

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

- 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)