

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

The Negrete Tribe Trust v. David Killinger

Negrete · No. 1:25-cv-01160-JLT-SKO · Decided December 8, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered Fernando Suarez Negrete to show cause regarding his purported pro se representation of The Negrete Tribe Trust. The court directed Negrete within 30 days either to retain counsel for the Trust, file an amended complaint asserting claims solely on his own behalf, or otherwise explain why the action should not be dismissed without prejudice.

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	December 8, 2025
DOCKET	1:25-cv-01160-JLT-SKO
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause after screening the original complaint, granting leave to amend, and receiving a first amended complaint filed pro se on behalf of a trust.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- trusts
- pleadings
- civil procedure
- subject matter jurisdiction
- standing

PRACTICE AREAS

- Civil procedure
- Trusts
- Federal courts

QUESTIONS PRESENTED

1. Whether a trust may appear in federal court through a non-attorney pro se representative.

2. Whether a non-attorney litigant may proceed pro se on behalf of a trust or otherwise represent the interests of another entity.
3. Whether Negrete should be required to retain counsel for the Trust, amend the complaint to assert claims individually, or show cause why the action should not be dismissed without prejudice.

HOLDINGS

1. A trust must appear in federal court through a licensed attorney; a non-attorney trustee or beneficiary may not represent the trust pro se.
2. The privilege of appearing pro se is personal to the litigant and does not authorize the litigant to pursue claims on behalf of another person or entity in a representative capacity.

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)

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

FACTUAL BACKGROUND

Negrete proceeded pro se and in forma pauperis and filed an amended complaint naming The Negrete Tribe Trust as the sole plaintiff. The pleading described the Trust as a private irrevocable ecclesiastical living trust and identified Negrete as a trustee, beneficiary, authorized representative, and other purported statuses. The court determined that it was unclear whether Negrete was attempting to represent the Trust and concluded that the Trust could not proceed through a non-attorney representative.

PROCEDURAL HISTORY

Fernando Suarez Negrete filed a civil complaint pro se and in forma pauperis on September 8, 2025. The court screened the complaint, found no cognizable claims, and granted leave to amend. After an extension of time, Negrete filed a first amended complaint naming The Negrete Tribe Trust as the sole plaintiff. The court ordered Negrete within thirty days to retain counsel for the Trust, file an amended complaint asserting claims on his own behalf, or otherwise show cause why the action should not be dismissed without prejudice.

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)
- Maisano v. Welcher, 940 F.2d 499, 501 (9th Cir. 1991)
- United States v. Shepard, 876 F. Supp. 214, 215 (D. Ariz. 1994)
- Christian v. Mattel, Inc., 286 F.3d 1118, 1127 (9th Cir. 2002)
- McCarley v. AIRBNB, Inc., No. 2:25-CV-00510-JAD-MDC, 2025 WL 1151131, at *1 (D. Nev. Apr. 17, 2025)
- Rothschild El v. Cascade View Drive LLC, No. 2:25-CV-01685-LK, 2025 WL 2848072, at *2 (W.D. Wash. Oct. 8, 2025)
- Vigil v. JP Morgan Chase Bank, N.A., No. 2:25-CV-0629-DAD-AC (PS), 2025 WL 986030, at *3 (E.D. Cal. Apr. 2, 2025)
- McCarley v. Stout Ins. Co., LLC, No. 2:24-CV-01697-CDS-MDC, 2024 WL 4773886, at *2 (D. Nev. Nov. 12, 2024)
- Harper v. California Dep't of Corr. & Rehabs., No. 1:22-CV-00253-JLT-EPG (PC), 2022 WL 1094806, at *1 (E.D. Cal. Mar. 29, 2022)
- Bey v. Saucedo, No. 2:19-CV-2113-TLN-DB (PS), 2020 WL 1640000, at *2 (E.D. Cal. Apr. 2, 2020)
- Bey v. Gascon, No. 19-CV-03184-WHO, 2019 WL 5191012, at *5 (N.D. Cal. Oct. 15, 2019)
- Bey v. Peltier, No. EDCV172552FMOKS, 2018 WL 1858189, at *3 (C.D. Cal. Jan. 25, 2018)
- United States v. Studley, 783 F.2d 934, 937 n.3 (9th Cir. 1986)
- Rowland v. Cal. Men's Colony, 506 U.S. 194, 196, 201-12 (1993)
- In re Golden, No. 18-CV-2089 TWR (NLS), 2020 WL 7056166, at *4 (S.D. Cal. Dec. 2, 2020)

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 FOR THE EASTERN DISTRICT OF
CALIFORNIA 8 9 THE NEGRETE TRIBE TRUST, Case No. 1:25-cv-01160-JLT-SKO 10
Plaintiff, ORDER TO SHOW CAUSE REGARDING PURPORTED PRO SE
REPRESENTATION 11 v. OF A TRUST IN THIS ACTION 12 DAVID KILLINGER, (Doc. 7) 13
Defendant. THIRTY-DAY DEADLINE 14 15 Fernando Suarez Negrete (“Negrete”), proceeding
pro se and in forma pauperis in this 16 action, filed a civil complaint on September 8, 2025.

(Docs. 1–3.) On September 23, 2025, the 17 undersigned screened the complaint, found that it
failed to state any cognizable claims, and granted 18 Negrete thirty days leave to file an amended
complaint curing the pleading deficiencies identified 19 in the order. (Doc. 4.) 20 On November
24, 2025, after having been granted an enlargement of time (Doc. 6), Negrete 21 filed a first
amended complaint.

(Doc. 7 at 5–8.) The amended complaint names as the sole plaintiff 22 “The Negrete Tribe Trust”
(the “Trust”), which is described as “a private irrevocable pure 23 ecclesiastical living trust
organization,” and identifies Negrete as “living Moorish American 24 Aboriginal Indigenous

California State National, Secured Party Creditor, Holder-in-Due-Course, 25 Beneficiary & Authorized Representative.” (Id. at 5.)

26 A trust must appear in federal court through a licensed attorney. *C.E. Pope Equity Trust v. 27 United States*, 818 F.2d 696, 697 (9th Cir. 1987); *Alpha Land Co. v. Little*, 238 F.R.D. 497, 502 28 (E.D. Cal. 2006) (stating that a trust must be represented by an attorney). Relatedly, although a 1 non-attorney may appear pro se on their own behalf, that privilege is personal to them, and they 2 have no authority to appear on behalf of anyone other than themselves.

C.E. Pope, 818 F.2d at 3 697; *Simon v. Hartford Life, Inc.*, 546 F.3d 661, 664 (9th Cir. 2008) (“[C]ourts have routinely 4 adhered to the general rule prohibiting pro se plaintiffs from pursuing claims on behalf of others in 5 a representative capacity.”). It is not clear what Negrete means by “living Moorish American 6 Aboriginal Indigenous California State National, Secured Party Creditor, Holder-in-Due-Course, 7 Beneficiary & Authorized Representative,” but if he is endeavoring to represent the interests of the 8 Trust, he must retain an attorney to do so.

See *Maisano v. Welcher*, 940 F.2d 499, 501 (9th Cir. 9 1991) (finding that the plaintiffs, who were both trustees and beneficiaries of the trust, lacked 10 standing to maintain an action on behalf of the trust as pro se litigants); *United States v. Stepard*, 11 876 F. Supp. 214, 215 (D. Ariz. 1994) (“[A] trustee or representative of various entities may not 12 represent these entities in any capacity in this District Court” as a pro se litigant.); see also *Simon*, 13 546 F.3d at 667 (“[A]bsent statutory authority stating otherwise, the general rule against permitting 14 pro se litigants from representing others is applicable[.]”).

15 Accordingly, it is HEREBY ORDERED that, by no later than 30 days of service of this 16 Order, Negrete shall: 17 1. retain an attorney to represent the Trust and instruct the attorney to enter a notice of 18 appearance in this action to prosecute the first amended complaint; 19 2. file a second amended complaint that clearly alleges claims solely on Negrete’s own 20 behalf as an individual; 21 1 Should Negrete choose to file a second amended complaint on his own behalf, the Court reminds him that Federal 22 Rule of Civil Procedure 11(a) requires “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name—or by a party personally if the party is unrepresented.” Fed.

R. Civ. P. 23 11(a). “One of the fundamental purposes of Rule 11 is to reduce frivolous claims, defenses, or motions and to deter costly meritless maneuvers... thereby avoiding delay and unnecessary expense in litigation.” *Christian v. Mattel, 24 Inc.*, 286 F.3d 1118, 1127 (9th Cir. 2002) (internal quotations omitted). Inclusion of “UCC 1-308” with one’s signature on a pleading (see e.g., Doc.

7 at 7) “contravenes” this “fundamental” purpose. *McCarley v. AIRBNB, Inc.*, No. 2:25- 25 CV-00510-JAD-MDC, 2025 WL 1151131, at *1 (D. Nev. Apr. 17, 2025) (rejecting the plaintiff’s

“UCC 1-308 signature” as “not valid” for purposes of Rule 11(a).).

In addition to being properly signed in accordance with Rule 11, any second amended complaint shall demonstrate the basis for this Court’s subject matter jurisdiction under 28 U.S.C. §§ 1331 or 1332 and comply with Rule 8 of the Federal Rules of Civil Procedure—as the Court previously advised (see Doc.4)—and shall also be devoid of any “Moorish” or sovereign citizen ideology, which this Court and 27 others have rejected.

See, e.g., *Rothschild El v. Cascade View Drive LLC*, No. 2:25-CV-01685-LK, 2025 WL 2848072, at *2 (W.D. Wash. Oct. 8, 2025); *Vigil v. JP Morgan Chase Bank, N.A.*, No. 2:25-CV-0629-DAD-AC (PS), 2025 WL 28 986030, at *3 (E.D. Cal. Apr. 2, 2025); *McCarley v. Stout Ins. Co., LLC*, No. 2:24-CV-01697-CDS-MDC, 2024 WL 1 3. otherwise show cause why this case should not be dismissed pursuant to the rule 2 articulated in C.E.

Pope, 818 F.2d at 697–98. 3 If Negrete fails to adequately respond to this order within 30 days, the undersigned shall 4 recommend to the assigned district judge that this action be dismissed without prejudice. The Court 5 will not take any further action on the first amended complaint pending Negrete’s response to this 6 order.2 7 IT IS SO ORDERED. 8 9 Dated: December 5, 2025 /s/ Sheila K. Oberto.

UNITED STATES MAGISTRATE JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 4773886, at *2 (D. Nev. Nov. 12, 2024); *Harper v. California Dep’t of Corr. & Rehabs.*, No. 1:22-CV-00253-JLT- 24 EPG (PC), 2022 WL 1094806, at *1 (E.D. Cal. Mar. 29, 2022); *Bey v. Saucedo*, No. 2:19-CV-2113-TLN-DB (PS), 2020 WL 1640000, at *2 (E.D. Cal. Apr. 2, 2020); *Bey v. Gascon*, No. 19-CV-03184-WHO, 2019 WL 5191012, at *5 25 (N.D.

Cal. Oct. 15, 2019); *Bey v. Peltier*, No. EDCV172552FMOKS, 2018 WL 1858189, at *3 (C.D. Cal. Jan. 25, 2018). See also *United States v. Studley*, 783 F.2d 934, 937, n.3 (9th Cir. 1986) (finding that arguments based on sovereign citizen ideology are frivolous and grounds for sanctions). 26 2 Notably, the undersigned does not have the authority under 28 U.S.C. § 1915(e) (2) to screen the first amended complaint because the Trust is not a “natural person” and thus does not qualify to proceed in forma pauperis in any 27 action brought on its behalf.

See *Rowland v. Cal. Men’s Colony*, 506 U.S. 194, 196, 201–12 (1993); *In re Golden*, No. 18-CV-2089 TWR (NLS), 2020 WL 7056166, at *4 (S.D. Cal. Dec. 2, 2020) (“[A]rtificial entities—including trusts— 28 are not entitled to proceed in forma pauperis under 28 U.S.C. § 1915.”) (collecting cases).