

162 F.3d 1164

Unpublished Disposition

NOTICE: THIS IS AN UNPUBLISHED OPINION.

(The Court's decision is referenced in a "Table of Decisions Without Reported Opinions" appearing in the Federal Reporter. Use FI CTA8 Rule 28A, FI CTA8 IOP and FI CTA8 APP. I for rules regarding the citation of unpublished opinions.)

United States Court of Appeals, Eighth Circuit.

Ralph GREEN, and all other persons similarly situated, who are or in the future may be confined in MECC; Mark Jackson; Bob Metcalf; Larry Hays; Dwight Couch; Harold Johnson; Richard Hamil; James Orebaugh; David Carr; Billy Mudd, Plaintiffs,

Donald MOORE, Appellant,

Larry COFFMAN; Rodney L. McKown; Gary Lee Skelton; David Corcoran; Earl Wilkerson, Movants,

v.

Paul D. CASPARI; Dora Shriro; Dick Moore; Gene Stubblefield, Appellees.

No. 98-1371. | Submitted June 5, 1998. | Filed June 25, 1998.

Appeal from the United States District Court for the Eastern District of Missouri

Before McMILLIAN, LOKEN, and MURPHY, Circuit Judges.

Opinion

PER CURIAM.

*1 In July 1997, the district court¹ granted, pursuant to 18 U.S.C. § 3626(b) and Federal Rule of Civil Procedure 60(b), defendant prison officials' motion to terminate a 1986 consent decree entered into between the Missouri Department of Corrections and a class of prisoners confined in the Missouri Eastern Correctional Center. In September 1997, inmate Billy Mudd, who was not a named plaintiff in the class action suit, filed a Rule 60(b) motion to set aside the order terminating the consent decree, arguing that not a single plaintiff had been served with notice of the motion to terminate. The district court summarily denied Mudd's motion, as well as Mudd's subsequent Rule 59(e) motion. Inmate Donald Moore, who was also not an original named plaintiff, appeals the denials of Mudd's Rule 60(b) and 59(e) motions. He also has moved to substitute another inmate in his place to act as "counsel" for the class.

We conclude that Moore has no standing to appeal the denial of Mudd's motions. *Cf. Croyden Assocs. v. Alleco, Inc.*, 969 F.2d 675, 680 (8th Cir.1992) (unnamed class member must first move to intervene as condition for standing to appeal final order approving class action settlement or imposing judgment), *cert. denied*, 507 U.S. 908, 113 S.Ct. 1251, 122 L.Ed.2d 650 (1993); *Hamm v. Groose*, 15 F.3d 110, 112 (8th Cir.1994) (inmate may not bring claim on behalf of other inmate who is able to bring claim). We deny Moore's motion to substitute all class members as appellants and for an inmate to act as counsel for the class.

Accordingly, we dismiss the appeal.

Parallel Citations

1998 WL 390406 (C.A.8 (Mo.))

Footnotes

¹ The Honorable Stephen N. Limbaugh, United States District Judge for the Eastern District of Missouri.

