

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, WESTERN DIVISION

Michael Hesseling, Trustee of the Hesseling Family Trust, pro se, et
al. v. myCUMortgage, LLC, et al.

Hesseling · No. 3:26-cv-386 · Decided March 12, 2026

SUMMARY

The court dismissed the Hesseling Family Trust as a plaintiff because a trust may not proceed in federal court through a trustee appearing pro se. It also dismissed Michael and Tammy Hesseling’s individual claims for failure to adequately allege standing, personal injury, and conduct attributable to each defendant. The court denied the motions for a temporary restraining order, expedited hearing, and service by the United States Marshals as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Western Division
WRITING FOR THE COURT	Jeffrey J. Helmick
JURISDICTION	United States District Court for the Northern District of Ohio, Western Division
DECIDED	March 12, 2026
DOCKET	3:26-cv-386
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs filed a federal action challenging conduct allegedly arising from foreclosure proceedings and moved for a temporary restraining order, a preliminary injunction, an expedited hearing, and an order directing the United States Marshals to effect service. The district court dismissed the Trust as a plaintiff because it was not represented by licensed counsel, dismissed the Hesselings' individual claims for lack of adequately alleged standing, and denied the pending motions as moot.
STANDARD OF REVIEW	At the pleading stage, the court evaluated whether Plaintiffs alleged Article III standing, including injury in fact, traceability, and redressability. The court also applied the rule that artificial entities,

	including trusts, may not appear in federal court without licensed counsel.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order
PARTIES	Michael Hesseling, Trustee of the Hesseling Family Trust, pro se, Tammy Hesseling v. myCUMortgage, LLC, TopMark Federal Credit Union, Padgett Law Group, Allen County Board of Commissioners, Allen County Sheriff and Command Staff, Allen County Treasurer, 20 John and Jane Does

TOPICS

standing injunctions service of process civil procedure trusts

PRACTICE AREAS

civil procedure constitutional law real estate foreclosure trusts

QUESTIONS PRESENTED

1. Whether the Hesseling Family Trust could proceed as a pro se plaintiff through its trustee.
2. Whether Michael and Tammy Hesseling adequately alleged Article III standing to pursue claims concerning the foreclosure proceedings.
3. Whether Plaintiffs' motions for a temporary restraining order, expedited hearing, and service by the United States Marshals remained viable after dismissal of the claims.

HOLDINGS

1. A trust, as an artificial entity, may not appear in federal court through a nonlawyer trustee acting without licensed counsel. Because the Trust was not represented by counsel, the court dismissed the Trust as a plaintiff.
2. The Hesselings lacked adequately alleged standing because they did not identify a personal property interest, allege a personal actual or threatened injury distinct from any interest of the Trust, or connect an injury to conduct by any particular Defendant. Their individual claims were therefore dismissed.

KEY QUOTATIONS

“Thus, while a trustee may bring suit on behalf of a trust, the trustee must obtain counsel in order to do so.”

“The Constitution requires that a plaintiff demonstrate he has standing to pursue a case in a federal court.”

FACTUAL BACKGROUND

Plaintiffs sought to prevent or pause foreclosure-related transfer, sale, or recording actions concerning an unidentified residential property in Allen County, Ohio. Michael Hesseling asserted claims as trustee of the Hesseling Family Trust, but neither he nor Tammy Hesseling identified a personal property interest distinct from

any interest held by the Trust. The Complaint attributed actions generally to the Defendants without alleging what conduct each Defendant individually undertook.

PROCEDURAL HISTORY

Michael Hesseling, as trustee of the Hesseling Family Trust, and Tammy Hesseling filed suit against multiple defendants alleging constitutional and federal-law violations connected to foreclosure proceedings. They proceeded pro se and filed motions for emergency injunctive relief, expedited consideration, and service by the United States Marshals. The district court dismissed the Trust and the individual claims and denied the remaining motions as moot.

DISPOSITION

dismissed

CASES CITED

- Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 210-11 (1993)
- Williams Huron Gardens 397 Tr. v. Twp. of Waterford, No. 18-12319, 2019 WL 2051967, at *3 (E.D. Mich. Feb. 28, 2019)
- Williams Huron Gardens 397 Tr. v. Waterford Twp., No. 18-12319, 2019 WL 1324242 (E.D. Mich. Mar. 25, 2019)
- Miedel v. N. Star Recovery LLC, No. 4:25-CV-11059, 2025 WL 4069071, at *3 (E.D. Mich. Oct. 3, 2025)
- Taitt v. Sec'y, Dep't of Treasury, No. CIVA09-CV-12576, 2010 WL 1541491, at *2 (E.D. Mich. Apr. 19, 2010)
- Dimercurio v. Comm'r of Internal Revenue, 2008 WL 5784519, 103 A.F.T.R. 2d 2009-1288 (6th Cir. June 16, 2008)
- Spokeo, Inc. v. Robins, 578 U.S. 330, 337-39 (2016)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 559-60 (1992)
- Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc., 528 U.S. 167, 180-81 (2000)

OPINION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION Michael Hesseling, Trustee of the Hesseling Family Trust, pro se, et al.,
Case No. 3:26-cv-386 Plaintiffs, v. MEMORANDUM OPINION AND ORDER myCUMortgage,
LLC, et al., Defendants.

I. INTRODUCTION Plaintiffs Michael Hesseling, as trustee of the Hesseling Family Trust (the “Trust”), and Tammy Hesseling, who are proceeding without the assistance of counsel, filed suit against Defendants myCUMortgage, LLC, TopMark Federal Credit Union, Padgett Law Group, Allen County Board of Commissioners, Allen County Sheriff and Command Staff, Allen County Treasurer, and 20 John and Jane Does, alleging Defendants violated their rights under the United

States Constitution and federal law during foreclosure proceedings that appear to involve a residential property in Allen County, Ohio. (Doc.

No. 1). Plaintiffs filed a motion for a temporary restraining order and a preliminary injunction prohibiting any “transfer, sale, or recording actions affecting title to the subject property.” (Doc. No. 3 at 1). Plaintiffs also filed a motion to expedite a hearing on their request for a temporary restraining order. (Doc. No. 4). II. DISCUSSION Federal law provides that “parties may plead and conduct their own cases personally or by counsel....” 28 U.S.C. § 1654.

The Supreme Court has held that this provision “does not allow corporation, partnerships, or associations to appear in federal court otherwise than through a licensed attorney.” *Rowland v. Cal. Men’s Colony, Unit 11 Men’s Advisory Council*, 506 U.S. 194, 210-11 (1993). “This rationale has been extended to artificial entities such as trusts.” *Williams Huron Gardens 397 Tr. v. Twp. of Waterford*, No. 18-12319, 2019 WL 2051967, at *3 (E.D.

Mich. Feb. 28, 2019), report and recommendation adopted sub nom. *Williams Huron Gardens 397 Tr. v. Waterford Twp.*, No. 18-12319, 2019 WL 1324242 (E.D. Mich. Mar. 25, 2019) (citing cases). See also *Miedel v. N. Star Recovery LLC.*, No. 4:25-CV-11059, 2025 WL 4069071, at *3 (E.D. Mich. Oct. 3, 2025) (same).

Thus, while a trustee may bring suit on behalf of a trust, the trustee must obtain counsel in order to do so. See, e.g., *Taitt v. Sec’y, Dep’t of Treasury*, No. CIVA09-CV-12576, 2010 WL 1541491, at *2 (E.D. Mich. Apr. 19, 2010) (citing *Dimercurio v. Comm’r of Internal Revenue*, 2008 WL 5784519, 103 A.F.T.R. 2d 2009-1288 (6th Cir. June 16, 2008), for the proposition that a “trust cannot be represented [by] a trustee” in court).

Plaintiffs have not obtained counsel to represent the Trust in this case, and Michael Hesseling may not appear pro se on the Trust’s behalf. Therefore, I dismiss the Trust as a plaintiff in this case. See *Williams Huron Gardens*, 2019 WL 2051967, at *3. I also conclude the Complaint must be dismissed as to the Hesselings individually.

The Constitution requires that a plaintiff demonstrate he has standing to pursue a case in a federal court. See, e.g., *Spokeo, Inc. v. Robins*, 578 U.S. 330, 337-38 (2016). At the pleading stage, a plaintiff must allege he “(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” *Id.* at 338 (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 559-60 (1992), and *Friends of the Earth, Inc. v. Laidlaw Env’t Servs.*

(TOC), Inc., 528 U.S. 167, 180-81 (2000)). A plaintiff alleging he suffered an injury in fact must allege, among other things, he “personally has suffered some actual or threatened injury.” *Spokeo*, 578 U.S. at 339 (citation and internal quotation marks omitted).

The Complaint does not contain these requisite allegations. While Plaintiffs alleged they sought to prevent or pause foreclosure proceedings, they did not identify any alleged personal interest they may have in the property allegedly subject to foreclosure. (See Doc. No. 1). Plaintiffs, among other things, do not attempt to differentiate any property interest they may have from any alleged property interest possessed by the Trust.

Therefore, Plaintiffs have not sufficiently alleged they personally suffered an actual or threatened injury. Nor have they alleged any facts that could show that any of the Defendants engaged in conduct that caused Plaintiffs to suffer an injury. Instead, they assert only that “Defendants” took certain actions, without showing what actions any of the Defendants individually undertook.

III. CONCLUSION I conclude Plaintiffs failed to show the Hesselings individually have standing to pursue their claims in this case and, therefore, I dismiss their claims. Further, I deny Plaintiffs’ motion for a temporary restraining order, (Doc. No. 3), their motion for an expedited hearing, (Doc. No. 4), and their motion for an order directing the United States Marshals to effect service, (Doc.

No. 5), as moot. So Ordered. s/ Jeffrey J. Helmick United States District Judge