

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT PADUCAH  
CIVIL ACTION NO. 5:16CV-57-TBR**

**CINDY MITCHELL *et al.***

**PLAINTIFFS**

**v.**

**NIRANJAN SIVA AND ASSOCIATES**

**DEFENDANT**

**MEMORANDUM AND ORDER**

The complaint in the instant *pro se* action lists two Plaintiffs, Cindy Mitchell and Tony Blasingim, in the caption. However, upon review of the complaint, it is evident that only Mitchell, a frequent *pro se* filer in this Court, signed the complaint for both Plaintiffs. In addition, only Mitchell filed an application to proceed without the prepayment of fees (DN 3).

As the Court instructed Mitchell in a previous case, *Blasingim v. Midwest Neurosurgeons et al.*, Civil Action No. 5:15CV-183-TBR, she as a non-lawyer is not permitted to represent any other party in an action before this Court. See *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). Moreover, under the Federal Rules of Civil Procedure, “Every pleading, written motions, and other paper must be signed . . . by a party personally if the party is unrepresented.” Fed. R. Civ. P. 11(a).

Because it is evident that Blasingim did not sign the complaint and because he did not file an application to proceed without the prepayment of fees, the Court will give Blasingim 30 days to file an amended complaint with his signature and to file an application to proceed without prepayment of fees.

Accordingly, if Blasingim wishes to proceed as a Plaintiff in this action, **IT IS ORDERED** that he must sign the complaint and re-file it within **30 days** of entry of this Order. The **Clerk of Court is directed** to send Blasingim a copy of page 6 of the complaint (DN 1) for his signature should he choose to do so.

In addition, if Blasingim wishes to proceed as a Plaintiff in this action, he must file his own application to proceed without the prepayment of fees. **IT IS THEREFORE ORDERED** that Blasingim shall file an application to proceed without prepayment of fees within **30 days** from entry of this Order.

The **Clerk of Court is directed** to send Blasingim a non-prisoner application to proceed without prepayment of fees and affidavit form with the instant civil action number affixed to it.

**Blasingim is WARNED that failure to comply with this Order in all respects will result in his dismissal as a party to this action.**

Date:

cc: Plaintiff Mitchell, *pro se*  
Tony Blasingim  
4413.010