

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

RICHARH TYSON, on his own)	
behalf and on behalf of a)	
class of those similarly)	
situated,)	
)	
Plaintiffs,)	
)	
vs.)	NO. 1:07-CV-0010
)	
GRANT COUNTY SHERIFF, in)	
his official capacity;)	
GRANT COUNTY COMMISSIONERS,)	
in their official capacities;)	
)	
Defendants.)	

ORDER

This matter is before the Court on the "Petition for Temporarily Injunction," filed by pro se Movant, Lloyd Brown, Jr. For the reasons set forth below, the Motion is **DENIED**.

On January 19, 2007, a class action complaint for declaratory and injunctive relief was filed in this case by Richarh Tyson, on his own behalf, and on behalf of those similarly situated. The complaint was filed by Kenneth Falk, as attorney for Plaintiff Richarh Tyson and putative class members. The complaint seeks to redress alleged unconstitutional and unlawful conditions of confinement at the Grant County Jail in Marion, Indiana, including

overcrowding, lack of recreational time, and insufficient staffing. Plaintiff filed a motion to certify the class on January 22, 2007, and that motion is currently pending before this Court.

Subsequently, pro se Movant, Lloyd Brown, Jr., wrote a letter to Kenneth Falk, counsel for Plaintiff Richard Tyson and the putative class, claiming to be the "lay advocate" for the Grant County inmates, complaining about the prison conditions, and noting that Brown does not intend to remain a participant in the class action and plans to proceed alone. (Brown letter filed March 7, 2007.)

In the current motion filed in this case, Brown requests an injunction ordering the Grant County Jail staff to stop taking legal envelopes and materials addressed to Brown, and to provide legal access to the courts. Brown's motion fails because he lacks standing. Brown is not a named party to this action (like Richard Tyson or the named Defendants), nor has he filed an appearance in this case. The motion to certify the class was just recently briefed, and has not been ruled upon by this Court. Moreover, Brown has indicated that even if a class is certified in this case, he intends to opt out of the class. Finally, Brown's claims in his motion for an injunction (that he is being denied legal envelopes and mail), are separate and distinct from the putative class claims in this case (overcrowding of the prison). Should Brown still wish to proceed with his claims that he is wrongfully being denied legal

envelopes and mail, he would need to file a separate complaint.

DATED: March 28, 2007

**/s/ RUDY LOZANO, Judge
United States District Court**