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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 HUSSEIN KIETTY ALI,  
11

12 Plaintiff,

13 v.

14 STATE OF CALIFORNIA, et al.,  
15

16 Defendants.

1:17-cv-00076-AWI-EPG (PC)

FINDINGS AND RECOMMENDATIONS,  
RECOMMENDING THAT THIS CASE BE  
DISMISSED WITHOUT PREJUDICE

OBJECTIONS, IF ANY, DUE IN THIRTY  
DAYS

17 Hussein Ali is a state prisoner who is the purported plaintiff in this civil rights action  
18 pursuant to 42 U.S.C. § 1983. However, after a review of the documents in this case, it appears  
19 that someone filed this case on Hussein Ali's behalf. It does not appear that Hussein Ali signed  
20 either the complaint (ECF No. 1) or the motion to proceed in forma pauperis (ECF No. 2).  
21 Accordingly, the Court recommends that this case be dismissed, without prejudice to Hussein  
22 Ali filing this case on his own behalf.

23 All filings submitted to the Court must bear the signature of the filing party. Local Rule  
24 131; Fed. R. Civ. P. 11(a)). Additionally, although a person who is not an attorney may appear  
25 pro se on his own behalf, see 28 U.S.C. § 1654, "he has no authority to appear as an attorney  
26 for others than himself." McShane v. United States, 366 F.2d 286, 288 (9th Cir. 1966). "[A]  
27 non-attorney may appear only in her own behalf." Cato v. United States, 70 F.3d 1103, 1105  
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1 n.1 (9th Cir. 1995). As a general rule, only an active member of the State Bar of California  
2 may practice law in California. Cal. Bus. & Prof. Code § 6125.

3 Here, it appears that the complaint and the motion to proceed in forma pauperis are not  
4 signed by either the filing party or an active member of the State Bar of California. Instead,  
5 they appear to be filed by Brandon Favor. It is unclear whether Hussein Ali is aware that  
6 Brandon Favor filed this case on his behalf.

7 Brandon Favor is well known to this court. Since 2013, Mr. Favor has filed at least  
8 nineteen habeas petitions and seven § 1983 complaints in the Eastern District of California<sup>1</sup> as  
9 well as filing additional petitions and complaints in the Central and Southern Districts of  
10 California.

11 As to the complaint, in the top left corner of the first page, instead of providing the  
12 plaintiff's name, it says "Miller & Miller Associates." (ECF No. 1, p. 1). The inmate number  
13 that is provided is 6660488. Hussein Ali's prison number is G-61259.<sup>2</sup> Notably, Brandon  
14 Favor's prison inmate number is G-60488.<sup>3</sup> While the signature on the complaint is illegible  
15 (and dated November 8, 2004) (*Id.* at p. 7), the complaint was mailed in by Brandon Favor (*Id.*  
16 at p. 8). Further, the signature on the civil cover sheet is "/s/nbp." (ECF No. 1-1, p. 1).  
17 Plaintiff's initials are not N.B.P.

18 As to the application to proceed in forma pauperis, it is possible that Hussein Ali's  
19 signature appears on one document that was provided with the application (ECF No. 2., p. 5).

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21 <sup>1</sup> Favor v. California, No. 1:13-cv-00207-GSA; Favor v. Harris, No. 1:15-cv-00601-SAB; Favor  
22 v. Davey, No. 1:15-cv-00973-LJO-SKO; Favor v. California State Prison, No. 1:15-cv-01009-LJO-DLB PC);  
23 Favor v. Magana, No. 1:15-cv-01023-LJO-JLT; Favor v. Dep't of Corrections, No. 1:15-cv-01387-LJO-MJS;  
24 Favor-El v. Guthry, No. 1:15-cv-01864-MJS; Favor-El v. Rome, No. 1:15-cv-01865; Favor v. Paramo, No. 1:16-  
25 cv-00574-MJS; Favor v. California, No. 1:16-cv-00732-MJS; Favor v. Paramo, No. 1:16-cv-00810-JLT; Favor v.  
26 Vasquez, No. 1:16-cv-01444-SKO; Favor v. Minaj, No. 1:16-cv-01702-MJS; Favor v. Harper, No. 1:16-cv-01704-  
27 MJS; Favor v. Williams, No. 1:16-cv-01739-LJO-SKO; Favor v. Ryan, No. 1:16-cv-01790-JLT; Favor v.  
28 Vasquez, No. 1:16-cv-01791-MJS; Favor-El v. Rome, No. 1:16-cv-01808-DAD-SKO; Favor v. Vasquez, No.  
1:16-cv-01809-JLT; Favor v. Minaj, No. 1:16-cv-01851-JLT; Favor v. Calipatria State Prison, No. 2:15-cv-01386-  
KJM-DAD; Favor v. Richard J. Donovan Correctional Facility, No. 2:15-cv-01396-EFB; Favor-El v. United  
States of America, No. 2:15-cv-01448-GEB-AC; Favor v. Vasquez, No. 2:17-cv-00124-CKD; Favor v. Anderson,  
No. 1:17-cv-00028-JLT; and Favor v. Smith, No 1:17-cv-00015-MJS.

<sup>2</sup> State of California Inmate Locator, <http://inmatelocator.cdcr.ca.gov/search.aspx> (search by  
"inmate number" for "G61259") (last visited Jan. 20, 2017).

<sup>3</sup> State of California Inmate Locator, <http://inmatelocator.cdcr.ca.gov/search.aspx> (search by  
"inmate number" for "G60488") (last visited Jan. 20, 2017).

1 However, the application itself was not signed by anyone (Id. at p. 3). The application was also  
2 mailed in by Brandon Favor (Id. at p. 8), and the Inmate Statement Report that was provided is  
3 Brandon Favor's (Id. at pgs. 6-7).

4 Therefore, it appears that this complaint and the application to proceed in forma  
5 pauperis were filed by Brandon Favor, not Mr. Ali. As such, the Court recommends dismissal  
6 of the case without prejudice, so that Hussein Ali may refile this case on his own behalf, if he  
7 so desires.

8 Accordingly, based on the foregoing, the Court HEREBY RECOMMENDS that this  
9 action be dismissed without prejudice, based on the fact that it does not appear that Hussein Ali  
10 filed this case on his own behalf.

11 These findings and recommendations are submitted to the United States District Judge  
12 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within thirty  
13 days after being served with these findings and recommendations, Hussein Ali may file written  
14 objections with the court. Such a document should be captioned "Objections to Magistrate  
15 Judge's Findings and Recommendations." Hussein Ali is advised that failure to file objections  
16 within the specified time may waive the right to appeal the District Court's order. Martinez v.  
17 Ylst, 951 F.2d 1153 (9th Cir. 1991).

18 IT IS SO ORDERED.

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20 Dated: January 20, 2017

21 /s/ Eric P. Grogan  
22 UNITED STATES MAGISTRATE JUDGE  
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