

**UNITED STATES FEDERAL COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

<b>JOSE REYNALDO LUERA, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>Cause No.: 1:09-CV-136</b>
	)	
<b>v.</b>	)	
	)	
<b>CITY OF FORT WAYNE, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**OPINION AND ORDER**

On September 29, 2009, after they had terminated their Court-appointed counsel and elected to proceed *pro se* (Docket # 37, 38, 44), Plaintiffs Jose Reynaldo Luera (“Jose”) and Rose Luera (“Rose”) filed an amended complaint on their own behalf and “as parent[s] and natural guardian[s] of [their] children”.<sup>1</sup> (Docket # 45.) Thus, despite the prior admonishment from this Court on May 8, 2009 (Docket # 8), Jose and Rose are still attempting to represent their minor children, OL, AL, and MG, in this action.

To reiterate, while Jose and Rose are free to represent themselves in this action, they cannot represent their children. *See Navin v. Park Ridge Sch. Dist.* 64, 270 F.3d 1147, 1149 (7th Cir. 2001); *Lenker v. Gray*, No. 2:07-CV-274-PRC, 2008 WL 4613534, at \*4 (N.D. Ind. Oct. 10, 2008) (“As non-lawyers, parents may not represent their children in court.”); *Odell v. Litscher*, No. 02–0691-C, 2003 WL 23277419, at \*1 (W.D. Wis. Aug. 18, 2003) (stating that children must have counsel to represent them in federal court and cannot proceed on their own behalf or

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<sup>1</sup> Their amended complaint is now subject to a motion to dismiss or, in the alternative, a motion to remand filed by Defendants on October 13, 2009. (Docket # 47.)

be represented by non-lawyer parents). Therefore, Jose and Rose have until March 18, 2010, to secure counsel for O.L., A.L., and M.G. If they do not secure counsel by such date, the stay previously imposed (Docket # 51) will be lifted, making the claims of O.L., A.L., and M.G. subject to dismissal without prejudice.<sup>2</sup> See *Lenker*, 2008 WL 4613534, at \*4 (citing *Bell v. Anderson Cmty. Schs.*, No. 1:07-cv-00936, 2007 WL 2265067, at \*3 (S.D Ind. Aug. 6, 2007)).

SO ORDERED.

Entered this 22nd day of February, 2010.

S/ Roger B. Cosby  
Roger B. Cosby  
United States Magistrate Judge

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<sup>2</sup> The statute of limitations is tolled with respect to the claims of OL, AL, and MG until they reach the age of majority. If their claims are dismissed and with the stay lifted, the Court will then turn to Defendants' motion to dismiss or remand.