

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jeff Kile v. J. Doerer

No. 1:24-cv-01177-KES-SAB (PC) · No. No. 1:24-cv-01177-KES-SAB (PC) · Decided February 25, 2025

SUMMARY

The United States Magistrate Judge recommends denying Plaintiff Jeff Kile’s motion for class certification in a pro se civil rights action. The recommendation concludes that an incarcerated, non-lawyer proceeding without counsel cannot fairly and adequately represent a class under Federal Rule of Civil Procedure 23(a)(4), and also notes that the motion does not provide enough information to assess permissive joinder under Rule 20.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 25, 2025
DOCKET	No. 1:24-cv-01177-KES-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se and in forma pauperis in a civil-rights action, moved for class certification. The magistrate judge issued findings and a recommendation that the motion be denied, subject to review by the assigned district judge.
STANDARD OF REVIEW	Class certification is governed by the prerequisites in Federal Rule of Civil Procedure 23(a), including whether the representative will fairly and adequately protect the interests of the class.
PRECEDENTIAL VALUE	nonprecedential findings and recommendation; final status unknown

TOPICS

- class actions
- civil procedure
- joinder
- prisoners rights
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights
- class actions
- prisoners rights

QUESTIONS PRESENTED

1. Whether Plaintiff, an incarcerated nonlawyer proceeding pro se, could satisfy Federal Rule of Civil Procedure 23(a)(4)'s requirement that a class representative fairly and adequately protect the interests of the class.
2. Whether Plaintiff's motion for class certification should be denied.

HOLDINGS

1. An incarcerated nonlawyer proceeding pro se cannot fairly and adequately protect the interests of a putative class under Federal Rule of Civil Procedure 23(a)(4), and therefore cannot serve as the class representative in this action.
2. Plaintiff's motion for class certification should be denied because he cannot satisfy Rule 23(a)(4)'s adequacy-of-representation requirement.

KEY QUOTATIONS

“This rule becomes almost absolute when, as here, the putative class representative is incarcerated and proceeding pro se.” (at 1)

“Accordingly, Plaintiff simply cannot “fairly and adequately protect the interests of the class,” as required by Rule 23(a)(4) of the Federal Rules of Civil Procedure.” (at 1)

“Based on the foregoing, it is HEREBY RECOMMENDED that Plaintiff’s motion for class certification be DENIED.” (at 2)

FACTUAL BACKGROUND

Plaintiff was incarcerated and proceeding without counsel in a civil-rights action. He sought to represent a class based on his assertion that at least 27 plaintiffs had filed substantially similar claims and that the class would encompass approximately 1,000 people. The court focused on Plaintiff's inability, as a nonlawyer proceeding pro se, to fairly and adequately protect the interests of absent class members.

PROCEDURAL HISTORY

Jeff Kile filed a civil-rights action against J. Doerer and moved for class certification on February 20, 2025, asserting that at least 27 plaintiffs had filed substantially similar claims and that the proposed class included approximately 1,000 people. The magistrate judge recommended denial because a nonlawyer proceeding pro se, particularly an incarcerated pro se litigant, cannot fairly and adequately represent a class under Federal Rule of Civil Procedure 23(a)(4).

DISPOSITION

other

CASES CITED

- *McShane v. United States*, 366 F.2d 286 (9th Cir. 1966)
- *Oxendine v. Williams*, 509 F.2d 1405, 1407 (4th Cir. 1975)
- *Martin v. Middendorf*, 420 F. Supp. 779 (D.D.C. 1976)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014)
- *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)
- *Visendi v. Bank of America, N.A.*, 733 F.3d 863, 870 (9th Cir. 2013)
- *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1296 (9th Cir. 2000)
- *Desert Empire Bank v. Ins. Co. of N. Am.*, 623 F.2d 1371, 1375 (9th Cir. 1980)

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