

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Melkiyah El,

Petitioner,

v.

Misc. Case No. 14-50661

William J. Richards, *et al.*,

Sean F. Cox

United States District Court Judge

Respondents.

**ORDER DISMISSING THIS
MISCELLANEOUS CASE WITHOUT PREJUDICE**

This miscellaneous case has an unusual history. On May 28, 2014, the United States District Court for the District of Columbia issued a “Transfer Order” (Docket Entry No. 2) that transferred to this Court a “Letter Rogatory” filed by Melkiyah El in that court.

This miscellaneous case was then opened and assigned to the Honorable Lawrence P. Zatkoff on May 28, 2014. For reasons unknown, no action was taken on the matter for some time. Judge Zatkoff then passed away in January of 2015.

One of the listed respondents recently inquired about the status of this matter. Thereafter, because I succeeded Judge Zatkoff, this miscellaneous action was reassigned to me.

Given this history, I have given this matter expedited consideration.

Notably, Melkiyah El’s submission is signed only by Melkiyah El and acknowledges that Melkiyah El is not an attorney. Nevertheless, Melkiyah El purports to file the “Letter Rogatory” on behalf of others who did not sign the submission, Michelle Renee Hart and/or Michelle Renee Thornton. The “Letter Rogatory” asks the Court to order the Oakland County Sheriff and others

to produce certain documents relating to the foreclosure of a home owned by Michelle Renee Hart and/or Michelle Renee Thornton.

This is not the first time that Melkiyah El has purported to file a “Letter Rogatory” on behalf of others. *See Bey v. Youngblood*, 2014 WL 4965956 (E.D. Mich. 2014). As explained in that case:

“‘[A] *letter rogatory* is the request by a domestic court to a foreign court to take evidence from a certain witness.’” *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 248 n.1, 124 S.Ct. 3466, 159 L.Ed.2d 355 (2004) (quoting Jones, *International Judicial Assistance: Procedural Chaos and a Program for Reform*, 62 Yale L.J. 515, 519 (1953)). For the first time in 1855, Congress provided federal courts with the power to assist foreign tribunals in gathering evidence, with the request for federal-court aid taking the form of “letters rogatory forwarded through diplomatic channels.” *Id.* In 1948, Congress passed legislation, now codified at 28 U.S.C. § 1782, that “substantially broadened the scope of assistance federal courts could provide for foreign proceedings.” *Id.* at 247-48.

Section 1782 does not permit this Court to compel the Wayne County Register of Deeds or the Wayne County Clerk to produce the documents that Melkiyah El seeks. There are a number of requirements that must be satisfied for a court to compel the production of evidence under § 1782. Dispositive here is that the testimony or documents be “for use in a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation.” 28 U.S.C. § 1782 . . . Melkiyah El has not identified any “foreign or international tribunal” in which the information he seeks from Youngblood and Garrett will be used. (*See generally* Dkt. 1.). Accordingly, this Court cannot grant Melkiyah El the relief he seeks and will grant Youngblood and Garrett’s motion to quash Melkiyah El’s letter rogatory.

Id. at * 1. In addition, the district court noted that dismissal was also proper because Melkiyah El is not an attorney but was nevertheless seeking to act on behalf of others. *Id.* at *2.

As in that case, Melkiyah El has not identified any foreign or international tribunal in which the information he seeks from respondents in this miscellaneous case will be used. In addition, Melkiyah El is improperly seeking to represent others in federal court although he is

not an attorney.

Accordingly, the Court hereby **DISMISSES** this miscellaneous case without prejudice.

IT IS SO ORDERED.

Dated: August 1, 2017

s/Sean F. Cox
Sean F. Cox
U. S. District Judge

I hereby certify that on August 1, 2017, the foregoing document was served on counsel of record via electronic means and upon Melkyah El via First Class mail at the address below:

Melkiyah El
c/o 27685 Sutherland
Southfield, MI 48076-9998

s/J. McCoy
Case Manager