

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: Lawrence Valentino Brown Bey Jr.

Case No. 17-mc-51375
HON. GERSHWIN A. DRAIN

**ORDER OF DISMISSAL BASED ON LACK OF SUBJECT MATTER
JURISDICTION**

This is a miscellaneous matter entitled “Legal Notice! Name Declaration Correction and Publication.” Plaintiff paid the requisite filing fee, therefore his complaint is not subject to *sua sponte* dismissal pursuant to 28 U.S.C. § 1915(a). *Benson v. O'Brian*, 179 F.3d 1014 (6th Cir. 1999). However, “a district court may, at any time, *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999). Federal courts hold the *pro se* complaint to a “less stringent standard” than those drafted by attorneys. *Haines v. Kerner*, 404 U.S. 519 (1972).

Here, Brown Bey’s filing, construed liberally, demonstrates this Court lacks subject matter jurisdiction over this matter. A review of the “Legal Notice! Name

Declaration Correction and Publication” reveals that Brown Bey does not appear to be requesting district court action. Rather, it appears that the document is merely Brown Bey’s indication of his name change. Moreover, to the extent Brown Bey seeks an order changing his legal name, such relief is unavailable in this Court because “[n]o authority vests with the federal courts to grant a name change.” *Labreck v. Sabaugh*, No. 15-cv-13303, 2015 U.S. Dist. LEXIS 139556, *4-5 (E.D. Mich. Oct. 14, 2015) (quoting *United States v. Soltero*, 510 F.3d 858, 865 (9th Cir. 2007)). Therefore, this Court lacks jurisdiction to grant Brown Bey a legal name change.

This cause of action is **SUMMARILY DISMISSED**.

SO ORDERED.

Dated: October 31, 2017

/s/Gershwin A. Drain
GERSHWIN A. DRAIN
United States District Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 31, 2017, by electronic and/or ordinary mail.

/s/ Tanya Bankston
Deputy Clerk