

1 The Court ordered David Laughing Horse Robinson to show cause in writing why the action
2 should not be dismissed for lack of standing on January 30, 2017. (Doc. 4) The Court granted his
3 request for an extension of time to respond. (Doc. 5) Accordingly, he was to file a response to the
4 Court's order no later than March 5, 2017. (*Id.*) However, to date, he has not done so.

5 Importantly, as the Court previously informed David Laughing Horse Robinson, “[a]
6 corporation may appear in federal court only through licensed counsel.” *United States v. High*
7 *Country Broad. Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993); *see also D-Beam Ltd. P'ship v. Roller Derby*
8 *Skates, Inc.*, 366 F.3d 972, 973-74 (9th Cir. 2004) (“It is a longstanding rule that [c]orporations and
9 other unincorporated associations must appear in court through an attorney”). As explained the
10 Supreme Court, the rationale for a rule requiring corporations to appear in federal court through an
11 attorney “applies equally to all artificial entities.” *Rowland v. Cal. Men's Colony, Unit II Men's*
12 *Advisory Council*, 506 U.S. 194, 202 (1993). Consequently, this Court and others have determined the
13 “[t]he rationale for this rule applies equally to an Indian tribe.” *Burley v. San Joaquin County Sheriff's*
14 *Office*, 2010 WL 2574024 at *1 (E.D. Cal. June 2010); *see also See New Jersey Sand Hill Band of*
15 *Lenape & Cherokee Indians v. California*, 2009 WL 3488683, at *1 (N.D. Cal. Oct. 26, 2009)
16 (evaluating only the claims brought by an individual plaintiff and declining to evaluating the tribe's
17 claims, in accordance with a local rule that precluded a *pro se* party from appearing on behalf of an
18 entity). Thus, David Laughing Horse Robinson is unable to represent the claims of the Kawaiisu Tribe
19 of Tejon in this action.

20 Accordingly, the Court **RECOMMENDS**:

- 21 1. The action be **DISMISSED** without prejudice for lack of standing; and
- 22 2. The Clerk of Court be **DIRECTED** to close the matter.

23 These Findings and Recommendations are submitted to the United States District Judge
24 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local
25 Rules of Practice for the United States District Court, Eastern District of California. Within fourteen
26 days of the date of service of these Findings and Recommendations, any party may file written
27 objections with the court. Such a document should be captioned “Objections to Magistrate Judge's
28 Findings and Recommendations.” The parties are advised that failure to file objections within the

1 specified time may waive the right to appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d
2 1153 (9th Cir. 1991); *Wilkerson v. Wheeler*, 772 F.3d 834, 834 (9th Cir. 2014).

3
4 IT IS SO ORDERED.

5 Dated: March 9, 2017

/s/ Jennifer L. Thurston
6 UNITED STATES MAGISTRATE JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28