

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SANTIAGO MANUEL A.,
individually and on behalf
of SA,

Plaintiff,

v.

Case No: 2:13-cv-781-FtM-29CM

DALE JAMISON, Teacher
(Edison Collegiate High
School, Lee Campus), BRIAN
BOTTS, Dr., School Principal
(Edison Collegiate High
School, Lee Campus), EDISON
STATE COLLEGE, Lee Campus,
and SCHOOL BOARD OF LEE
COUNTY,

Defendants.

OPINION AND ORDER

This matter comes before the Court on plaintiffs' Motion for Reconsideration or to Amend Judge's Order (Doc. #89) filed on September 8, 2014. As the Court understands the motion, plaintiff Santiago Manuel A. seeks reconsideration of that portion of the September 3, 2014 Opinion and Order (Doc. #88) which precludes him from representing his son in this litigation. The Court grants reconsideration, but after such reconsideration reaches the same conclusion.

As a non-attorney, plaintiff Santiago Manuel A. clearly has the right to represent himself in federal court in the prosecution of his own claims. Thus, for example, where a statute gives parents their own rights, the parents may represent themselves in

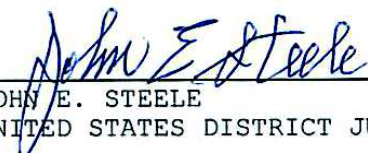
asserting those rights in federal court. Winkelman v. Parma City School District, 550 U.S. 516 (2007). Non-attorney parents may not, however, represent a child in asserting the rights of the child in federal court. Devine v. Indian River Cnty. Sch. Bd., 121 F.3d 576, 581-82 (11th Cir. 1997), overruled in part on other grounds by Winkelman ex rel. Winkelman v. Parma City Sch. Dist., 550 U.S. 516, 535 (2007). While plaintiff Santiago Manuel A. does not have to join anyone in order to assert his own claims, he may not assert the claims of his son S.A. If S.A. wishes to assert his own claims, he may do so himself or through counsel, but he may not be represented by his non-attorney father. If S.A. wishes to assert his own claims, he must participate in all court-related proceedings as a party, even if, as is often the case, a party would rather focus on something else.

Accordingly, it is hereby

ORDERED:

Plaintiffs' Motion for Reconsideration or to Amend Judge's Order (Doc. #89) is **GRANTED**. Having reconsidered the matter, the Court reaches the same conclusions as set forth in the Opinion and Order filed September 3, 2014 (Doc. #88).

DONE and ORDERED at Fort Myers, Florida, this 9th day of September, 2014.



JOHN E. STEELE
UNITED STATES DISTRICT JUDGE

Copies: Parties of Record