

Jason Perry,

Plaintiff,

versus

City of Houston, *et al.*,

Defendants.

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Civil Action H-11-4615

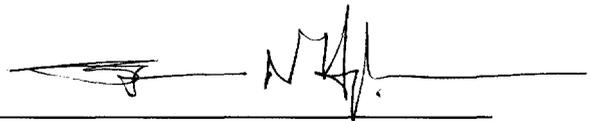
Opinion on Dismissal

Jason Perry has sued the city of Houston and some unknown people for violating his civil rights. He says that he was mistreated when the city denied him a variance that would have waived the parking requirements for a building that he wanted to use for a restaurant. The city has moved to dismiss because Perry has not applied for a variance. Perry says that he may sue because Carlyle Ultra, Inc. – a company that he owns – has applied for a variance.

The claims against the city of Houston will be dismissed because Perry may not sue for Carlyle Ultra, Inc.; it must sue for itself. Perry chose to do business as a corporation. Corporations are separate beings under the law. They act on their own; their owners can only act for them by acting through them.

The claims against the unknown people will be dismissed. Suing an unidentified person as “John Doe” is a pernicious and silly practice that has crept to Texas from California. People are entitled to know when claims have been made against them. Suing an unknown number of unknown people is a meaningless gesture that must be ignored.

Signed on February 9, 2012, at Houston, Texas.



Lynn N. Hughes
United States District Judge