

2006 WL 1490233

Only the Westlaw citation is currently available.
United States District Court,
N.D. California.

Maurice THOMPSON et al., on behalf of
themselves and all others similarly situated,
Plaintiffs,

v.

James E. TILTON, Acting Secretary, California
Department of Corrections and Rehabilitation,
and Eddie Ylst, Acting Warden, San Quentin State
Prison, Defendants.

No. C 79-01630 WHA. | May 25, 2006.

Attorneys and Law Firms

Donald Specter, Steven Fama, Prison Law Office, San
Quentin, CA, for Plaintiffs.

Rochelle C. East, Office of the Attorney General, San
Francisco, CA, for Defendants.

Opinion

**ORDER DENYING MOTIONS TO INTERVENE
AND RELATED REQUESTS**

WILLIAM ALSUP, J.

*1 Death-Row inmates Jack Wayne Friend, Andre S.
Alexander, Ricardo Roldan, Keith Allen Lewis Sr. and
Paul Gordon Smith Jr., have filed separate documents
with the Court.

Alexander, Roldan, Lewis and Smith move to intervene as
plaintiffs under Federal Rule of Civil Procedure 24(a). To
intervene as a plaintiff under FRCP 24(a), an applicant

must prove that the other plaintiffs and
plaintiff-intervenors might not adequately represent the
applicant's interests. FRCP 24(a)(2); *Trbovich v. United
Mine Workers of Am.*, 404 U.S. 528, 538, 92 S.Ct. 630, 30
L.Ed.2d 686 (1972). None of the applicants provide any
reason to believe that intervenor Freddie Fuiava might not
adequately represent their interests. Intervenor has raised
similar issues about California prison regulations' conflict
with the consent decree. The motions to intervene
therefore are DENIED.

Smith, Roldan and Lewis ask for an order to San Quentin
State Prison to apply the gang-validation and disciplinary
regulations of Title 15 of the California Code of
Regulations to the condemned inmates at San Quentin.
These prisoners are not parties to the instant action. Their
request for injunctive relief therefore is DENIED. Smith,
Roldan and Lewis also seek judicial notice of two civil
actions. The Court already has taken notice of those two
actions. The request is therefore DENIED. Lewis,
Alexander and Friend seek appointment of counsel. Their
requests are DENIED because they are not parties to the
instant action.

Lewis and Alexander noticed their motions for hearing on
June 5, 2006. No hearing will be held because neither
prisoner has an attorney and neither movant will be able
to attend the hearing to represent himself *in propria
persona*, because of his incarceration.

As noted in previous orders, the Court cannot allow all
Death Row inmates to intervene separately. All motions
to intervene therefore will be considered carefully, giving
motions made pro se a liberal construction, and granted
only with great care. Potential intervenors should consider
carefully whether intervenor or plaintiffs adequately
represent their interests.

IT IS SO ORDERED.