

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Steven Macarthur-Brooks Estate v. Gregory Keith

No. CV 25-2812-E (C.D. Cal. May 23, 2025) · No. No. CV 25-2812-E · Decided May 23, 2025

SUMMARY

The United States District Court for the Central District of California dismissed the removed action without prejudice after plaintiffs failed to comply with an order requiring them to obtain licensed counsel or show cause why the action should not be dismissed. The court held that the estate and trusts could not be represented by a non-attorney and found dismissal appropriate for failure to obey a court order and failure to prosecute. A pending motion to dismiss was denied without prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Charles F. Eick
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 23, 2025
DOCKET	No. CV 25-2812-E
DISPOSITION	dismissed
PROCEDURAL POSTURE	In a removed civil action, the plaintiffs failed to comply with an order requiring them either to retain licensed counsel or show cause why the action should not be dismissed. The district court dismissed the action without prejudice and denied a pending motion to dismiss without prejudice.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

- civil procedure
- motions to dismiss
- trusts
- estate litigation

PRACTICE AREAS

- civil procedure
- probate
- trusts
- remedies

QUESTIONS PRESENTED

1. Whether the district court could dismiss the action for plaintiffs' failure to obey an order requiring representation by licensed counsel or a showing of cause.
2. Whether dismissal without prejudice was appropriate under the factors governing dismissal for failure to prosecute and failure to comply with a court order.
3. Whether the pending motion to dismiss should be denied without prejudice after dismissal of the action.

HOLDINGS

1. An estate and trusts may not be represented in court by a non-attorney and may not appear pro se.
2. A district court may dismiss an action when a party fails to obey a court order or fails to prosecute, and dismissal without prejudice was appropriate here.
3. The pending motion to dismiss was denied without prejudice in light of the dismissal of the action.

KEY QUOTATIONS

“Such organizations may not be represented in court by a non-attorney, and such organizations may not appear pro se.” (at 1)

“A district court may dismiss an action for failure to obey a court order and for failure to prosecute.” (at 2)

“In light of this disposition, the Motion to Dismiss, filed April 22, 2025, is denied without prejudice.” (at 3)

FACTUAL BACKGROUND

Steven MacArthur-Brooks, who was not licensed to practice law in California or before the federal court, purported to represent the three plaintiffs. The complaint identified the plaintiffs as an estate and two trusts, which the court determined could not appear pro se or be represented by a non-attorney. After being ordered to retain licensed counsel or show cause, plaintiffs failed to file any response or attempted compliance.

PROCEDURAL HISTORY

The action was removed to the Central District of California, and the parties consented to proceed before a magistrate judge. On April 16, 2025, the court ordered plaintiffs to obtain licensed counsel or show cause within twenty-eight days because an unlicensed individual was attempting to represent an estate and two trusts. Plaintiffs filed nothing in response, so the court dismissed the action without prejudice under its authority to dismiss for failure to obey a court order and failure to prosecute. The court also denied the pending motion to dismiss without prejudice.

DISPOSITION

dismissed

CASES CITED

- J.J. Rissell, Allentown PA Trust v. Marchelos, 976 F.3d 1233, 1236 (11th Cir. 2020)
- In re America West Airlines, 40 F.3d 1058, 1059 (9th Cir. 1994)

- United States v. Brenton, 2007 WL 3124539, at *2 (D. Neb. Oct. 23, 2007)
- Link v. Wabash Railroad Co., 370 U.S. 626, 629-33 (1962)
- Pagtalunan v. Galaza, 291 F.3d 639, 642-43 (9th Cir. 2002)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-62 (9th Cir. 1992)
- Price v. Kaiser Found. Health Plan Inc., 2025 WL 790944 (C.D. Cal. Mar. 11, 2025)
- Steven Macarthur-Brooks Estate v. Moreno, 2025 WL 30390, at *10 (S.D. Fla. Jan. 6, 2025)

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