

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

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

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

SUMMARY

The court declines to permit eight unrepresented prisoners to proceed as a class or jointly under Federal Rule of Civil Procedure 20. It dismisses seven plaintiffs from the action and directs the clerk to open separate related cases for each of them, allowing individualized consideration of filing fees, exhaustion, service, and screening requirements. The order preserves the possibility of future consolidation under Rule 42(a).

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, Hammond Division
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 motions to proceed in forma pauperis. The court declined to permit the action to proceed as a class action or as a joint action under Federal Rule of Civil Procedure 20, dismissed the claims of seven plaintiffs from the consolidated case, and directed the clerk to open a separate case for each dismissed plaintiff.

STANDARD OF REVIEW	The court applied the requirements for class representation and permissive joinder, together with the district court's discretion to deny joinder when it would conflict with fundamental fairness or create prejudice, expense, or delay. It also applied the statutory requirements governing prisoner exhaustion, filing fees, and screening.
PRECEDENTIAL VALUE	Unpublished district-court opinion; generally nonprecedential outside the case, subject to applicable rules governing citation and persuasive authority.
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

class actions joinder prisoners rights section 1983 civil procedure

PRACTICE AREAS

Civil rights Prisoner litigation Federal civil procedure

QUESTIONS PRESENTED

1. Whether the eight pro se prisoners could maintain the lawsuit as a class action.
2. Whether the prisoners could proceed jointly under Federal Rule of Civil Procedure 20(a)(1).
3. Whether the court should sever the plaintiffs into separate cases before screening and assessing filing fees.

HOLDINGS

1. The plaintiffs could not proceed as a class action because pro se prisoners who are not lawyers are inadequate representatives of other inmates and may not represent those inmates.
2. Permissive joinder of the eight unrepresented prisoners was inappropriate because the individualized requirements of representation, service, exhaustion, filing fees, and screening would create prejudice, expense, delay, and administrative complications.
3. The court could dismiss seven plaintiffs from the existing action and direct the clerk to open a separate related case for each of them because all seven had signed the original complaint.

KEY QUOTATIONS

"This case cannot proceed as a class action because a pro se prisoner is inadequate to represent the interests of his fellow inmates."

"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.”

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

FACTUAL BACKGROUND

Eight unrepresented prisoners at the Lake County Jail filed a pleading labeled as a class action. The plaintiffs were not lawyers, one plaintiff had already been transferred three times, and at least one plaintiff had filed documents without certificates of service to the other plaintiffs. Each plaintiff also sought in forma pauperis status, triggering individualized filing-fee assessments and exhaustion inquiries.

PROCEDURAL HISTORY

Plaintiffs filed a joint pleading alleging civil-rights violations. Before screening under 28 U.S.C. § 1915A, the court determined that the pro se prisoners could not adequately represent a class and that permissive joinder would create administrative, service, exhaustion, filing-fee, and delay problems. Because all plaintiffs had signed the complaint, the court directed that separate cases be opened for the seven plaintiffs other than VanKirk, with the original complaint and order transferred into each related case.

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)

OPINION

VanKirk

PER CURIAM.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION
JOSHUA ALLEN VanKIRK, JEROD
LEON HARGROVE, LAMONT PARIEL
WILKERSON, EDWARD TRZASA,
TERRELL HAMPTON, MATTHEW
MIDKIFF, DARION CALDWELL, and
SHAMARIAN UNBARE SCOTT
HAYWOOD,

Plaintiffs,

v. CAUSE NO. 2:26-CV-120-PPS-JEM
LAKE COUNTY SHERIFF'S OFFICE,
OSCAR MARTINEZ, JR., MANCHAGA,
CHRISTOPHER ANDERSON, and
JARRETT,

Defendants.

OPINION AND ORDER

Joshua Allen VanKirk, Jerod Leon Hargrove, Lamont Paniel Wilkerson, Edward Trzasa, Terrell Hampton, Matthew Midkiff, Darion Caldwell, and Shamarian Unbare Scott Haywood, eight unrepresented prisoners at the Lake County Jail, signed and filed a pleading titled Class Action Complaint for Violation of Civil Rights. ECF 1. “A class action can be maintained only if the class representative will fairly and adequately protect the interests of the class.” *Boyce v. Cox*, 170 F.4th 613, 618 (7th Cir. 2026) (cleaned up). This case cannot proceed as a class action because a pro se prisoner is inadequate to represent the interests of his fellow inmates. *Craig v. Cohn*, 80 F. Supp. 2d 944, 946 (N.D. Ind. 2000). 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). A complaint filed by multiple prisoners can proceed if the criteria of permissive joinder are satisfied. *Boriboune v. Berge*, 391 F.3d 852, 855 (7th Cir. 2004). In addition to the requirements listed in Rule 20, the Seventh Circuit recognizes that a district court has discretion to consider additional “relevant factors in a case in order to determine whether the permissive joinder of a party will comport with the principles of fundamental fairness” and not “create prejudice, expense or delay.” *Chavez v. Ill. State Police*, 251 F.3d 612, 632 (7th Cir. 2001). Based on the facts of this case, joinder of these unrepresented inmates is not appropriate. None of the plaintiffs are lawyers, so none of them may represent any of the others. Accordingly, each plaintiff must read and sign every filing. *Cline v. LaPorte Cnty. Cmty. Corr.*, No. 3:20-CV-422-DRL-MGG, 2020 WL 3100432, at *1 (N.D. Ind. June 11, 2020). “[I]nmates are constantly being released from custody, transferred to another facility, and relocated within a facility. Once convicted, an inmate can be

relocated at any time without notice.” *Hunter v. Allen Cnty. Jail*, No. 1:20-CV-412-WCL-SLC, 2020 WL 6874210, at *1 (N.D. Ind. Nov. 23, 2020). As the case proceeds, it may be impossible for plaintiffs to obtain each other’s signatures if they are not housed together. Indeed, one of the plaintiffs has already been transferred three times. ECF 3, 4, 7. Furthermore, Federal Rule of Civil Procedure 5(a) requires all filings be served on every other party, including any plaintiff who did not sign it. This would impose an additional cost on the plaintiffs. Institutional rules prohibit inmates from corresponding within and between facilities for security reasons. See *Koger v. Bryan*, 523 F.3d 789, 800 (7th Cir. 2008) (“Concerns of security are to be given ‘particular sensitivity.’”). If a plaintiff does not comply with Rule 5, he is not only in violation of the Federal Rules, but the other plaintiffs are also left ignorant of the activity in the case. *Cline*, 2020 WL 3100432, at *1 (N.D. Ind. June 11, 2020). One of the plaintiffs has already submitted two filings without a certificate of service indicating that a copy was sent to the other seven plaintiffs. ECF 3 and 4. Additionally, exhaustion of administrative remedies is required by 42 U.S.C. § 1997e(a). Each inmate must separately exhaust all the claims he is bringing. Even if they have similar claims, the exhaustion question must be individually adjudicated. Doing so in the same lawsuit could result in separate scheduling deadlines and unnecessary delays. *Hunter*, 2020 WL 6874210, at *2. Each plaintiff signed a motion asking to proceed in forma pauperis. ECF 2. However, they are each individually required to pay the full filing fee without regard to how much any of the other inmate plaintiffs may have paid. See *Boriboune v. Berge*, 391 F.3d 852, 855 (7th Cir. 2004). Under 28 U.S.C. § 1915, each of them must be assessed an initial partial filing fee based on their individual inmate trust accounts (assuming one or more is not barred from proceeding in forma pauperis by 28 U.S.C. § 1915(g)), and those initial partial filing fees must be paid before the case can be screened under 28 U.S.C. § 1915A. See *Martin v. United States*, 96 F.3d 853, 856 (7th Cir. 1996) (“Congress wanted to relieve the pressures on the federal courts of frivolous suits by prison inmates and we can best achieve that purpose by insisting on payment in advance in every case in which that is feasible.”). This staggered payment schedule could result in inordinate delay for others if one or more of the plaintiffs did not promptly pay as required. Federal Rule of Civil Procedure 21 permits a court, “[on] just terms,” to drop a party” at any time. See *Wheeler v. Wexford Health Sources, Inc.*, 689 F.3d 680, 683 (7th Cir. 2012) (“A district judge [can] solve the problem by severance (creating multiple suits that can be separately screened)[.]”). In this case, it is fair to open a separate case for each plaintiff because they all signed the original complaint. Doing so allows for the efficient, individual determination of each plaintiff’s case. Yet it does not preclude any plaintiff from cooperating with any other to the extent he is able. Neither does it preclude future consolidation pursuant to Rule 42(a) if that is appropriate at any stage of the proceeding. Thus, “separating these pro se prisoners into individual cases will merely permit the efficient and just adjudication of their claims.” *Wasko v. Allen Cnty. Jail*, No. 1:06-CV-085 TLS, 2006 WL 978956, at *2 (N.D. Ind. Apr. 12, 2006). For these reasons, the Court:

(1) DISMISSES Jerod Leon Hargrove, Lamont Pariel Wilkerson, Edward Trzasa,

Terrell Hampton, Matthew Midkiff, Darion Caldwell, Shamarian Unbare Scott Haywood;
(2) DIRECTS the clerk to open a separate case for Jerod Leon Hargrove, Lamont
Pariel Wilkerson, Edward Trzasa, Terrell Hampton, Matthew Midkiff, Darion Caldwell, Shamarian
Unbare Scott Haywood with this order and the complaint (ECF 1); and
(3) DIRECTS the clerk to directly assign these related, newly opened cases under
N.D. Ind. L.R. 40-1(e). SO ORDERED. ENTERED: May 18, 2026. /s/ Philip P. Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT