

United States District Court
Southern District of Texas

ENTERED

March 27, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LASHAN ARCENEUX,	§	
INDIVIDUALLY, AND AS NEXT	§	
FRIEND OF M.O., A MINOR,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	CIVIL ACTION NO. H-17-3234
	§	
KLEIN INDEPENDENT SCHOOL	§	
DISTRICT, <i>et al.</i> ,	§	
	§	
Defendants.	§	

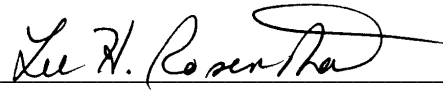
ORDER

LaShan Arceneaux, the mother of M.O., a minor, sued several teachers, administrators, and the Klein Independent School District, alleging that they discriminated against M.O. based on her choice to sit during the recitation of the Pledge of Allegiance. (Docket Entry Nos. 1, 16, 37). In February 2019, the defendants jointly moved to strike Arceneaux as a party, arguing that she lacks standing because M.O. has reached the age of majority, and because the court dismissed Arceneaux's Establishment Clause claim. (Docket Entry No. 68). Arceneaux responds that the motion is untimely, and that the court should deny the motion because the remedy at issue is disfavored. (Docket Entry No. 69).

Arceneaux concedes that M.O. has reached the age of majority. (*Id.* at 3). Arceneaux may not, therefore, prosecute M.O.'s claims on her behalf. *Stephenson v. McClelland*, 632 F. App'x 177, 181 (5th Cir. 2015). Because the court dismissed Arceneaux's claim, with prejudice, she lacks standing and is dismissed as party to this action. *See Wrecker Works, L.L.C. v. City of Aberdeen, Miss.*, 751 F. App'x 413, 418 (5th Cir. 2018).

Federal Rule of Civil Procedure 17(a)(3) provides that the “court may not dismiss an action for failure to prosecute in the name of the real party in interest until, after an objection, a reasonable time has been allowed for the real party in interest to ratify, join, or be substituted into the action.” FED. R. CIV. P. 17(a)(3). Now that M.O., the real party in interest, is an adult, she must decide whether to continue prosecuting this case. If M.O. wants to pursue her claims, she must file an amended complaint by **July 12, 2019**. See *Valadez v. United Indep. Sch. Dist.*, H-8-22, 2008 WL 4200092, at *1 (S.D. Tex. Sep. 10, 2008). A failure to do so will result in dismissal for lack of prosecution.

SIGNED on March 27, 2019, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal

Chief United States District Judge