

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PRECEDENTIAL VALUE	Unpublished district-court opinion; generally nonprecedential outside the case, subject to applicable rules governing citation and persuasive authority.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)