

ENTERED

July 31, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LADDY CURTIS VALENTINE, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 4:20-CV-1115
	§	
BRYAN COLLIER, <i>et al</i> ,	§	
	§	
Defendants.	§	

ORDER

Pending before this Court is a Motion for Joinder, filed by non-party Oliver E. Lister, II (Doc. No. 265). Mr. Lister is an inmate incarcerated at Estelle Unit. Mr. Lister is not a party in this case, so he is not able to move to join parties. The Court will construe the pleading liberally as a motion to intervene, since movant is pro se. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

Under Rule 24(a), an individual has a right to intervene if he makes a timely motion and: “(1) is given an unconditional right to intervene by federal statute; or (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.” Fed. R. Civ. P. 24(a). Rule 24(b) allows the Court to permit intervention by an individual who “has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). Permissive intervention is “wholly discretionary with the [district] court . . . even though there is a common question of law or fact, or the requirements of Rule 24(b) are otherwise satisfied.” *Kneeland v. Nat’l Collegiate Athletic Ass’n*, 806 F.2d 1285, 1289 (5th Cir. 1987) (citation omitted) (quoting *New Orleans Pub. Serv., Inc. v. United Gas Pipe Line Co.*, 732 F.2d 452, 470–71 (5th Cir. 1984))

(en banc), *cert denied*, 469 U.S. 1019 (1984)). Courts must inquire whether “the intervention will unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b)(3).

Mr. Lister seeks relief from TDCJ’s COVID-19 practices at the Estelle Unit. The Court finds that this case is not the proper avenue for seeking relief. Mr. Lister has not demonstrated an unconditional right to intervene under Rule 24(a). They have not identified a statute that provides an unconditional right to intervene, and do not claim an interest relating to the transaction that is the subject of this action, which is limited to the Pack Unit only.

The Court declines to permit intervention under Rule 24(b). Trial is already underway in this case. Disallowing intervention in this case has no effect on the ability of Mr. Lister’s ability to bring suit in a separate action, nor does the ultimate disposition of this case affect his rights.

For the reasons set forth above, the Motion for Joinder is **DENIED**.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 31st day of July, 2020.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE