

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

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MICHAEL A. GRINDEMANN,

Plaintiff,

v.

JON E. LITSCHER (Secretary of WI DOC),  
JANE GAMBLE (Warden KMCI)

Defendants.  
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ORDER

02-C-0429-C

This is a civil action for injunctive relief in which plaintiff Michael A. Grindemann, an inmate at the Kettle Moraine Correctional Institution in Plymouth, Wisconsin, has been granted leave to proceed on his claim that defendants violated his First Amendment rights by denying him a Pentacle, which is a religious necklace.

Presently before the court is plaintiff's second motion for class action certification, which I construe as a motion to reconsider this court's September 19, 2002 order denying class certification. Although plaintiff has increased his proposed class from five to 11 inmates, this number neither warrants class certification nor changes my previous analysis. Moreover, plaintiff argues that although he cannot declare that his representation will be adequate, he will seek to fairly and adequately protect the interests of the class. However, plaintiff may not proceed pro se on behalf of a class. Because absent class members are bound by a judgment whether for or against the class, they are entitled to the assurance of

competent representation afforded by licensed counsel. See Oxendine v. Williams, 509 F. 2d 1405, 1407 (4th Cir. 1975); see also Ethnic Awareness Organization v. Gagnon, 568 F. Supp. 1186, 1187 (E.D. Wis. 1983); Huddleston v. Duckworth, 97 F.R.D. 512, 514-15 (N.D. Ind. 1983) (prisoners proceeding pro se not allowed to act as class representatives). Accordingly, plaintiff's motion for reconsideration will be denied.

ORDER

IT IS ORDERED that plaintiff Michael A. Grindemann's motion for reconsideration of this court's September 19, 2002 order denying his motion for class certification is DENIED.

Entered this 5<sup>th</sup> day of November, 2002.

BY THE COURT:

BARBARA B. CRABB  
District Judge