

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALBERT F. IAQUINTA,
Petitioner,

v.

CIVIL ACTION NO. 17-11052-MPK

WARDEN GRONDOLSKY.
Respondent.

MEMORANDUM AND ORDER

KELLEY, U.S.M.J.

I. Introduction.

On June 2, 2017, the Court received for filing Albert F. Iaquinta's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. (#1). Petitioner Albert F. Iaquinta is civilly committed and in custody at FMC Devens. Another individual has been submitting papers to this Court purportedly on petitioner's behalf. Several pleadings were filed with the petition including a notice (#4) signed by petitioner authorizing Andre Levesque to conduct basic legal work for the instant action. However, Iaquinta has not signed the petition (#1) and has not signed the motion (#3) to appoint a guardian ad litem.

II. Discussion.

Title 28 U.S.C. § 1654 states, "In all courts of the United States the parties may plead and conduct their own cases personally or by counsel ..." This means that only licensed attorneys may represent other persons before this Court. Under the Local Rules of this Court, Iaquinta may "not authorize any other individual who is not a member of the bar of this district to appear on his or her behalf." See L.R. 83.5.5(d). Finally, Rule 11(a) of the Federal Rules of Civil Procedure provides that every pleading must be signed by the attorney of record or by a party

personally if the party is unrepresented. *Id.* Unsigned pleadings must be stricken unless the omission is promptly corrected after being called to the party's attention.

Iaquinta's notice authorizing Levesque to conduct basic legal work in this action does not satisfy these requirements. Levesque is not alleged to be an attorney. The Court will give Iaquinta an opportunity to sign the petition (#1).

III. Conclusion.

1. If petitioner wishes to proceed with this action, he shall file a personally signed petition within 28 days of the entry of this Memorandum and Order. The Clerk shall provide a courtesy copy of the petition to petitioner with a copy of this Memorandum and Order.

Furthermore, petitioner is reminded that he must comply with the Federal Rules of Civil Procedure and the Local Rules of this Court including, but not limited to, the submissions of motions to this Court.

2. Petitioner's motion to appoint a guardian ad litem (#3) is DENIED without prejudice.

3. Failure of petitioner to comply with the directives contained in this Memorandum and Order may result in dismissal of this action without prejudice.¹

So Ordered.

July 13, 2017

/s/ M. Page Kelley
M. Page Kelley
United States Magistrate Judge

¹ This action was assigned pursuant to the Court's Program for Random Assignment of Civil Cases to Magistrate Judges and the undersigned may direct the reassignment of the case to a District Judge for further review.