

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
TENNESSEE, COLUMBIA DIVISION

Ashley Humphrey, individually and as next friend of J.H., a minor v.
Maury County Board of Education, et al.

Humphrey · No. 1:26-cv-00037 · Decided April 30, 2026

SUMMARY

The United States District Court for the Middle District of Tennessee denies Ashley Humphrey’s motion to proceed pro se on behalf of her minor son, concluding that Sixth Circuit precedent prohibits a parent from litigating a minor child’s personal claims without counsel. The court also denies an emergency motion for a temporary restraining order and preliminary injunction because the claims supporting it were not properly before the court and the alleged irreparable harm was speculative. The court states that claims brought on behalf of the minor will be dismissed without prejudice by separate order.

CASE DETAILS

COURT	United States District Court for the Middle District of Tennessee, Columbia Division
WRITING FOR THE COURT	William L. Campbell Jr.
JURISDICTION	United States District Court for the Middle District of Tennessee, Columbia Division
DECIDED	April 30, 2026
DOCKET	1:26-cv-00037
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se civil action individually and as next friend of her minor son, asserting claims under the Rehabilitation Act, the ADA, the Equal Protection Clause, and state law. After the court ordered an amended pleading that either be filed by counsel or omit claims belonging to the minor, Plaintiff moved to proceed pro se on the child's behalf, filed amended complaints, and sought emergency injunctive relief.
STANDARD OF REVIEW	A parent who is not an attorney may not appear pro se on behalf of a minor child. Temporary restraining orders and preliminary injunctions require consideration of likelihood of success on the merits,

	irreparable harm, harm to others, and the public interest; irreparable injury must be certain and immediate rather than speculative or theoretical.
PRECEDENTIAL VALUE	unknown
PARTIES	Ashley Humphrey, individually and as next friend of J.H., a minor v. Maury County Board of Education, et al.

TOPICS

civil procedure injunctions ada / disability section 1983 standing

PRACTICE AREAS

civil procedure civil rights disability discrimination injunctive relief

QUESTIONS PRESENTED

1. Whether a nonlawyer parent may proceed pro se on behalf of her minor child's personal claims.
2. Whether Plaintiff was entitled to a temporary restraining order or preliminary injunction based on alleged threats of school violence, truancy enforcement, and child-protective-services referrals.

HOLDINGS

1. A parent who is not an attorney may not appear pro se on behalf of a minor child because the child's personal cause of action belongs to the child and is not the parent's own claim. Plaintiff therefore could not litigate J.H.'s Rehabilitation Act, ADA, Section 1983, equal-protection, or related state-law claims without counsel.
2. The emergency motion for a temporary restraining order and preliminary injunction was properly denied because it depended on claims asserted on behalf of a party not properly before the court, Plaintiff had not shown a likelihood of success on those claims, and the alleged future injuries were speculative rather than certain and immediate.

KEY QUOTATIONS

“Parents cannot appear pro se on behalf of their minor children because a minor’s personal cause of action is [his] own and does not belong to [his] parent or representative.” (Section II)

“That factor is indispensable: If the plaintiff isn’t facing imminent and irreparable injury, there’s no need to grant relief now as opposed to at the end of the lawsuit.” (Section III)

FACTUAL BACKGROUND

Plaintiff alleged that her minor son, J.H., had been subjected to bullying and physical attacks at school and feared further harm if he returned. She also alleged that school officials threatened truancy proceedings and

referrals to child protective services when she kept him home. Plaintiff sought emergency relief based primarily on the alleged risk of future attacks and consequences for keeping J.H. out of school.

PROCEDURAL HISTORY

The court granted Plaintiff pauper status and ordered her to amend because a nonlawyer parent could not litigate her minor child's claims pro se. Plaintiff challenged that order, filed amended pleadings asserting claims on behalf of J.H., and moved for permission to proceed pro se and for a temporary restraining order and preliminary injunction. The court denied permission to proceed pro se, stated that the claims brought on J.H.'s behalf would be dismissed without prejudice by separate order, and denied the emergency motions.

DISPOSITION

other

CASES CITED

- Cavanaugh v. Cardinal Local School District, 409 F.3d 753, 755-56 (6th Cir. 2005)
- Winkelman ex rel. Winkelman v. Parma City School District, 550 U.S. 516 (2007)
- Shepherd v. Wellman, 313 F.3d 963, 970 (6th Cir. 2002)
- Olagues v. Timken, 908 F.3d 200, 203 (6th Cir. 2018)
- Parker v. West Carroll Special School District, 2022 WL 2913982, at *2 (6th Cir. Mar. 14, 2022)
- Chukwuani v. Solon City School District, 2020 U.S. App. LEXIS 12863, at *4 (6th Cir. Apr. 21, 2020)
- Moses v. Gardner, 2016 WL 9445913, at *1 (6th Cir. May 24, 2016)
- Raskin on behalf of JD v. Dallas Independent School District, 69 F.4th 280, 285-86 (5th Cir. 2023)
- Maras v. Mayfield City School District Board of Education, 2024 WL 449353, at *2 (6th Cir. Feb. 6, 2024)
- Grizzell v. San Elijo Elementary School, 110 F.4th 1177, 1181 (9th Cir. 2024), cert. denied, 145 S. Ct. 2701 (2025)
- Chambers v. Sanders, 63 F.4th 1092, 1100 (6th Cir. 2023)
- Claybrook v. Birchwell, 199 F.3d 350, 357 (6th Cir. 2000)
- Wilt v. Smith County Sheriff's Office, 2025 WL 2991307, at *6 (E.D. Tex. July 21, 2025), report and recommendation adopted, 2025 WL 2988449 (E.D. Tex. Oct. 23, 2025)
- Clayton v. Kroopnick, 2023 WL 5423623, at *4 & n.6 (E.D. Mich. June 23, 2023), report and recommendation adopted, 2023 WL 5411004 (E.D. Mich. Aug. 22, 2023)
- Parker v. West Carroll School District, 2020 WL 8513828, at *3 (W.D. Tenn. Nov. 24, 2020), report and recommendation adopted, 2021 WL 71962 (W.D. Tenn. Jan. 8, 2021)
- Denson ex rel. Denson v. Methodist Medical Center of Oak Ridge, 2025 WL 2902229, at *4 (Tenn. Oct. 13, 2025)
- Garcia v. City of McAllen, 2026 WL 451524, at *9 (S.D. Tex. Jan. 16, 2026), report and recommendation adopted, 2026 WL 449146 (S.D. Tex. Feb. 13, 2026)
- Vandergriff v. ParkRidge East Hospital, 482 S.W.3d 545, 553 (Tenn. Ct. App. 2015)

- *Ciavone v. McKee*, 2009 WL 2096281, at *1 (W.D. Mich. July 10, 2009)
- *Northeast Ohio Coalition for Homeless & Service Employees International Union, Local 1199 v. Blackwell*, 467 F.3d 999, 1009 (6th Cir. 2006)
- *Thompson v. DeWine*, 976 F.3d 610, 615 (6th Cir. 2020) (per curiam), cert. denied, 141 S. Ct. 2512 (2021)
- *Obama for America v. Husted*, 697 F.3d 423, 436 (6th Cir. 2012)
- *Friendship Materials, Inc. v. Michigan Brick, Inc.*, 679 F.2d 100, 105 (6th Cir. 1982)
- *Taylor v. James*, 2025 WL 3232665, at *6 (M.D. Tenn. Nov. 19, 2025)
- *National Hockey League Players' Association v. Plymouth Whalers Hockey Club*, 325 F.3d 712, 717 (6th Cir. 2003)

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