

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PRECEDENTIAL VALUE	unpublished district court memorandum opinion and order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)