

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

STACEY W. BRACKENS, et.al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 06-1166-MLB-DWB
)	
AMY McCLELLAN and,)	
EDWARD SIMMS,)	
)	
Defendants.)	
_____)	

ORDER

Plaintiff Stacey Brackens has filed a document entitled “Motion Seeking the Court to Consider” (Doc. 6), by which Brackens seeks an order requiring defendants McClellan and Simms to no longer represent themselves in this case, requiring defendants to retain counsel to represent them in this case, and requiring that defendants have no further communication with Brackens.

The provisions of 28 U.S.C. § 1654 deal with appearance personally or by counsel in federal cases, and it states:

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 and conduct causes therein.

The only exception to this statute is that corporations, partnerships or associations

may not appear in federal court other than through a licensed attorney. *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 202, 113 S.Ct. 716, 721, 121 L.Ed.2d 656 (1993). Both of the defendants in this case are individuals, therefore under 28 U.S.C. § 1654 they have a right to represent themselves in this action in the same manner as does the plaintiff. Therefore, the Court will not enter an order prohibiting defendants from representing themselves in this case, nor will it issue any order requiring them to obtain counsel.

As to communication with plaintiff, Fed.R.Civ.P. 5(a) requires that basically all filings in a case “shall be served upon each of the parties.” Rule 5(b)(2)(B) provides that service under the rule can be made by “[m]ailing a copy to the last known address of the person served.” Because all parties in this case are obligated to serve copies of their filings on all other parties, the Court will not issue an order directing that defendants have no communication with plaintiff.

IT IS THEREFORE ORDERED that Plaintiff’s “Motion Seeking the Court to Consider” (Doc. 6) is hereby DENIED.

Dated at Wichita, Kansas, on this 24nd day of August, 2006.

s/ Donald W. Bostwick
DONALD W. BOSTWICK
UNITED STATES MAGISTRATE JUDGE