

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Flores v. Missouri Higher Education Loan Authority

Flores · No. 1:25-cv-00940-SKO · Decided August 6, 2025

SUMMARY

The court ordered Rebecca Flores to show cause why the action should not be dismissed because a nonlawyer trustee may not represent a trust pro se in federal court. The order gives Plaintiff 30 days to retain counsel, amend the complaint to assert claims solely on her own behalf, or otherwise show cause, and holds complaint screening in abeyance.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 6, 2025
DOCKET	1:25-cv-00940-SKO
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause concerning Plaintiff's purported pro se representation of a trust. The court directed Plaintiff, within 30 days of service, to retain counsel for the trust, amend the complaint to assert claims solely on her own behalf, or show cause why the action should not be dismissed without prejudice.
PRECEDENTIAL VALUE	Unknown; order to show cause issued by a federal district court.

TOPICS

- trusts trustee duties pleadings civil procedure consumer protection

PRACTICE AREAS

- civil procedure trust litigation consumer protection

QUESTIONS PRESENTED

1. Whether a private trust may appear in federal court without representation by a licensed attorney.

2. Whether a nonlawyer trustee may proceed pro se on behalf of the trust.

HOLDINGS

1. A trust must appear in federal court through a licensed attorney.
2. A nonlawyer trustee may not appear pro se on behalf of the trust because the trustee generally is not the real party in interest and lacks authority to present arguments for the trust.

KEY QUOTATIONS

“A trust must appear in federal court through a licensed attorney.” (at 1)

“Likewise, a trustee does not have authority to appear pro se on behalf of their trust, because a trustee is generally not the real party in interest.” (at 1)

“If Plaintiff fails to adequately respond to this Order within 30 days, the undersigned shall recommend to the to-be-assigned district judge that this action be dismissed without prejudice.” (at 2)

FACTUAL BACKGROUND

Rebecca Flores filed a complaint identifying the Cytah Flores Legacy Trust as the plaintiff and alleging that she was its acting trustee appearing solely in her fiduciary capacity. The complaint asserted claims against MOHELA under the Fair Credit Reporting Act and the Fair Debt Collection Practices Act, and Flores was proceeding without counsel.

PROCEDURAL HISTORY

Plaintiff filed a federal complaint against MOHELA asserting Fair Credit Reporting Act and Fair Debt Collection Practices Act claims. The complaint identified a private trust as the plaintiff and Rebecca Flores as its trustee, appearing in a fiduciary capacity and proceeding pro se. The court issued this order to show cause and held complaint screening in abeyance pending Plaintiff's response.

DISPOSITION

other

CASES CITED

- C.E. Pope Equity Trust v. United States, 818 F.2d 696 (9th Cir. 1987)
- Alpha Land Co. v. Little, 238 F.R.D. 497 (E.D. Cal. 2006)
- Simon v. Hartford Life, Inc., 546 F.3d 661 (9th Cir. 2008)

OPINION

Flores v. Missouri Higher Education Authority

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 REBECCA FLORES, Trustee for the Cytah Case No. 1:25-cv-00940-SKO Flores Legacy
Trust,

12 ORDER TO SHOW CAUSE

Plaintiff, REGARDING PUPORTED PRO SE

13 REPRESENTATION OF A TRUST IN

v. THIS ACTION

14

MISSOURI HIGHER EDUCATION LOAN 30 DAY DEADLINE

15 AUTHORITY (MOHELA),

16 Defendant. _____ / 17 18 On August 1, 2025, Plaintiff
filed a complaint asserting claims against Missouri Higher 19 Education Loan Authority
(MOHELA) for violations of the Fair Credit Reporting Act and the Fair 20 Debt Collection
Practices Act. (Doc. 1.) The complaint identifies the plaintiff as a “private 21 revocable trust, The
Cytah Flores Legacy Trust, organized and established under private trust 22 contract law,” and
alleges that “Rebecca Flores is the acting Trustee and appears solely in her 23 fiduciary capacity.”
(Id. ¶¶ 7–8.) Plaintiff is proceeding pro se in this action. 24 A trust must appear in federal court
through a licensed attorney. C.E. Pope Equity Trust v. 25 United States, 818 F.2d 696, 697 (9th
Cir. 1987); Alpha Land Co. v. Little, 238 F.R.D. 497, 502 26 (E.D. Cal. 2006) (stating that a trust
must be represented by an attorney). Likewise, a trustee does 27 not have authority to appear pro
se on behalf of their trust, because a trustee is generally not the real 28 party in interest. C.E. Pope,
818 F.2d at 698 (explaining that a trustee “may not claim that his status 1 as trustee includes the
right to present arguments pro se in federal court”); see also Simon v. Hartford 2 Life, Inc., 546
F.3d 661, 664 (9th Cir. 2008) (“[C]ourts have routinely adhered to the general rule 3 prohibiting
pro se plaintiffs from pursuing claims on behalf of others in a representative capacity.”). 4
Therefore, based on the record before the Court, to the extent the complaint asserts claims on
behalf 5 of the “The Cytah Flores Legacy Trust,” neither the Trust nor its nonlawyer, Trustee
Rebecca Flores, 6 may proceed pro se in this action. C.E. Pope, 818 F.2d at 697 (affirming district
court’s order 7 dismissing one complaint without prejudice and striking another because
nonlawyer trustee had no 8 authority to appear as attorney for the trust); see also Simon, 546 F.3d
at 667 (“[A]bsent statutory 9 authority stating otherwise, the general rule against permitting pro se
litigants from representing 10 others is applicable[.]”). 11 Accordingly, it is HEREBY ORDERED
that, by no later than 30 days of service of this 12 Order, Plaintiff shall: 13 1. retain an attorney
and instruct the attorney to enter a notice of appearance in this 14 action; 15 2. file an amended
complaint that clearly alleges claims solely on Plaintiff’s own behalf 16 as an individual; or 17 3.
otherwise show cause why this case should not be dismissed pursuant to the rule 18 articulated in
C.E. Pope, 818 F.2d at 697–98. 19 If Plaintiff fails to adequately respond to this Order within 30

days, the undersigned shall 20 recommend to the to-be-assigned district judge that this action be dismissed without prejudice. The 21 Court will hold the screening of the complaint (see Doc. 3) in abeyance pending Plaintiff's response 22 to this Order. 23 IT IS SO ORDERED. 24 25 Dated: August 5, 2025 /s/ Sheila K. Oberto .

UNITED STATES MAGISTRATE JUDGE

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