

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

LINDA LUNDGREN	§	
and FRED LUNDGREN	§	
	§	
V.	§	CIVIL ACTION NO. G-10-351
	§	
EMPIRE INDEMNITY INSURANCE	§	
COMPANY, ET AL.	§	

**OPINION AND ORDER**

Because Fred Lundgren is neither a named insured nor an additional insured under the Empire policy and because the policy contains a non-assignment clause which Empire refuses to waive, Fred Lundgren has no standing to pursue any claims against Empire. Conoco, Inc. v. Republic Insurance Co., 819 F.2d 120, 124 (5<sup>th</sup> Cir. 1987) Consequently, Fred Lundgren cannot appear in this case *pro se*. Further, since Fred Lundgren is not licensed to practice law, this Court could not permit him to represent Linda Lundgren in this case even if it believed that Empire has untimely and maliciously raised the issue.

It is, therefore, **ORDERED** that the “Motion to Dismiss all Claims of Fred Lundgren” (Instrument no. 87) of Defendant, Empire Indemnity Insurance Company, is **GRANTED** and all claims asserted by Fred Lundgren, in his own behalf, against Empire are **DISMISSED, with prejudice**.

It is further **ORDERED** that this Court’s prior unopposed approval to allow Fred Lundgren to act as *pro se* counsel is **REVOKED** and he **WILL NOT** be allowed to continue to act in that capacity in this litigation.

**DONE** at Galveston, Texas, this \_\_\_\_\_ 6th \_\_\_\_\_ day of August, 2012.

  
\_\_\_\_\_  
John R. Froeschner  
United States Magistrate Judge