

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

JOSHUA-DAVIS BLAND,)	
)	
Petitioner,)	
)	
v.)	No. 4:23-cv-399-HEA
)	
CHRIS BREWER,)	
)	
Respondent.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the motion of Joshua-Davis Bland to proceed as next friend on behalf of Michael J. Devlin. The motion will be denied and this action will be dismissed.

The Supreme Court has stated that to obtain “next friend” standing in a habeas matter, (1) a next friend must provide an adequate explanation—such as inaccessibility, mental incompetence, or other disability—why the real party in interest cannot appear on his own behalf, and (2) the next friend must be truly dedicated to the best interests of the real party in interest. *See Whitmore v. Arkansas*, 495 U.S. 149, 163 (1990); *see also* Fed. R. Civ. P. 17(c).

As background, Michael J. Devlin pleaded guilty in this Court to three counts of knowingly coercing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct. *See United States v. Devlin*, No. 4:07-cr-143-JCH (E.D. Mo. 2007), ECF No. 29. On December 21, 2007, he was sentenced to 170 years’ imprisonment. *Id.* Mr. Devlin did not appeal his sentence or file any motions for post-conviction relief.

In his motion, Mr. Bland states that he is a concerned citizen who feels Michael J. Devlin “was wronged by means of a blatant denial of due process and double jeopardized by the judicial system over seeing petitioner criminal proceedings, thus unlawfully incarcerated for his ignorance

and the prosecutors' superior knowledge of the law and the insufficient assistance of counsel." Mr. Bland states that he cannot correspond with Mr. Devlin because Mr. Devlin is incarcerated in Missouri and Mr. Bland is incarcerated in California. It is apparent that Mr. Bland has not spoken to Mr. Devlin and does not have his consent to be bringing this action or seeking "next friend" status. Mr. Devlin has not been declared incompetent or disabled. While Mr. Devlin might be inaccessible to Mr. Bland, he is not "inaccessible" as the term is used in *Whitmore. Id.* That is, Mr. Devlin could appear on his own behalf and prosecute his own action.

For these reasons, Mr. Bland's motion to proceed as next friend will be denied and this matter will be dismissed.

Accordingly,

IT IS HEREBY ORDERED that Joshua-Davis Bland's motion to proceed as next friend on behalf of Michael J. Devlin is **DENIED** [ECF No. 2] and this action is **DISMISSED**.

An order of dismissal will accompany this opinion, memorandum and order.

Dated this 31st day of March, 2023



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE