

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DAVID W. BRANKLE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 21-2918 (UNA)
)	
)	
FEDERAL BUREAU OF PRISONS <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION

Plaintiff is a federal prisoner appearing *pro se* who is scheduled for release on November 19, 2021. Compl. at 2 [Dkt. # 1]; <https://www.bop.gov/inmateloc>. Plaintiff brought this action on behalf of himself and “similarly situated inmates” at the Federal Correctional Institution in Sandstone, Minnesota, where he is incarcerated. Plaintiff seeks a temporary restraining order and a preliminary injunction to enjoin prison officials at Sandstone from the alleged “practice” of removing prisoners who are scheduled for release within thirty days from the general population to segregated housing units (“SHU”), admittedly “for quarantining purposes” in light of the COVID-19 pandemic. Compl. at 6-7.

Plaintiff does not allege that he has been subjected to the practice and therefore has not established his standing to sue. *Comm. on Judiciary of U.S. House of Representatives v. McGahn*, 968 F.3d 755, 762 (D.C. Cir. 2020) (“One element of [Article III’s] case-or-controversy requirement is that plaintiffs must establish that they have standing to sue” by stating an injury that is actual and redressable by a favorable decision) (internal quotation marks omitted)); *see* Compl. at 8 (acknowledging prison official’s refusal to address administrative grievance “contesting the policy at issue here . . . because Plaintiff ‘had not yet’ been confined to

the SHU”). As a lay person, moreover, Plaintiff cannot prosecute the claims of his fellow prisoners. *See* 28 U.S.C. § 1654 (“In all courts of the United States the parties may plead and conduct their own cases personally or by counsel[.]”); *U.S. ex rel. Rockefeller v. Westinghouse Elec. Co.*, 274 F. Supp. 2d 10, 16 (D.D.C. 2003), *aff’d sub nom. Rockefeller ex rel. U.S. v. Washington TRU Solutions LLC*, No. 03–7120, 2004 WL 180264 (D.C. Cir. Jan. 21, 2004) (“[A] class member cannot represent the class without counsel, because a class action suit affects the rights of the other members of the class.”) (citation omitted)). Therefore, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

Date: November 18, 2021

/s/

COLLEEN KOLLAR-KOTELLY
United States District Judge