

**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

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. Stepard, 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
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