

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

ROBERTA L. HARPER et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:13CV-1-S

GAIL LOTZE et al.

DEFENDANTS

MEMORANDUM OPINION

This matter is before the Court on initial review of the complaint pursuant to 28 U.S.C. § 1915(e) and *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997). Upon review, a district court must dismiss a case at any time if it determines that the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). For the reasons that follow, the Court will dismiss the action.

Samuel J. Harper¹ filed this Title VII action on behalf of Roberta L. Harper. Section 1654 of title 28 of the United States Code provides, “In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage.” That statute, however, “does not permit plaintiffs to appear *pro se* where interests other than their own are at stake.” *Shepherd v. Wellman*, 313 F.3d 963, 970 (6th Cir. 2002); *Gonzales v. Wyatt*, 157 F.3d 1016, 1021 (5th Cir. 1998) (“[I]n federal court a party can represent himself or be represented by an attorney, but cannot be represented by a nonlawyer.”); *Eagle Assocs. v. Bank of Montreal*, 926 F.2d 1305, 1308 (2d Cir. 1991) (advising that § 1654 “does not allow for unlicensed laymen to represent anyone else other than themselves”) (citation omitted). Additionally, five days after the complaint was filed, Roberta Harper filed a motion to

¹A notice was filed in another case filed by Samuel Harper advising that he passed away on January 11, 2013. See *Harper v. Tindall*, No. 3:10CV-735-S (DN 209).

dismiss this action without prejudice. For these reasons, the claims brought on behalf of Roberta Harper will be dismissed.

Although Samuel Harper listed himself as a Plaintiff in the caption, he did not list himself as a Plaintiff in the parties section of the complaint form, and none of the allegations in the complaint appear to pertain to him. The complaint, therefore, fails to state a claim upon which relief may be granted as to that Plaintiff and will be dismissed.

The Court will enter a separate Order consistent with this Memorandum Opinion.

Date: February 1, 2013



**Charles R. Simpson III, Senior Judge
United States District Court**

cc: Roberta Harper
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