

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

KAREN CUNAGIN SYPHER

PLAINTIFF

v.

CIVIL ACTION NO. 3-14-CV-472-H

UNITED STATES OF AMERICA

DEFENDANT

MEMORANDUM OPINION


Before the Court is what purports to be a habeas corpus petition filed by non-lawyers Christopher Wirth and Jeffery Mays, who are incarcerated by the Pennsylvania Department of Corrections and who identify themselves as “‘next friend’ personal and legal representative for Karen Cunagin Sypher.” Wirth and Mays give a number of purported reasons why Ms. Sypher needs to be released from prison to receive medical treatment. They offer no explanation as to why they would be privy to this information about Ms. Sypher, who is incarcerated in a federal prison in Alabama.

Pro se litigants may act as their own counsel. *See* 28 U.S.C. § 1654. However, they are not authorized to represent others in federal court. *See, e.g., Shepherd v. Wellman*, 313 F.3d 963, 970 (6th Cir. 2002) (“*pro se*” means to appear for one’s self; thus, one person may not appear on another person’s behalf in the other’s cause). Moreover, litigants may only assert those claims which are personal to them. *Warth v. Seldin*, 422 U.S. 490, 499 (1975); *see also Coal Operators & Assoc., Inc. v. Babbitt*, 291 F.3d 912, 915-16 (6th Cir. 2002). Thus, Wirth and Mays lack standing to file a habeas petition on behalf of Ms. Sypher. Therefore, this petition will be dismissed as frivolous for lack of subject-matter jurisdiction. *Babbitt*, 291 F.3d at 915 (“[S]tanding to sue . . . is a jurisdictional requirement.”); Fed. R. Civ. P. 12(h)(3) (“If the court

determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”).

Moreover, the return address for Wirth and Mays is “301 Institution Dr., Bellefonte, PA 16823.” That return address is a Pennsylvania state prison. A review of the Pennsylvania Department of Corrections’ website reveals that an inmate named Jonathan Lee Riches, well known to this Court, is housed at SCI Benner Township located at the same address as that listed in the return address. Riches has filed numerous similarly frivolous and scandalous actions naming celebrities/public figures as plaintiffs and defendants in this Court and in other federal district courts throughout the country. The Court considers the possibility that, since this petition was mailed from the institution where Riches is incarcerated and it contains scandalous allegations similar to the types of allegations made by Riches in the past, this action may have been filed by Riches. For this reason, the Court directs that a copy of this Memorandum Opinion be sent to the Warden at SCI Benner Township in case the Warden would like to investigate whether Riches is filing frivolous and scandalous lawsuits naming individuals as Plaintiffs without their knowledge and/or filing legal documents under other prisoner’s names.

Date: July 1, 2014


John G. Heyburn II
Senior Judge, U.S. District Court

cc: Plaintiffs, *pro se*
Warden, SCI Benner Township, 301 Institution Dr., Bellefonte, PA 16823
4412.009