

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

DARVELL SMITH,)	
)	
Petitioner,)	
)	
v.)	No. 4:13CV521 HEA
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the pleading in this action, which was filed by a non-lawyer calling himself “Prince: Hezron Bey.” Prince Hezron Bey supposedly filed this action on behalf of the “DARVELL LOPEZ-SMITH, Estate.” The pleading is filled with frivolous anti-government rhetoric typical to “sovereign” or “redemption” movements that use commercial laws to terrorize their targets. E.g. Marshall v. Florida, 2010 WL 1248846 (S.D. Fla. 2010). The Clerk, attempting to make proper sense of it, filed it as an action under 28 U.S.C. § 2255.

The Court notes that non-attorneys may not file documents on behalf of others in federal court. See 28 U.S.C. § 1654 (“In all courts of the United States the parties may plead and conduct their own cases personally or by counsel.”); Fed. R. Civ. P. 11(a) (“Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name--or by a party personally if the party is

unrepresented.”). As a result, this action was improperly filed, and the Court will strike it. The Court will not construe this action as a § 2255 motion, and Smith will not be subject to the limitations on successive § 2255 motions in the future as a result of this filing.

Accordingly,

IT IS HEREBY ORDERED that the petition is **STRICKEN**.

IT IS FURTHER ORDERED that the Clerk shall update the docket sheet to reflect that this action is not a motion to vacate under 28 U.S.C. § 2255.

Dated this 28th day of March, 2013.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE