

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

The Negrete Tribe Trust v. David Killinger

Negrete Tribe Trust · No. 1:25-cv-01160-JLT-SKO · Decided January 14, 2026

SUMMARY

The court discharges its order to show cause and recommends dismissing the action without prejudice. It holds that a trust must appear in federal court through licensed counsel and that a non-attorney pro se litigant may not represent the trust. The court concludes that the defect cannot be cured by amendment and gives the parties 21 days to file objections.

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	January 14, 2026
DOCKET	1:25-cv-01160-JLT-SKO
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff filed an amended complaint naming a trust as the sole plaintiff. After ordering the plaintiff to obtain counsel for the trust, amend the complaint to assert claims solely on his own behalf, or show cause why the action should not be dismissed, the magistrate judge discharged the order to show cause and recommended dismissal without prejudice.
STANDARD OF REVIEW	The court applied the rule that a trust must appear in federal court through licensed counsel and considered whether the pleading defect could be cured by amendment.
PRECEDENTIAL VALUE	unpublished and nonprecedential magistrate judge findings and recommendation

TOPICS

- trusts
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a trust may appear in federal court through a non-attorney trustee, beneficiary, or representative proceeding pro se.
2. Whether a purported private ecclesiastical trust is exempt from the rule requiring representation by licensed counsel.
3. Whether the complaint's representation defect could be cured by amendment or required dismissal without prejudice.

HOLDINGS

1. A trust must appear in federal court through a licensed attorney, and a non-attorney proceeding pro se may not represent the trust or pursue claims on its behalf.
2. The court found no legal authority exempting a purported private ecclesiastical trust from the rule requiring representation by licensed counsel.
3. Leave to amend was not appropriate because Negrete, as a non-lawyer, could not cure the defect by bringing claims on behalf of the trust.

KEY QUOTATIONS

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

“Relatedly, although a non-attorney may appear pro se on their own behalf, that privilege is personal to them, and they have no authority to appear on behalf of anyone other than themselves.” (at 1)

“In this instance, Negrete will not be able to remedy the defect that, as a non-lawyer, he cannot bring claims on behalf of the Trust.” (at 2)

FACTUAL BACKGROUND

Fernando Suarez Negrete proceeded pro se and in forma pauperis and filed an amended complaint naming The Negrete Tribe Trust as the sole plaintiff. The trust was described as a private irrevocable ecclesiastical living trust, while Negrete described himself as its beneficiary and authorized representative. Negrete refused to obtain licensed counsel for the trust and asserted that an ecclesiastical-trust exemption applied. The court concluded that he could not represent the trust as a non-attorney.

PROCEDURAL HISTORY

The plaintiff filed a civil complaint on September 8, 2025, proceeding pro se and in forma pauperis. The court screened the complaint, found no cognizable claims, and granted leave to amend. The first amended complaint named The Negrete Tribe Trust as the sole plaintiff. After the plaintiff declined to obtain licensed counsel for the trust and asserted an alleged ecclesiastical-trust exemption, the magistrate judge recommended dismissal without prejudice and advised the parties of their right to object under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- C.E. Pope Equity Trust v. United States, 818 F.2d 696, 697-98 (9th Cir. 1987)
- Alpha Land Co. v. Little, 238 F.R.D. 497, 502 (E.D. Cal. 2006)
- Simon v. Hartford Life, Inc., 546 F.3d 661, 664, 667 (9th Cir. 2008)
- Coldstream Ministries v. Regions Bank, N.A., No. 2:25-CV-993-KCD-DNF, 2025 WL 3513906, at *1 (M.D. Fla. Dec. 8, 2025)
- Maisano v. Welcher, 940 F.2d 499, 501 (9th Cir. 1991)
- United States v. Shepard, 876 F. Supp. 214, 215 (D. Ariz. 1994)
- In re Kilpatrick, No. 25-30619, 2025 WL 3296216, at *22 (Bankr. S.D. Ohio Nov. 24, 2025)
- In re Morgan-Grant, No. 24-18665-PDR, 2025 WL 1571024, at *1-3 (Bankr. S.D. Fla. June 3, 2025)
- Cato v. United States, 70 F.3d 1103, 1105-06 (9th Cir. 1995)
- Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000)
- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 EASTERN DISTRICT OF CALIFORNIA 7 8
THE NEGRETE TRIBE TRUST, Case No. 1:25-cv-01160-JLT-SKO 9 Plaintiff, 10 ORDER
DISCHARGING ORDER TO SHOW CAUSE v. 11 FINDINGS AND RECOMMENDATION 12
TO DISMISS WITHOUT PREJUDICE DAVID KILLINGER, 13 (Docs. 7, 8) Defendant. 14 21
DAY DEADLINE _____/ 15 16 I. INTRODUCTION 17
Fernando Suarez Negrete (“Negrete”), proceeding pro se and in forma pauperis in this 18 action,
filed a civil complaint on September 8, 2025.

(Docs. 1–3.) On September 23, 2025, the 19 undersigned screened the complaint, found that it
failed to state any cognizable claims, and granted 20 Negrete thirty days leave to file an amended
complaint curing the pleading deficiencies identified 21 in the order. (Doc. 4.) 22 On November
24, 2025, after having been granted an enlargement of time (Doc. 6), Negrete 23 filed a first
amended complaint.

(Doc. 7 at 5–8.) The amended complaint names as the sole plaintiff 24 “The Negrete Tribe Trust”
(the “Trust”), which is described as “a private irrevocable pure 25 ecclesiastical living trust
organization,” and identifies Negrete as “living Moorish American 26 Aboriginal Indigenous
California State National, Secured Party Creditor, Holder-in-Due-Course, 27 Beneficiary &
Authorized Representative.” (Id. at 5.)

28 On December 8, 2025, the undersigned ordered Plaintiff to (1) retain an attorney to represent 1 the Trust and instruct the attorney to enter a notice of appearance in this action to prosecute the first 2 amended complaint; (2) file a second amended complaint that clearly alleges claims solely on 3 Negrete's own behalf as an individual; or (3) otherwise show cause why this action should not be 4 dismissed for failure of the Trust to appear in this case through a licensed attorney, pursuant to the 5 rule articulated in C.E.

Pope Equity Trust v. United States, 818 F.2d 696, 697–98 (9th Cir. 1987). 6 (Doc. 8.) Negrete filed a response on January 12, 2026. (Doc. 10.) For the reasons discussed below, 7 the undersigned shall discharge the order to show cause and recommend that this action be dismissed 8 without prejudice. 9 II. DISCUSSION 10 A trust must appear in federal court through a licensed attorney.

C.E. Pope, 818 F.2d at 697; 11 Alpha Land Co. v. Little, 238 F.R.D. 497, 502 (E.D. Cal. 2006) (stating that a trust must be 12 represented by an attorney). Relatedly, although a non-attorney may appear pro se on their own 13 behalf, that privilege is personal to them, and they have no authority to appear on behalf of anyone 14 other than themselves. C.E. Pope, 818 F.2d at 697; Simon v. Hartford Life, Inc., 546 F.3d 661, 664 15 (9th Cir.

2008) (“[C]ourts have routinely adhered to the general rule prohibiting pro se plaintiffs 16 from pursuing claims on behalf of others in a representative capacity.”). 17 Negrete's response asserts that “[a]s a private ecclesiastical trust, representation by licensed 18 attorney is neither required nor desired; such requirement applies only to statutory entities (C.E.

19 Pope Equity Trust distinguished on facts - ecclesiastical exemption under 1st Amendment and UN 20 Declaration on the Rights of Indigenous Peoples Art. 34, self-governance).” (Doc. 10 at 10.) But 21 Negrete cites no legal authority exempting a “private ecclesiastical trust” from the rule in C.E. Pope. 22 To the contrary, such a trust has been required to appear through legal counsel.1 See Coldstream 23 Ministries v. Regions Bank, N.A., No. 2:25-CV-993-KCD-DNF, 2025 WL 3513906, at *1 (M.D.

24 Fla. Dec. 8, 2025). Thus, non-attorney Negrete cannot endeavor to represent the interests of the 25 Trust in this action. See Maisano v. Welcher, 940 F.2d 499, 501 (9th Cir. 1991) (finding that the 26 1 While some courts have found allegations of an “private ecclesiastical trust” baseless, see In re Kilpatrick, No. 25- 27 30619, 2025 WL 3296216, at *22 (Bankr.

S.D. Ohio Nov. 24, 2025) and In re Morgan-Grant, No. 24-18665-PDR, 2025 WL 1571024, at *1–3 (Bankr. S.D. Fla. June 3, 2025), whether the Trust in this case was validly formed or has an 28 independent legal existence apart from Negrete's declarations is not before the undersigned and as such will not be 1 plaintiffs, who were both trustees and beneficiaries of the trust, lacked standing to maintain an action 2 on behalf of the trust as pro se litigants); United States v. Shepard, 876 F. Supp. 214, 215 (D.

Ariz. 3 1994) (“[A] trustee or representative of various entities may not represent these entities in any 4 capacity in this District Court” as a pro se litigant.); see also Simon, 546 F.3d at 667 (“[A]bsent 5 statutory authority stating otherwise, the general rule against permitting pro se litigants from 6 representing others is applicable[.]”). 7 If it is clear a complaint cannot be cured by amendment, a court may dismiss without leave 8 to amend.

Cato v. United States, 70 F.3d 1103, 1105-06 (9th Cir. 1995); see also Lopez v. Smith, 9 203 F.3d 1122, 1130-31 (9th Cir. 2000). In this instance, Negrete will not be able to remedy the 10 defect that, as a non-lawyer, he cannot bring claims on behalf of the Trust. Leave to amend would 11 therefore not be appropriate. 12 III. ORDER AND RECOMMENDATION 13 The Court’s order to show cause (Doc.

8) is hereby DISCHARGED. For the reasons set 14 forth above, IT IS RECOMMENDED that this case be DISMISSED WITHOUT PREJUDICE. 15 These findings and recommendation will be submitted to the United States District Judge 16 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within twenty-one 17 (21) days after being served with these findings and recommendations, any party may file written 18 objections with the Court.

The document should be captioned “Objections to Magistrate Judge’s 19 Findings and Recommendation.” The parties are advised that failure to file objections within the 20 specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 21 838–39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)). 22 IT IS SO ORDERED.

23 24 Dated: January 14, 2026 /s/ Sheila K. Oberto. UNITED STATES MAGISTRATE JUDGE
25 26 27 28