

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.

OPINION

Flores v. Missouri Higher Education Authority

PER CURIAM.

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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

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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 party in interest. C.E. Pope, 818 F.2d at 698 (explaining that a trustee “may not claim that his status as trustee includes the right to present arguments pro se in federal court”); see also *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664 (9th Cir. 2008) (“[C]ourts have routinely adhered to the general rule prohibiting pro se plaintiffs from pursuing claims on behalf of others in a representative capacity.”). Therefore, based on the record before the Court, to the extent the complaint asserts claims on behalf of the “The Cytah Flores Legacy Trust,” neither the Trust nor its nonlawyer, Trustee Rebecca Flores, may proceed pro se in this action. C.E. Pope, 818 F.2d at 697 (affirming district court’s order dismissing one complaint without prejudice and striking another because nonlawyer trustee had no authority to appear as attorney for the trust); see also *Simon*, 546 F.3d at 667 (“[A]bsent statutory authority stating otherwise, the general rule against permitting pro se litigants from representing others is applicable[.]”). Accordingly, it is HEREBY ORDERED that, by no later than 30 days of service of this Order, Plaintiff shall: 1. retain an attorney and instruct the attorney to enter a notice of appearance in this action; 2. file an amended complaint that clearly alleges claims solely on Plaintiff’s own behalf as an individual; or 3. otherwise show cause why this case should not be dismissed pursuant to the rule articulated in C.E. Pope, 818 F.2d at 697–98. 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. The Court will hold the screening of the complaint (see Doc. 3) in abeyance pending Plaintiff’s response to this Order. IT IS SO ORDERED. Dated: August 5, 2025 /s/ Sheila K. Oberto .

UNITED STATES MAGISTRATE JUDGE

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