

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RESOURCE SOLUTIONS, LLC and)	
JAMES TARIC BYRD,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 23-166
)	
USA PRESIDENT JOSEPH BIDEN and)	
ATTORNEY GENERAL MERRICK GARLAND,)	
)	
Defendants.)	

OPINION and ORDER

Resource Solutions, Inc. and James Taric Byrd commenced this proceeding by filing a motion to proceed in forma pauperis and attaching to it a Complaint purporting to sue President Joseph Biden and Attorney General Merrick Garland for gross negligence, gross violations of freedom and presumption of innocence, unfair trials, and violation of the right to assemble adequate defense. ECF No. 1. The Court notes that the Complaint does not specify the conduct, actions, or incidents on which any alleged claim against the Defendants is based. In fact the Complaint is simply missing any factual allegations.

The Court, however, need not address the Complaint at this time because the Plaintiffs’ motions for in forma pauperis status must be denied. First, Resource Solutions, LLC, is purporting to represent itself (and perhaps Mr. Byrd) in this proceeding. A corporation must be represented in court by an attorney. Simbraw, Inc. v. United States, 367 F.2d 373, 373-74 (3d Cir. 1966) (per curiam). Indeed, it “has been the law for the better part of two centuries ... that a corporation may appear in the federal courts only through licensed counsel.” United States v. Cocivera, 104 F.3d 566, 572 (3d Cir. 1996) (internal quotation and citation omitted). Thus,

Resource Solutions cannot represent itself and it cannot represent Mr. Byrd. The Court will take no action in this case related to Resource Solutions, LLC since it is not represented by a licensed attorney.

Second, only natural persons, not corporations, are permitted to proceed in forma pauperis. Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194 (1993). To the extent Resource Solutions is requesting to proceed in forma pauperis, such request is denied.

The request to proceed in forma pauperis by Mr. Byrd will also be denied. First, he has not submitted proper documentation to determine if in forma pauperis status is appropriate. More significantly, there is no indication that James Byrd, in reality, has anything to do with this purported Complaint or consents to its filing on his behalf. All submissions have been prepared, signed, and submitted by Michael Coniker, the President of Resource Solutions. Mr. Coniker acknowledges several times that Mr. Byrd has not been in contact with Mr. Coniker about the details of the present Complaint. For example, regarding the amount of money the Plaintiffs have, Mr. Coniker asserts that Mr. Byrd “might own some real estate,” and then states, “Please ask him [Mr. Byrd] at ACJ.” ECF No. 1, at ¶ 5. Regarding debts and obligations, Mr. Coniker states, “Unknown for James Byrd.” Id. at ¶ 8. On the signature page of the motion to proceed in forma pauperis, Mr. Coniker states, “Please ask James Bird to sign this. . . .” Id. On the final page of the Complaint, in the signature section, Mr. Coniker states, that he is signing “on behalf of James Byrd[,] missing from my access.” ECF No. 1-1, at 5. Since Mr. Byrd has not asked to proceed in forma pauperis and Mr. Byrd has not signed the Complaint or otherwise provided proof that he has chosen to pursue the purported litigation, his request to proceed in forma pauperis is denied.

Next, although it is not entirely clear whether Mr. Coniker/Resource Solutions is requesting representation by Mr. Byrd or if Mr. Byrd is requesting representation by Mr. Coniker/Resource Solutions, the purported Plaintiffs may not be represented in court by a corporation, and they may not be represented by a non-attorney. “Although an individual may represent herself or himself pro se, a non-attorney may not represent other parties in federal court.” Murray on behalf of Purnell v. City of Philadelphia, 901 F.3d 169, 170 (3d Cir. 2018).

Finally, Mr. Coniker has filed this action as a related case to Civil Action Nos. 20-880, 22-185, and 22-1184. The Court has reviewed the proposed Complaint in this action and concludes that it is not related to Civil Action Nos. 20-880, 22-185, and 22-1184. The Clerk of Court will be directed to remove the designation that the instant action is related to other cases.

AND NOW, this 7th day of February 2023, it is hereby ORDERED as follows:

IT IS ORDERED that Plaintiffs’ Motions for Leave to Proceed in forma pauperis are DENIED.

IT IS FURTHER ORDERED that Resources Solutions, LLC may not proceed with this action without securing a licensed attorney to represent it. Should Resources Solutions, LLC seek to re-open this action, it must pay the filing fee.

IT IS FURTHER ORDERED that the Clerk of Court is directed to remove all related cases from this action, as this case is not related to any of the actions identified on the docket.

This action is hereby closed and dismissed without prejudice.

s/Marilyn J. Horan
Marilyn J. Horan
United States District Court Judge

cc: RESOURCE SOLUTIONS, LLC
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