

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

RANDALL E. BURNS, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 2:13CV88 CDP
	)	
TRACY CARLSON, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before me on review of plaintiffs' complaint. Randall Burns filed this action, naming himself, Amanda Burns, and the Estate of Nicole Burns as plaintiffs. Only Randall Burns has signed the complaint.

Rule 11 of the Federal Rules of Civil Procedures requires that each party personally sign the complaint if he or she is not represented by counsel. Fed. R. Civ. P. 11(a). Rule 11 further requires that the Court strike an unsigned pleading if the parties fail to correct the omission. For Amanda Burns to be a proper plaintiff in this action, she must sign the complaint. Therefore, the Court will require plaintiffs to submit a complaint signed by both Randall Burns and Amanda Burns no later than October 29, 2013.

Randall Burns purports to represent the Estate of Nicole Burns in this action. It is not clear from the complaint whether Randall Burns is the administrator of the estate

or who the estate's beneficiaries and creditors are. Title 28 U.S.C. § 1654 "prohibit[s] a non-attorney administrator of an estate from proceeding pro se when there are other beneficiaries or creditors of the estate." Jones ex rel. Jones v. Correctional Medical Services, Inc., 401 F.3d 950, 951 (8th Cir. 2005) (citation and quotation omitted). That is, Randall Burns may not represent the estate in this action unless the estate has no creditors and he is both the administrator of the estate and its sole beneficiary. Thus, the Court will require Randall Burns to provide an affidavit to the Court naming the estate's administrator, its beneficiaries, and its creditors.


Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs shall submit an amended complaint signed by both Randall and Amanda Burns no later than October 29, 2013.

**IT IS FURTHER ORDERED** that Randall Burns shall submit, no later than October 29, 2013, an affidavit stating the name of the administrator for the Estate of Nicole Burns, the names of its beneficiaries, and the names of its creditors.

**IT IS HEREBY ORDERED** that failure to comply with this Order may result in the dismissal of all or part of this action.

Dated this 9th day of October, 2013.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE