

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

ROY L. DENTON)	
<i>Plaintiff</i>)	
v.)	No. 1:07-cv-211
)	<i>Collier/Carter</i>
STEVE RIEVLEY, in his individual capacity,)	
<i>Defendant</i>)	

MEMORANDUM AND ORDER

A hearing was held on Friday, March 14, 2008, on plaintiff Roy L. Denton's motion to amend the complaint. [Doc. 7]. Roy Denton, who represents himself, was present as was defendant's attorney, Ron Wells. Under oath, Roy Denton explained to the undersigned Magistrate Judge that while his son, Dustin B. Denton, was stationed in Iraq with the United States Army, he (Roy) filed the instant lawsuit naming himself and his son as plaintiffs. Roy Denton personally signed the complaint with Dustin's name. At the time he filed the complaint, he had not talked to his son about it or received permission from his son to file the lawsuit in his name. Roy Denton filed the lawsuit believing that if he did not file on behalf of his son at that time, the statute of limitations for his son's cause of action would expire and thereafter bar any claim against the defendant that his son might wish to pursue. However, Dustin Denton has recently informed his father that he does not want to be involved in this lawsuit.

[I]n federal court a party can represent himself or be represented by an attorney, but cannot be represented by a nonlawyer." *Gonzales v. Wyatt*, 157 F.3d 1016, 1021 (5th Cir.1998); *Eagle Associates v. Bank of Montreal*, 926 F.2d 1305, 1308 (2d Cir.1991); *Swan v. United States Dept. of Defense*, 2006 WL 3228397, *2 (W.D.Ky. Nov. 2, 2006). Further, 28 U.S.C. § 1654

provides that “In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage.” “Section 1654 ‘has been interpreted to allow for two types of representation: that by an attorney admitted to the practice of law by a governmental regulatory body and that by a person representing himself. The statute does not allow for unlicensed laymen to represent anyone else other than themselves.” *Swan*, 2006 WL 3228397, *2 (quoting *Eagle Associates*, 926 F.2d at 1308.)

Since Roy Denton did not have permission to file this action on behalf of his son, Dustin Denton, Dustin Denton has never been a proper party to this action. Accordingly, Roy Denton’s motion to amend his complaint to reflect that he is the only plaintiff in the instant case is GRANTED. Roy Denton shall so amend his complaint and file it with the Clerk of the Court on or before **Friday, March 28, 2008**.

SO ORDERED.

ENTER:

Dated: March 14, 2008

s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE