

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

DERRICK WALLEES,

Plaintiff,

v.

Case No: 6:17-cv-647-Orl-37KRS

**SIX UNKNOWN NAMES AGENTS,
BARACK OBAMA and DONALD
TRUMP,**

Defendants.

ORDER

THIS CAUSE is before the Court on a typed pleading submitted by Young Yil Jo (“Jo”) purportedly on behalf of Derrick Walles¹ in which Jo references 42 U.S.C. § 1983 and habeas corpus. (Doc. 1 at 1). Upon review of the pleading, it is not clear what relief is sought. The pleading contains a rambling litany of incoherent and unintelligible allegations and is subject to dismissal. *See* Fed. R. Civ. P. 8, 10, 11.

Furthermore, pursuant to Local Rule 2.01(a), “[n]o person shall be permitted to appear or be heard as counsel for another in any proceeding in this Court unless first admitted to practice in the Court pursuant to this rule. . . .” Rule 2.01(a) of the Middle District of Florida. Jo is not an

¹ The pleading was mailed to the Court by Jo, who has filed numerous pleadings in this Court in which he names other individuals as a plaintiff. *See* Case Nos. 17-cv-291-Orl-40TBS, 16-cv-884-Orl-41TBS, 16-cv-885-Orl-37TBS, 16-cv-886-Orl-18DAB, 16-cv-887-Orl-37TBS, 16-cv-888-Orl-37DAB, 16-cv-889-Orl-37GJK, 16-cv-890-Orl-41GJK, 16-cv-891-Orl-40KRS, 16-cv-892-Orl-37DAB, 16-cv-893-Orl-37KRS, 16-cv-894-Orl-37TBS, and 16-cv-895-Orl-18GJK. In the instant case, Jo lists Duong as the plaintiff. It is not clear the pleading in fact was filed by Duong, or that Duong is an actual person, because the pleading is unsigned and the envelope in which it was received indicates it was sent by Jo. Therefore, the Court assumes Jo is the true plaintiff in this action.

attorney admitted to practice in this Court. Consequently, Jo may not file pleadings on behalf of anyone other than himself. In addition, “Rule 10(a) requires that the name of the parties be disclosed in the complaint; Rule 11 forbids lying in pleadings, motions, and other papers filed with the court; and Rule 41(b) provides for dismissal with prejudice as the ultimate sanction for violation of the rules.” *See Zocaras v. Castro*, 465 F.3d 479, 484-85 (11th Cir. 2006) (affirming dismissal of case with prejudice and stating “[b]ecause courts must be able to preserve the integrity of the judicial process, we have no hesitation in concluding that a party who files suit under a false name and proceeds with that deception right up to trial loses the right to seek judicial relief for the claims he was advancing.”) (citing Fed. R. Civ. P. 10(a); Fed. R. Civ. P. 11; Fed. R. Civ. P. 41(b)).

It appears Jo may wish to file a civil rights complaint pursuant to 42 U.S.C. § 1983 or a habeas action challenging his conviction. The Court notes Jo’s mailing address is in California, and it does not appear his conviction was from Florida, that he was incarcerated in Florida, or that any of the matters he references occurred in Florida. Consequently, this Court lacks jurisdiction to consider any civil rights or habeas action Jo may wish to file.

If Jo is seeking to pursue a civil rights action, he has failed to file a complaint in accordance with the Local Rules of the United States District Court for the Middle District of Florida and the Federal Rules of Civil Procedure. Furthermore, if he is attempting to challenge his conviction, he has not filed a motion pursuant to 28 U.S.C. § 2255 or a petition pursuant to 28 U.S.C. § 2254. Additionally, Jo has not submitted a motion for leave to proceed in forma pauperis or paid the filing fee. Therefore, this case will be dismissed to allow Jo the opportunity to properly file a civil rights complaint or habeas petition on his own behalf and to either pay the filing fee or submit an affidavit of indigency in the appropriate court.

Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. This case is **DISMISSED** without prejudice.
2. The Clerk is directed to enter judgment and close the case.

DONE and **ORDERED** in Orlando, Florida on April 12, 2017.




ROY B. DALTON JR.
United States District Judge

Copies furnished to:

Unrepresented Party