

1                                    IN THE UNITED STATES DISTRICT COURT  
2                                    FOR THE NORTHERN DISTRICT OF CALIFORNIA

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4        BOBBY LOPEZ, et al.,  
5                                    Plaintiffs,  
6                                    v.  
7        EDMUND G. BROWN, et al.,  
8                                    Defendants.

Case No. 15-cv-02725-CW

ORDER DENYING MOTIONS TO  
INTERVENE AND FOR RELIEF FROM  
JUDGMENT

(Docket Nos. 106 & 107)

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10                    Movant Lee Max Barnett has filed a Motion to Intervene on  
11 behalf of himself and the Condemned Row East Block Advisory  
12 Council (EBAC). Docket No. 106. Movant also filed a Motion for  
13 Relief from Judgment. Docket No. 107. Although this matter was  
14 filed as a putative class action on behalf of condemned prisoners  
15 held in solitary confinement in San Quentin State Prison, see  
16 Docket No. 1 (Complaint), a class was never certified.  
17 Plaintiffs and Defendants reached a settlement and stipulated to  
18 a voluntary dismissal. Docket No. 105. This Court entered the  
19 order granting voluntary dismissal. Id. This settlement was not  
20 on behalf of a class. See id. No class members released any  
21 claims; only the named Plaintiffs did.

22                    Accordingly, Movant Barnett, as the proposed Intervenor,  
23 cannot show that he "claims an interest relating to the property  
24 or transaction that is the subject of [this] action." Fed. R.  
25 Civ. P. 24(a)(2). Any causes of action Movant Barnett may have  
26 had before the settlement or that may have arisen because of the  
27 settlement can still be brought on his own behalf. However,  
28 Movant, as a non-lawyer, cannot represent anyone else such as

1 EBAC or any of its members on whose behalf he purports to move on  
2 here. See e.g., Docket No. 106 at 1. Relatedly, because Movant  
3 is not, and cannot become, a party to this lawsuit, Movant  
4 Barnett cannot sue to set aside the dismissal in this case. In  
5 re Lovitt, 757 F.2d 1035, 1040 (9th Cir. 1985).

6 For the foregoing reasons, Movant's Motions to Intervene and  
7 for Relief from Judgment are DENIED.

8 **IT IS SO ORDERED.**

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10 Dated: September 5, 2018



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11 CLAUDIA WILKEN  
12 United States District Judge  
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