

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
WEST VIRGINIA

Simmons v. City of Hurricane

Simmons · No. 3:25-cv-00345 · Decided March 13, 2026

SUMMARY

The United States District Court for the Southern District of West Virginia resolves several procedural motions in Simmons v. City of Hurricane. The court grants plaintiffs leave to exceed the memorandum page limit and denies motions to strike, a motion to prohibit unauthorized practice of law, a sanctions motion, and a motion for protective order. The court explains the limits on pro se representation of other parties and minors, the standards for sanctions, and the requirements for protective orders.

CASE DETAILS

COURT	United States District Court for the Southern District of West Virginia
JURISDICTION	United States District Court for the Southern District of West Virginia
DECIDED	March 13, 2026
DOCKET	3:25-cv-00345
DISPOSITION	other
PROCEDURAL POSTURE	Order resolving multiple discovery, briefing, sanctions, and representation-related motions in a pending civil-rights action at the pleadings stage.
STANDARD OF REVIEW	The court applied discretionary docket-management principles to briefing and filing issues; Rule 11 sanctions were evaluated under an objective-reasonableness standard; sanctions under 28 U.S.C. § 1927 and the court's inherent authority required bad faith; and a protective order required a specific showing of good cause, prejudice, or harm.
PRECEDENTIAL VALUE	unpublished

TOPICS

- civil procedure
- motion for judgment on the pleadings
- sanctions
- discovery dispute
- guardian ad litem

PRACTICE AREAS

- civil procedure
- civil rights
- pro se representation
- sanctions
- discovery

QUESTIONS PRESENTED

1. Whether plaintiffs should be permitted to file a consolidated response exceeding the local page limit.
2. Whether defendants' motion to strike plaintiffs' consolidated response should be granted.
3. Whether plaintiffs' motion to strike defendants' reply memoranda and an attached search warrant should be granted.
4. Whether a pro se litigant may represent other adult parties or minor children in federal court, and whether the court should strike filings or prohibit further representation.
5. Whether defendants' counsel should be sanctioned under Federal Rule of Civil Procedure 11, 28 U.S.C. § 1927, or the court's inherent authority.
6. Whether plaintiffs established the procedural and substantive prerequisites for a protective order under Rule 26(c).

HOLDINGS

1. A district court may permit a consolidated filing exceeding a local page limit when good cause exists, the filing addresses overlapping issues, the enlargement promotes efficient resolution, and no specific prejudice is shown.
2. A memorandum opposing dispositive motions and a reply brief are not pleadings subject to Rule 12(f), and striking such briefing is generally inappropriate absent specific prejudice or a need for that drastic remedy.
3. A court may consider a document attached to a reply at the Rule 12(c) stage when the document is integral to and explicitly relied upon in the complaint and its authenticity is undisputed.
4. A nonattorney proceeding pro se may litigate only her own claims and may not represent other parties, including minor children, in federal court.
5. Sanctions were unwarranted because defendants' motion presented a colorable legal issue, was not objectively unreasonable or filed for an improper purpose, did not unreasonably and vexatiously multiply the proceedings, and was not shown to have been filed in bad faith.
6. A protective order requires the movant to satisfy Rule 26(c)'s procedural requirements and make a particularized showing of good cause, specific prejudice, or harm; generalized allegations of harassment or intrusion are insufficient.

KEY QUOTATIONS

“Moreover, although Defendants style their request as a motion to strike, the challenged filing is a memorandum in opposition to dispositive motions and therefore is not a “pleading” within the meaning of Rule 7(a) of the Federal Rules of Civil Procedure.” (Section II)

“The right of self-representation conferred by that statute is personal and does not authorize a non-lawyer to appear on behalf of another.” (Section IV)

“The mere fact that a motion is unsuccessful does not render it sanctionable.” (Section V)

“Conclusory allegations or generalized assertions of improper conduct are insufficient to satisfy that burden.” (Section VI)

FACTUAL BACKGROUND

Plaintiffs submitted a consolidated response exceeding the local twenty-page limit in opposition to several overlapping Rule 12(c) motions. Plaintiff Tearria Simmons, proceeding pro se, signed filings involving other adult plaintiffs and minor children, prompting defendants to seek an order barring unauthorized representation. Defendants' counsel investigated publicly available information concerning Simmons's alleged practice of law, and plaintiffs characterized that investigation and related filings as harassment. Plaintiffs also sought sanctions and a protective order, but identified no improper discovery request, subpoena, privileged material, or violation of a court order.

PROCEDURAL HISTORY

Plaintiffs filed a consolidated response to several defendants' motions for judgment on the pleadings and moved for leave to exceed the applicable page limit. Defendants moved to strike the response and to prohibit alleged unauthorized practice of law; plaintiffs moved to strike defendants' replies, obtain sanctions, and obtain a protective order. The court granted leave to exceed the page limit and denied the remaining motions.

DISPOSITION

other

CASES CITED

- United States v. Shaffer Equip. Co., 11 F.3d 450, 461 (4th Cir. 1993)
- United States v. Shaffer Equip. Co., 11 F.3d 450, 462 (4th Cir. 1993)
- Waste Mgmt. Holdings, Inc. v. Gilmore, 252 F.3d 316, 347 (4th Cir. 2001)
- United States ex rel. Head v. Kane Co., 668 F. Supp. 2d 146, 152 (D.D.C. 2009)
- Phillips v. LCI Int'l Inc., 190 F.3d 609, 618 (4th Cir. 1999)
- Oxendine v. Williams, 509 F.2d 1405, 1407 (4th Cir. 1975)
- Myers v. Loudoun Cnty. Pub. Sch., 418 F.3d 395, 400–01 (4th Cir. 2005)