

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MATTHEW MICHAEL CHANDLER
WOLFE, EDWIN LEDESMA and
ANTHONY DAKOTA ANDREWS,

Plaintiffs,

v.

Case No: 2:18-cv-589-FtM-38CM

FLORIDA ATTORNEY GENERAL
OFFICE, STATE OF FLORIDA,
STATE ATTORNEY'S OFFICE and
20TH JUDICIAL CIRCUIT,

Defendants.

OPINION AND ORDER¹

Plaintiffs Wolfe, Ledesma, and Andrews, who are pretrial detainees confined in the Lee County Jail, filed a civil rights complaint alleging violations of U.S. and Florida constitutional law in connection with their respective arrests and prosecutions. See generally [Doc. 1 at 5-7](#). Each Plaintiff seeks permission for leave to proceed in this action *in forma pauperis*. See [Doc. 6](#), [Doc. 8](#) and [Doc. 11](#).

Eleventh Circuit law prohibits prisoner plaintiffs from proceeding *in forma pauperis* in the same civil action. [Hubbard v. Haley](#), 262 F.3d 1194, 1196 (11th Cir. 2001)(affirming

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

dismissal of multi-plaintiff prisoner action as conflicting with PLRA's requirement that each prisoner must pay the filing fee); *Bowens v. Turner Guilford Knight Detention*, 510 F. App'x 863, 864 (11th Cir. 2013)(affirming dismissal of complaint filed by six inmates as violative of the PLRA and § 1915's requirement that each plaintiff is required to pay the filing fee in an initial action). Additionally, while a *pro se* litigant has a right to litigate his individual claims in federal court, "[i]t is plain error to permit [an] imprisoned litigant who is unassisted by counsel to represent his fellow inmates in a class action." *Wallace v. Smith*, 145 F. App'x 300, 302 (11th Cir. 2005) (*per curiam*); see also *Smith v. Warden, Hardee Corr.Inst.*, 597 F. App'x 1027 (11th Cir. 2015). Consequently, *pro se* prisoner Plaintiff's cannot jointly prosecute this action. To the extent that the Plaintiffs wish to prosecute the claims asserted in the instant Complaint they must initiate separate actions in their individual names, accompanied by the \$350.00 filing fee or a motion to proceed *in forma pauperis*.

Accordingly, it is now

ORDERED:

1. The Complaint ([Doc. 1](#)) is **DISMISSED without prejudice**.
2. The Clerk shall terminate all pending motions, enter judgment, and close this case.

DONE and **ORDERED** in Fort Myers, Florida this 2nd day of October 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1
Copies: All Parties of Record