

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NATHANIEL ALLEN LINDELL,

Plaintiff,

ORDER

02-C-21-C

v.

JON E. LITSCHER, Secretary of the
Wisconsin Department of Corrections;
CINDY O'DONNELL, Deputy Secretary to
Litscher; JOHN RAY, Corrections Complaint
Examiner ("C.C.E."); GERALD BERGE, Warden
at Supermax Correctional Institution; PETER
HUIBREGTSE, Deputy Warden of Supermax;
LIEUTENANT JULIE BIGGAR, a Lt. at Supermax;
ELLEN RAY, I.C.E.; SGT. JANZEN; C.O. WETTER;
C.O. S. GRONDIN; C.O. MUELLER; C.O. CLARK, all
guards at Supermax; JOHN SHARPE, Manager Foxtrot
Unit at Supermax,

Defendants.

Presently before the court is plaintiff's "Notice and Motion Purs. to Fed. R. Civ. P. 23 to Certify This as a Class Action." In addition to seeking class certification, plaintiff asks that counsel be appointed to represent the proposed plaintiff class. Rather than explain why the claims he has been granted leave to proceed on are suitable for class treatment pursuant to the requirements of Fed. R. Civ. P. 23, plaintiff merely repeats the requirements of Rule 23 as if they are some sort of self-fulfilling

prophecy. Accordingly, plaintiff's motion for class certification is DENIED. Because no class will be certified, plaintiff's request that counsel for the class be appointed is also DENIED.

Entered this 17th day of September, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge