

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Papazian v. Doerer

Papazian v. Doerer · No. 1:24-cv-01182-HBK (PC) · Decided March 10, 2025

SUMMARY

The magistrate judge recommends denying Plaintiff James Michael Papazian’s motion for class certification in his pro se Bivens and Federal Tort Claims Act action concerning alleged deprivation of necessities during a prison lockdown. The recommendation concludes that an unrepresented non-lawyer may not represent a class and orders the case to be randomly assigned to a district judge, subject to a 14-day objection period.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 10, 2025
DOCKET	1:24-cv-01182-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se federal prisoner moved for class certification in a civil action proceeding under Bivens and the Federal Tort Claims Act. The magistrate judge issued findings and recommendations that the motion be denied and ordered assignment of the matter to a district judge for review.
STANDARD OF REVIEW	The findings and recommendations are subject to review by an assigned district judge under 28 U.S.C. § 636(b)(1)(B) and (C).
PRECEDENTIAL VALUE	Unknown; magistrate judge findings and recommendations subject to district judge review
PARTIES	James Michael Papazian v. J. Doerer

TOPICS

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

PRACTICE AREAS

civil procedure

civil rights

prisoners rights

class actions

QUESTIONS PRESENTED

1. Whether a pro se, non-lawyer prisoner may represent a proposed class in a class action.
2. Whether Plaintiff's motion for class certification should be denied because he cannot adequately represent the interests of absent class members.

HOLDINGS

1. A pro se litigant who is not assisted by counsel cannot ordinarily represent the interests of a class; therefore, Plaintiff's motion for class certification should be denied.

KEY QUOTATIONS

“It is plain error to permit [an] imprisoned litigant who is unassisted by counsel to represent his fellow inmates in a class action.” (at 1)

FACTUAL BACKGROUND

James Michael Papazian, a federal prisoner proceeding without counsel, alleged that during a 60-day prison lockdown he was deprived of meals, clothing, personal property, showers, recreation, medical treatment, social contact, commissary access, care packages, reading material, legal property, and other necessities. He sought certification of a class based on his assertion that at least 27 other plaintiffs filed substantially similar claims and that the class would include approximately 1,000 people.

PROCEDURAL HISTORY

Plaintiff filed an amended civil-rights complaint alleging that he and other prisoners were deprived of numerous necessities during a 60-day lockdown. He later moved for class certification, asserting that at least 27 plaintiffs had substantially similar claims and that the proposed class included approximately 1,000 people. The magistrate judge recommended denial of class certification and advised the parties of their 14-day objection period under 28 U.S.C. § 636(b)(1)(B) and Local Rule 304(b).

DISPOSITION

other

CASES CITED

- *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971)
- *McShane v. United States*, 366 F.2d 286 (9th Cir. 1966)
- *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987)
- *Russell v. United States*, 308 F.2d 78, 79 (9th Cir. 1962)
- *Wallace v. Smith*, 145 F. App'x 300, 302 (11th Cir. 2005) (per curiam)

- Oxendine v. Williams, 509 F.2d 1405, 1407 (4th Cir. 1975)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)

OPINION

(PC) Papazian v. Doerer

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 JAMES MICHAEL PAPAZIAN, Case No. 1:24-cv-01182-HBK (PC) 12 Plaintiff, ORDER
TO ASSIGN TO DISTRICT JUDGE

13 v. FINDINGS AND RECOMMENDATIONS TO
DENY PLAINTIFF’S MOTION FOR CLASS

14 J. DOERER, CERTIFICATION¹

15 Defendant. (Doc. No. 12)

16 14-DAY OBJECTION DEADLINE

17 18 19 Plaintiff, a federal prisoner incarcerated at United States Penitentiary, Atwater, proceeds
20 pro se in this civil action. Pending before the Court is Plaintiff’s motion for class certification
21 filed on February 28, 2025. (Doc. No. 12, “Motion”). The undersigned recommends the district
22 court deny the Motion. 23 Plaintiff proceeds on his pro se amended civil rights complaint
pursuant to Bivens v. Six 24 Unknown Named Agents of the Federal Bureau of Narcotics² and the
Federal Torts Claim Act 25 (“FTCA”). (Doc. No. 4, “amended complaint”). Plaintiff complains
that during a 60-day 26 lockdown he was deprived of meals, clothing, personal property, shower,
recreation time, medical 27 1 This matter was referred to the undersigned pursuant to 28 U.S.C. §
636(b)(1)(B) and Local Rule 302 (E.D. Cal. 2023). 28 2 403 U.S. 388 (1971). 1 treatment, social
contact, commissary, care packages, radio, reading material, table, television., 2 legal property, and
other necessities. (See generally Doc. No. 4). In his Motion, which consists 3 of a single page,
Plaintiff asserts “there are at least 27 Plaintiffs that filed substantially the same 4 claims in this
Court and the class extends to approximately one thousand people.” (Doc. No. 12 5 at 1). 6
Federal Rule of Civil Procedure 23(a) governs whether a case can proceed as a class 7 action.
The prerequisites to maintenance of a class action are that (1) the class is so numerous 8 that
joinder of all members is impracticable, (2) there are common questions of law and fact, (3) 9 the
representative party’s claims or defenses are typical of the class claims or defenses, and (4) 10 the
representative party will fairly and adequately protect the class interests. Fed. R. Civ. P. 11 23(a).
12 Plaintiff is a non-lawyer proceeding without counsel. It is well established that a 13 layperson
cannot ordinarily represent the interests of a class. See McShane v. United States, 366 14 F.2d 286
(9th Cir. 1966); C.E. Pope Equity Trust v. United States, 818 F.2d 696, 697 (9th Cir.1987); see
also Russell v. United States, 308 F.2d 78, 79 (9th Cir. 1962) (holding “a litigant 16 appearing in

propria persona has no authority to represent anyone other than himself”). Indeed, 17 “[i]t is plain error to permit [an] imprisoned litigant who is unassisted by counsel to represent his 18 fellow inmates in a class action.” *Wallace v. Smith*, 145 F. App’x 300, 302 (11th Cir. 2005) (per 19 curiam) (quoting *Oxendine v. Williams*, 509 F.2d 1405, 1407 (4th Cir. 1975)). Therefore, 20 Plaintiff’s Motion for class certification must be denied. 21 Accordingly, it is hereby ORDERED: 22 The Clerk of Court shall randomly assign this case to a district judge for purposes of these 23 Findings and Recommendation. 24 It is further RECOMMENDED: 25 Plaintiff’s motion for class certification (Doc. No. 12) be DENIED.

26 NOTICE TO PARTIES

27 These Findings and Recommendations will be submitted to the United States District 28 Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days 1 | after being served with a copy of these Findings and Recommendations, a party may file written 2 | objections with the Court. Jd.; Local Rule 304(b). The document should be captioned, 3 | “Objections to Magistrate Judge’s Findings and Recommendations” and shall not exceed fifteen 4 | (15) pages. The Court will not consider exhibits attached to the Objections. To the extent a party 5 | wishes to refer to any exhibit(s), the party should reference the exhibit in the record by its 6 | CM/ECF document and page number, when possible, or otherwise reference the exhibit with 7 | specificity. Any pages filed in excess of the fifteen (15) page limitation may be disregarded by 8 || the District Judge when reviewing these Findings and Recommendations under 28 U.S.C. § 9 | 636(b)(3)(C). A party’s failure to file any objections within the specified time may result in the 10 | waiver of certain rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014). 11 Dated: _ March 10, 2025 Mihaw. fareh Zack

13 HELENA M. BARCH-KUCHTA

4 UNITED STATES MAGISTRATE JUDGE

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