

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Titorian Moore, Sr., et al. v. Sheriff David Davis, et al.

Moore v. Davis · No. 5:25-cv-493-TES-CHW · Decided December 16, 2025

SUMMARY

The United States District Court for the Middle District of Georgia dismisses without prejudice a pro se, multi-plaintiff § 1983 complaint concerning the handling of incarcerated plaintiffs’ legal mail. The court holds that incarcerated plaintiffs may not join in a single in forma pauperis action under the Prison Litigation Reform Act and that pro se plaintiffs may not pursue class-action claims or represent other prisoners. Each plaintiff may file a separate complaint and must separately pay the filing fee or submit a proper in forma pauperis application.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	Tilman E. Self, III
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	December 16, 2025
DOCKET	5:25-cv-493-TES-CHW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Three incarcerated pro se plaintiffs filed a joint 42 U.S.C. § 1983 complaint concerning the handling of their legal mail and sought to proceed in forma pauperis. The court addressed whether the plaintiffs could proceed jointly under the Prison Litigation Reform Act and whether any plaintiff could assert claims on behalf of other prisoners or maintain a class action.
PRECEDENTIAL VALUE	district court order; precedential status not stated

TOPICS

- joinder
- class actions
- section 1983
- prisoners rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether multiple incarcerated plaintiffs may join as plaintiffs in one in forma pauperis action and pay only one filing fee under the Prison Litigation Reform Act.
2. Whether a pro se incarcerated plaintiff may assert claims on behalf of other plaintiffs or maintain a class action under 42 U.S.C. § 1983 without counsel.
3. Whether the joint complaint should be dismissed without prejudice and the motion to proceed in forma pauperis denied as moot.

HOLDINGS

1. Incarcerated plaintiffs proceeding in forma pauperis may not join together in a single action and pay only one filing fee; each prisoner must file a separate lawsuit and pay the full filing fee or separately satisfy the requirements for proceeding in forma pauperis.
2. A pro se incarcerated plaintiff may not represent other prisoners in a class action or seek relief on behalf of other plaintiffs because an unrepresented litigant cannot adequately represent the interests of others.
3. The joint complaint must be dismissed without prejudice, and the pending motion for leave to proceed in forma pauperis must be denied as moot.

KEY QUOTATIONS

“Plaintiffs are thus not permitted to join together to proceed in forma pauperis in this action.”

“Each Plaintiff may file a separate complaint, in which he asserts only claims personal to him, if he so chooses.”

FACTUAL BACKGROUND

Titorian Moore, Sr., Keith V. Jackson, and Willie Bigby were incarcerated at the Bibb County Law Enforcement Center. They jointly alleged that officials mishandled their legal mail and sought relief under 42 U.S.C. § 1983. They also indicated that multiple pretrial detainees experienced similar issues and suggested proceeding as a class action.

PROCEDURAL HISTORY

Plaintiffs filed a joint complaint and a motion for leave to proceed in forma pauperis. The district court dismissed the complaint without prejudice because the plaintiffs could not join together while paying only one filing fee and could not pursue claims on behalf of one another or as a pro se class action. The court denied the in forma pauperis motion as moot and directed the Clerk to provide each plaintiff with separate complaint and in forma pauperis forms.

DISPOSITION

dismissed

CASES CITED

- Hubbard v. Haley, 262 F.3d 1194, 1197-98 (11th Cir. 2001)
- Wallace v. Smith, 145 F. App'x 300, 302 (11th Cir. 2005) (per curiam)
- Ferentinos v. Kissimmee Utility Authority, 604 F. App'x 808, 809 (11th Cir. 2015) (per curiam)
- Massimo v. Henderson, 468 F.2d 1209, 1210 (5th Cir. 1972) (per curiam)
- Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION TITORIAN MOORE, SR, et al.,: Plaintiffs,: v.: Case No. 5:25-cv-493-TES-
CHW SHERIFF DAVID DAVIS, et al.,: Defendants.: _____

ORDER Plaintiffs Titorian Moore, Sr., Keith V. Jackson, and Willie Bigby have filed a pro se Complaint seeking relief pursuant to 42 U.S.C. § 1983 (ECF No. 1).

Plaintiff Moore has also filed a motion for leave to proceed in forma pauperis that explains that he is indigent, although all Plaintiffs appear to have signed this document. ECF No. 2 at 4. Each of the Plaintiffs is incarcerated in the Bibb County Law Enforcement Center. Plaintiffs raise claims concerning the handling of their legal mail at that facility. See, e.g., ECF No. 1 at 14-15.

The Prison Litigation Reform Act of 1995 (the “PLRA”) requires that a prisoner bringing a civil action in forma pauperis be responsible for paying this Court’s filing fee. 28 U.S.C. § 1915(b).1 The Eleventh Circuit Court of Appeals has held that prisoners proceeding in forma pauperis are not allowed to join together as plaintiffs in a single lawsuit and pay only a single filing fee.

Instead, each prisoner must file his own lawsuit and pay the full filing fee. Hubbard v. Haley, 262 F.3d 1194, 1198 (11th Cir. 2001) (affirming district court’s dismissal of multi-plaintiff action under the PLRA and approving its finding “that each plaintiff had to file a separate complaint and pay a separate filing fee”).

As the Eleventh Circuit in Hubbard noted, requiring each plaintiff to pay the full filing fee is consistent with Congress’s purpose of imposing costs on prisoners to deter frivolous suits. Id. at 1197-98. Plaintiffs are thus not permitted to join together to proceed in forma pauperis in this action. Plaintiffs also suggest they would like to bring this case as “a class action suit” since “multiple pretrial detainees are experiencing the same issues.” ECF No. 1 at 9.

But none of the individual pro se Plaintiffs may bring a claim as a class action on behalf of any of the other Plaintiffs. See e.g., Wallace v. Smith, 145 F. App’x 300, 302 (11th Cir. 2005) (per curiam) (rejecting claim that “pro se in forma pauperis litigant may bring a class action § 1983

complaint” because it would be “plain error to permit [an] imprisoned litigant who is unassisted by counsel to represent his fellow inmates in a class action” (quoting 1 A “prisoner” is defined as “any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.” 28 U.S.C. § 1915(h).

Oxendine v. Williams, 509 F.2d 1405, 1407 (4th Cir. 1975)); see also *Ferentinos v. Kissimmee Util. Auth.*, 604 F. App’x 808, 809 (11th Cir. 2015) (per curiam) (affirming dismissal where pro se litigant repeatedly ignored court’s warning that class-action claims required counsel). This same general principle also prevents any pro se Plaintiff in this case from seeking relief on behalf of any other Plaintiff in this action.

See *Massimo v. Henderson*, 468 F.2d 1209, 1210 (5th Cir. 1972) (per curiam) (affirming dismissal of the portion of prisoner’s complaint that sought relief on behalf of prisoner’s fellow inmates).² For these reasons—and because it does not appear Plaintiffs’ claims would be barred by the applicable statute of limitations if they are required to refile them—the Complaint is **DISMISSED WITHOUT PREJUDICE** and the pending motion for leave to proceed in forma pauperis (ECF No. 2) is **DENIED** as moot.

Each Plaintiff may file a separate complaint, in which he asserts only claims personal to him, if he so chooses. Each Plaintiff should also either pay the filing fee or submit a proper motion to proceed in forma pauperis, which must include a certified copy of the Plaintiff’s prison trust fund account statement if the Plaintiff is currently incarcerated.

The Clerk is **DIRECTED** to mail each Plaintiff a copy of the appropriate complaint and in forma pauperis forms that he should use if he decides to file his own lawsuit. ² In *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to close of business on September 30, 1981.

SO ORDERED, this 16th day of December, 2025. S/ Tilman E. Self, III **TILMAN E. SELF, III**
UNITED STATES DISTRICT JUDGE