

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 06-cv-02391-REB-BNB

SHANE MARSHALL,

Plaintiff,

v.

MID AMERICA CREDIT BUREAU, LLC, a Kansas limited liability company,

Defendant.

ORDER

This matter arises in connection with a Letter filed by the defendant [Doc. # 5, received 12/12/2006]. The Letter states that it is “in response to the complaint filed by Shane Marshall on November 29th, 2006.” Letter at p.1. The Letter is signed by Candace Cooper. There is no indication that Ms. Cooper is a lawyer admitted to practice in this court.

The defendant apparently is either a corporation or a limited liability company, but in any event is not a natural person. The law is well established that corporations and limited liability companies may appear in court only through a lawyer who is a member of the bar of the court. Flora Const. Co. v. Fireman's Fund Ins. Co., 307 F.2d 413, 413-14 (10th Cir. 1962)(stating that “[t]he rule is well established that a corporation can appear in a court of record only by an attorney at law”); Wallic v. Owens-Corning Fiberglass Corp., 40 F. Supp. 2d 1185, 1188 (D. Colo. 1999)(holding that “a corporate defendant . . . and a limited liability organization . . . [can] only appear by counsel admitted to the bar of this court”); and Reeves v. Queen City

Transportation, Inc., 10 F. Supp. 2d 1181, 1188 (D. Colo. 1998)(noting that “[i]t has been the law, for the better part of two centuries, that a corporation may appear in federal court only through a licensed attorney”). Consequently, Mid America Credit Bureau, LLC (“Mid America”), cannot proceed pro se, nor may Candace Cooper, who is not a lawyer admitted to practice in this court, represent Mid America.

IT IS ORDERED that the Letter [Doc. # 5] is STRICKEN.

I caution Mid America that it must be represented by a lawyer if it intends to defend this action, and any failure to engage counsel and defend the action may result in the entry of a default judgment against Mid America and in favor of the plaintiff.

Dated December 13, 2006.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge