

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID KETCHUM,

Plaintiff,

vs.

Civil Action No. 10-CV-14976
HON. MARK A. GOLDSMITH

SAGINAW COUNTY BOARD OF
COMMISSIONERS, et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
PLAINTIFF'S COMPLAINT**

This pro se case was referred to Magistrate Judge Virginia M. Morgan for all pretrial proceedings (D.E. 7). The handwritten complaint, asserting a variety of constitutional violations at the Saginaw County Jail, is signed by Plaintiff, a jail inmate, on behalf of himself “and, all inmates herein, and others similarly situated here at Saginaw County Jail.” Complaint, p. 14 (CM/ECF pagination) (D.E. 1). As a non-lawyer, Plaintiff is barred from representing anyone but himself in a lawsuit. Eagle Assoc. v Bank of Montreal, 926 F.2d 1305, 1308 (2d Cir. 1991). In addition, a plaintiff in an action under 42 U.S.C. § 1983 lacks standing to assert claims based on the violation of other persons’ constitutional rights. Shepard v Wellman, 313 F.3d 963, 970 (6th Cir. 2003). Because Plaintiff violated both of these principles in this case, the Magistrate Judge issued sua sponte a Report and Recommendation (D.E. 13), recommending that the Court dismiss the complaint, or alternatively, allow Plaintiff to proceed with respect to his own claims

only by filing an amended complaint clearly identifying the specific instances in which Plaintiff's individual right were allegedly violated.

The Court agrees with the Magistrate Judge's analysis and, therefore, adopts the recommendation that the complaint in this action be dismissed without prejudice. Plaintiff is granted leave to file, not later than June 30, 2011, an amended complaint on his own behalf and confined to alleged violations of his own rights. If Plaintiff fails to file timely an amended complaint in conformity with this order, this action will be dismissed with prejudice.

SO ORDERED.

Dated: June 1, 2011
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 1, 2011.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager