whether unrepresented prisoners may maintain a class action on behalf of fellow inmates.
2. Whether the eight prisoners could proceed jointly under Federal Rule of Civil Procedure 20(a)(1).
3. Whether the court could dismiss seven plaintiffs from the action and direct the clerk to open separate cases for them under Federal Rule of Civil Procedure 21.

HOLDINGS

1. A pro se prisoner is inadequate to represent the interests of fellow inmates, so the plaintiffs could not proceed as a class action.
2. The complaint could be construed as a jointly filed action under Rule 20(a)(1), but joinder of these unrepresented inmates was not appropriate.
3. Under Federal Rule of Civil Procedure 21, the court could dismiss seven plaintiffs from the action and direct the clerk to open a separate case for each of them because all had signed the original complaint.

KEY QUOTATIONS

"A class action can be maintained only if the class representative will fairly and adequately protect the interests of the class."

"Because Plaintiffs cannot bring this lawsuit as a class action, the Court construes the complaint as filed jointly pursuant to Federal Rule of Civil Procedure 20(a)(1)."

"Based on the facts of this case, joinder of these unrepresented inmates is not appropriate."

"In this case, it is fair to open a separate case for each plaintiff because they all signed the original complaint."

"separating these pro se prisoners into individual cases will merely permit the efficient and just adjudication of their claims."

FACTUAL BACKGROUND

Eight unrepresented prisoners housed at the Lake County Jail signed and filed one civil-rights pleading styled as a class action complaint. None of the plaintiffs was a lawyer, at least one plaintiff had already been transferred three times, and one plaintiff had filed two documents without certificates of service showing service on the other plaintiffs. The court also relied on the individualized exhaustion and filing-fee obligations applicable to each prisoner.

PROCEDURAL HISTORY

The plaintiffs, all prisoners at the Lake County Jail, filed a single civil-rights complaint purporting to be a class action. The court determined that pro se prisoners could not adequately represent a class and construed the pleading as a joint action. It then concluded that permissive joinder was inappropriate because of representation, service, security, exhaustion, filing-fee, and case-management concerns, and ordered separate cases for seven plaintiffs while dismissing them from the present action.

DISPOSITION

other

CASES CITED

- Boyce v. Cox, 170 F.4th 613, 618 (7th Cir. 2026)
- Craig v. Cohn, 80 F. Supp. 2d 944, 946 (N.D. Ind. 2000)
- Boriboune v. Berge, 391 F.3d 852, 855 (7th Cir. 2004)
- Chavez v. Ill. State Police, 251 F.3d 612, 632 (7th Cir. 2001)
- Cline v. LaPorte Cnty. Cmty. Corr., No. 3:20-CV-422-DRL-MGG, 2020 WL 3100432, at *1 (N.D. Ind. June 11, 2020)
- Hunter v. Allen Cnty. Jail, No. 1:20-CV-412-WCL-SLC, 2020 WL 6874210, at *1-*2 (N.D. Ind. Nov. 23, 2020)
- Koger v. Bryan, 523 F.3d 789, 800 (7th Cir. 2008)
- Martin v. United States, 96 F.3d 853, 856 (7th Cir. 1996)
- Wheeler v. Wexford Health Sources, Inc., 689 F.3d 680, 683 (7th Cir. 2012)
- Wasko v. Allen Cnty. Jail, No. 1:06-CV-085 TLS, 2006 WL 978956, at *2 (N.D. Ind. Apr. 12, 2006)