

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

FAITH M. BLAKE, §
(No. 73053-279), §
LA TOYSHA GIBSON, §
(No. 44161-177), §
TIFFANY SNODGRASS, §
(No. 20160-043), §
DELISA WILLIAMS, §
(No. 99950-051), §
TRACIE CARTWRIGHT, §
(No. 67271-019), §
CRYSTAL HAMANN, §
(No. 66795-380), §
MEGAN SCOTT, §
(No. Number), §
ARIEL BISHOP, §
(No. 27411-009), §
TANYA TORRENCE, §
(No. 57104-083), §
CLARA POORBEAR, §
(No. 20937-035), §
GENESIS GONZALEZ, §
(No. 19703-480), §
JULIANA LOURDE, §
(No. 28023-078), §
WINDY PANZO, §
(No. 15967-059), §
SAMANTHA FORSYTHE, §
(No. 31158-064), §
ANDREA BROOKS, §
(No. 28601-380), §
CARRIE ALLRED, §
(No. 31517-045), §
ANGELA REYNOLDS, §
(No. 50702-177), §
VICTORIA MARTINEZ, §
(No. 74453-479), §
MINDY CASAS, §
(No. 57122-177), §
NIKKI GRAHAM, §
(No. 17369-046), §

unusual punishment under the Eighth Amendment, retaliation for exercising heir First Amendment rights, and interference with the right of access to courts. Complaint 8-39, ECF No. 1. Plaintiffs submitted a single complaint, but it was signed first in the name of Plaintiff Faith M. Blake, but also in the name of 71 other individual plaintiffs.¹ Complaint 46-47, ECF No. 1.

None of the plaintiffs paid a filing fee or filed an application to proceed *in forma pauperis* with a certified copy of their inmate trust account. The PLRA requires each plaintiff to pay the full filing fee, through the fee assessment and collection procedures set out in the statute, even if he is granted leave to proceed *in forma pauperis*. See 28 U.S.C. §§ 1915(a)(2), (b)(1)-(b)(2). Prisoners cannot avoid the PLRA's fee requirement by filing jointly. See *Bouribone v. Berge*, 391 F.3d 852, 854-56 (7th Cir. 2004); *Hubbard v. Haley*, 262 F.3d 1194, 1196 (11th Cir. 2001). The Court finds that each individual Plaintiff must pay a filing fee.

Although Plaintiffs brought their complaint jointly, the Court finds that each Plaintiff should be required to file a separate complaint asserting his individual claims. See *Hubbard v. Haley*, 262 F.3d 1194 (11th Cir. 2001) (holding that the Prison Litigation Reform Act (PLRA) requires a separate action and payment of the full filing fee by each prisoner seeking to proceed *in forma pauperis*).

District Courts have long recognized the inherent difficulties associated with allowing multiple prisoner-plaintiffs to proceed jointly, especially after the enactment of the Prison

¹Lead Plaintiff Faith M. Blake incorporated a motion for class certification under Federal Rule of Civil Procedure 23. That motion was denied by separate order issued this day in the lead case only.

Litigation Reform Act of 1995 (PLRA). *See Beaird v. Lappin*, 2006 WL 2051034 at 4 (N.D. Tex.—Dallas Div. July 24, 2006).

Practical concerns include the possibility of inmate transfers, the need for each individual Plaintiff to represent himself and sign all pleadings, the possibility that documents may be altered as they are circulated, the possibility of coercion by prisoners, and potential security issues. Additionally, the Court's initial review of the pleadings, including the fact that at least 45 of the plaintiffs submitted their own declaration, confirms that each of these plaintiffs needs to file their own complaint, listing the facts of their particular claims and how they were uniquely harmed by any specific defendant. The likelihood of varying facts as to each plaintiff's circumstances supports separating the Plaintiffs' claims into separate suits.

For these reasons, it is **ORDERED**:

(1) The complaint of **Faith M. Blake** shall continue under this Civil Action No. 4:20-CV-809-P.

(2) The complaints of each of the other 71 Plaintiffs shall be **SEVERED** into separate actions as to each plaintiff, with a new cause number being assigned to each plaintiff. In each of the new civil actions, the Clerk of Court shall file a copy of this Order and the Complaint (ECF No. 1) on file in this Civil Action No. 4:20-cv-00807-P.

(3) Each plaintiff shall, **within twenty (20) days from the date of this Order**, pay the filing fee of \$400.00² or file with the clerk of Court (1) a signed Application to Proceed

²Where a prisoner plaintiff has been granted leave to proceed *in forma pauperis*, a \$350 filing fee will be deducted from the prisoner's account. *See* District Court Miscellaneous Fee Schedule. If the prisoner plaintiff has not been granted leave to proceed *in forma pauperis*, he must pay the \$350 fee plus a \$50 administrative fee, resulting in a total filing fee of \$400.

in Forma Pauperis, (2) a copy of her inmate trust account statement (or institutional equivalent) for the 6-month period immediately preceding the filing of his complaint, **certified** by one of the officers at the institution where Plaintiff is incarcerated; and (3) a signed copy of the AUTHORIZATION portion of the Certificate of Inmate Trust Account or a signed copy of any consent form or authorization that the institution having custody of Plaintiff requires to allow it to access a prisoner's inmate trust fund account, to collect funds from the account, and to pay those funds to the Clerk of the District Court.

(4) Each plaintiff shall, within **twenty (20)** days of the date of this order, file an Amended Complaint setting forth her specific claims. Each Plaintiff shall use the form provided by the Court and shall answer each question, setting forth her entire complaint on the form unless it is necessary to attach additional pages. Plaintiffs shall not incorporate by reference, or otherwise, any portion of the complaint previously submitted and shall not attach the prior complaint or amended complaint as an exhibit. Each plaintiff must sign her Amended Complaint.

Failure of any of the plaintiffs to file the required documents will result in a denial of *in forma pauperis* status and or a dismissal of that plaintiff's complaint for want of prosecution without further notice, unless the filing fee of \$400.00 is timely paid.

(5) Service of process shall be withheld in each case pending judicial screening pursuant to 28 U.S.C. § 1915(e)(2).

(6) No additional amendments or supplements to any amended complaint shall be filed without prior Court approval.

(7) All discovery is stayed until further order.

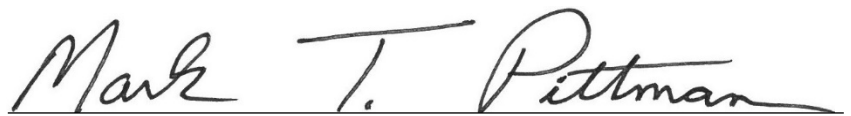
(8) No motions for appointment of counsel shall be filed until the Court has completed the screening required by 28 U.S.C. § 1915(e)(2), which may include a hearing pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), or such other proceedings deemed appropriate by the Court. Thus, at this time the motion for appointment of counsel (ECF No. 3) is **DENIED**.

(9) Each plaintiff shall promptly notify the Court of any change of address by filing a written notice of change of address with the Clerk. Failure to file such notice may result in a dismissal of the complaint as to the plaintiff failing to so notify the Court.

(10) The Clerk shall mail to each of the plaintiffs a 42 U.S.C. § 1983 complaint form marked, "Amended Complaint," an Application to Proceed in Forma Pauperis, and a Certificate of Inmate Trust Account and Authorization, each marked with the cause number assigned to their respective new complaint for their use in complying with this Order.

(11) The Clerk shall mail a copy of this Order to each Plaintiff.

SO ORDERED this 11th day of August, 2020.



Mark T. Pittman

UNITED STATES DISTRICT JUDGE