

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, GALVESTON DIVISION**

Andrew J. Mitchell v. Chad Wilson Law Firm, PLLC

Civil Action No. 3:26-cv-00093 (S.D. Tex. Apr. 30, 2026) (Memorandum and Recommendation) · No. 3:26-cv-00093 · Decided April 30, 2026

SUMMARY

The United States Magistrate Judge recommends conditionally dismissing Andrew J. Mitchell's lawsuit without prejudice unless he appears through licensed counsel within 30 days. The recommendation concludes that the asserted claims belong to Mitchell Adjusting International LLC, not Mitchell individually, and that an LLC may not litigate in federal court without licensed counsel. The parties are given 14 days from service to file objections.

OPINION

UNITED STATES DISTRICT COURT April 30, 2026 SOUTHERN DISTRICT OF TEXAS
Nathan Ochsner, Clerk GALVESTON DIVISION ANDREW J MITCHELL, § § Plaintiff, § § V. §
CIVIL ACTION NO. 3:26-cv-00093 § CHAD WILSON LAW FIRM, PLLC, § § Defendant. §
MEMORANDUM AND RECOMMENDATION This case has been referred to me for all pretrial
purposes. See Dkt. 9. I am sua sponte issuing this memorandum and recommendation to suggest
that the court order the conditional dismissal of this lawsuit without prejudice unless Plaintiff
Andrew Mitchell appears through licensed counsel within 30 days from the date this
memorandum and recommendation is adopted.

On March 15, 2026, Mitchell, an incarcerated person proceeding pro se, instituted this lawsuit
against Defendant Chad Wilson Law Firm, PLLC. See Dkt. 1. Mitchell was a licensed public
adjuster. Mitchell provided his public adjusting services through Mitchell Adjusting International
LLC ("MAI"), a Texas limited liability company. At all times, Mitchell has been the sole member
of MAI.

Mitchell claims that Defendant diverted MAI's earned public adjusting fees to a third-party
factoring company after MAI revoked authorization for such diversion, short-paid certain
invoices, and withheld fees following Mitchell's incarceration. See Dkt. 1 at 1. Mitchell asserts
claims for RICO, RICO conspiracy, breach of fiduciary duty, breach of oral/implied-in-fact
contract, account stated, conversion, unjust enrichment/money had and received, tortious
interference, declaratory judgment, and accounting and constructive trust.

Mitchell purports to bring this lawsuit "doing business as Mitchell Adjusting International LLC."
Id. Mitchell cannot do this. "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.” 28 U.S.C. § 1654.

The right to conduct one’s own cases personally is limited to one’s own interests. “It has been the law for the better part of two centuries... that a corporation may appear in the federal courts only through licensed counsel.” *Rowland v. Cal. Men’s Colony, Unit II Men’s Advisory Council*, 506 U.S. 194, 201–02 (1993). This rule applies to all “[a]rtificial business entities—such as limited liability companies, corporations, and partnerships.” *Alt.*

Materials, LLC v. TCH Constr. Grp., Inc., 339 F.R.D. 322, 324 (N.D. Fla. 2021). The claims in this case belong to MAI, not Mitchell. Mitchell cannot prosecute MAI’s claims himself. See, e.g., *Robinson v. Ashland Inc.*, No. 1:24-CV-97, 2024 WL 5158429, at *8 (E.D. Tex. Dec. 18, 2024) (collecting cases and holding that “Plaintiffs, even as sole owners of their LLC, lack standing to assert claims individually where the cause of action belongs to the company.”). “A district court may dismiss a claim on its own motion as long as the procedure employed is fair.” *Davoodi v. Austin Indep.*

Sch. Dist., 755 F.3d 307, 310 (5th Cir. 2014) (cleaned up). Fairness “requires both notice of the court’s intention and an opportunity to respond.” *Id.* (quotation omitted). Here, Mitchell has both the opportunity to object to this memorandum and recommendation and, in the event it is adopted, 30 days to appear through counsel before this action is dismissed without prejudice.

That is fair. CONCLUSION For the reasons discussed above, I recommend that the court order the conditional dismissal of this lawsuit without prejudice unless Mitchell appears through licensed counsel within 30 days from the date this memorandum and recommendation is adopted.

The parties have 14 days from service of this Memorandum and Recommendation to file written objections. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). Failure to file timely objections will preclude appellate review of factual findings and legal conclusions, except for plain error.

SIGNED this ____ day of April 2026. _____ ANDREW M. EDISON UNITED STATES MAGISTRATE JUDGE