

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JESSE JACOBSEN, and ROBERT )  
JACOBSEN, )

4:10CV3057

Plaintiffs, )

v. )

**MEMORANDUM  
AND ORDER**

STATE OF NEBR. COURT )  
SYSTEM, D.E.A., Sgt. Sabada & )  
Team, DISTRICT ATT, PROS. ATT, )  
PUBLIC DEF., JUDGES, STATE, all )  
of them, ALL LAWYERS IN NEBR., )  
POLICE, and SUPREME COURT )  
JUDGES, all of them, )

Defendants. )

This matter is before the court on Plaintiff Jesse Jacobsen’s Motion for Leave to Proceed In Forma Pauperis (“IFP”). (Filing No. [2](#).) Plaintiff Robert Jacobsen has not filed a Motion to Proceed IFP or signed the Complaint. (See Docket Sheet; Filing No. [1](#).) For the reasons discussed below, Robert Jacobsen is dismissed from this action and Jesse Jacobsen may proceed without payment of fees.

Plaintiffs Jesse Jacobsen and Robert Jacobsen, who are proceeding *pro se*, filed their Complaint in this matter on April 2, 2010. (Filing No. [1](#).) However, Robert Jacobsen failed to sign the Complaint. (*Id.*) [Federal Rule of Civil Procedure 11](#) states that “every pleading . . . must be signed by at least one attorney of record . . . or by a party personally if the party is unrepresented.” [Fed. R. Civ. P. 11\(a\)](#). Further, “[t]he court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.” *Id.*

On April 5, 2010, the court entered a text notice of deficiency and mailed it to the address provided by Plaintiffs. (Filing No. 5.) In doing so, the court warned Plaintiffs that the Complaint could be stricken if the deficiency was not corrected within 15 days.<sup>1</sup> (*Id.*)

The deficiency deadline has now passed and Robert Jacobsen failed to sign the Complaint. (*See* Docket Sheet.) Because Robert Jacobsen failed to sign the Complaint by the court's deadline, he is dismissed from this action. In contrast, the court has reviewed Jesse Jacobsen's Motion for Leave to Proceed IFP and finds that he is financially eligible to proceed without payment of fees.

IT IS THEREFORE ORDERED that:

1. Robert Jacobsen is dismissed from this action.
2. Jesse Jacobsen remains a Plaintiff and his Motion for Leave to Proceed IFP (filing no. 2) is granted. Jesse Jacobsen may proceed without payment of fees.

DATED this 3<sup>rd</sup> day of May, 2010.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge

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<sup>1</sup>The court notes that pursuant to [Federal Rule of Civil Procedure 17\(c\)\(1\)](#), a duly appointed representative may sue or defend on behalf of an incompetent person. In addition, an incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. [Fed. R. Civ. P. 17\(c\)\(2\)](#). However, a pro se litigant who is not an attorney may not represent someone else in federal court. *See, e.g., Osei-Afriyie v. Med. Coll. of Penn.*, 937 F.2d 876, 882-82 (3d Cir. 1991) (concluding that it is not in the interest of minors or incompetents that they be represented by non-attorneys).

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