

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

ANGELICA A. PEREZ, RAFAEL
ANTONIO PEREZ, and EUGENE J.
PEREZ,

Plaintiffs,

v.

Case No: 3:13-cv-705-J-39JBT

ONEWEST BANK, FSB DIVISION OF
DEUTSCHE BANK TRUST CO AS
TRUSTEE OF THE INDYMAC
MORTGAGE COMPANY,

Defendant.

ORDER

THIS CAUSE is before the Court on the Magistrate Judge's Report and Recommendation (Doc. 20) recommending Defendant's Motion to Dismiss (Doc. 9) be granted and Plaintiffs' Amended Complaint (Doc. 2) be dismissed without prejudice. Plaintiffs have been furnished with a copy of the Report and Recommendation and have been afforded an opportunity to file objections. However, to date, no objections have been filed.

Upon consideration of the Report and Recommendation of the Magistrate Judge, and upon this Court's review of the record, the Court finds that the Report and Recommendation should be adopted with the following modifications. While the Magistrate pointed out that Rule 11 of the Federal Rules of Civil Procedure requires the Plaintiffs to sign their complaint and provide their addresses, email addresses, and telephone numbers; the undersigned wants to make clear that each Plaintiff must sign all filings with this Court. See Day v. Wall, No. 08-cv-094, 2008 WL 4773054, at *1

(D.R.I. Oct. 30, 2008) (noting that Rule 11 requires parties not represented by an attorney to sign every pleading, written motion, and other paper and “[i]n the case of multiple *pro se* plaintiffs, each plaintiff must sign each pleading, written motion and other paper”).

In the instant case, the Amended Complaint (Doc. 2) was not signed by any Plaintiff and the response to the Motion to Dismiss (Doc. 10) was signed only by Plaintiff, Angelica Perez. By law, an individual may appear in federal courts only *pro se* or through legal counsel. 28 U.S.C. § 1654. However, *pro se* litigants may not appear for others in federal courts, and thus Angela Perez, who is not an attorney, cannot file motions and other documents on behalf of the other Plaintiffs. See Hand v. Bibeault, 400 F. App’x 526, 528 (11th Cir. 2010) (noting that the Middle District of Florida permits only licensed and admitted attorneys, as well as certain eligible law students, to appear as counsel in proceedings before it and therefore, non-attorneys cannot purport to represent another in federal court) citing See M.D. Fla. R. 2.01(a)–(b), 2.02, 2.05). Accordingly, all future filings with this Court must be signed by each Plaintiff.

As suggested in the Report and Recommendation, the Court will permit Plaintiffs to file a second amended complaint. In doing so, the Court directs Plaintiffs’ attention to the website for the United States District Court for the Middle District of Florida, www.flmd.uscourts.gov. There, Plaintiffs will find several resources to assist them in representing themselves. Plaintiffs should pay particular attention to the tab on the left side of the site entitled, “Proceeding Without a Lawyer.” The site offers guidance in drafting a complaint and other helpful information for *pro se* parties.

Accordingly, it is

ORDERED:

1. The Magistrate Judge's Report and Recommendation (Doc. 20) is adopted and incorporated by reference in this Order.
2. Plaintiffs' Amended Complaint (Doc. 2) is **DISMISSED without prejudice**. Plaintiffs shall file a second amended complaint, complying with the directives in this Order, the Report and Recommendation (Doc. 20), as well as the Federal Rules of Civil Procedure and the Local Rules of this Court. The second amended complaint shall be filed no later than **Monday, April 14, 2014**.

DONE and ORDERED in Jacksonville, Florida this 12th day of March, 2014.



BRIAN J. DAVIS
United States District Judge

mh

Copies furnished to:

Counsel of Record
Unrepresented Parties