

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 12-cv-02058-BNB

**(The above civil action number must appear on all future papers sent to the court in this action. Failure to include this number may result in a delay in the consideration of your claims.)**

PEMBINA NATION LITTLE SHELL BAND OF NORTH AMERICA,

Plaintiff,

v.

WELLS FARGO BANK N.A., and  
ARONOWITZ & MECKLENBERG LLP,

Defendants.

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**ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES**

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Plaintiff, Pembina Nation Little Shell Band of North America, has filed a Complaint and a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915. The Court notes that the documents were submitted *pro se* by Earl H. Brauch, who indicates that he is a “trustee” and “proper person representative”. However, a corporation, partnership, or other legal entity, such as a trust, “cannot appear without counsel admitted to practice before this court . . . .” D.C.COLO.LCivR 83.3D; *Amoco Prod. Co. v. Aspen Grp.*, 25 F.Supp.2d 1162, 1166 (D. Colo.1998); see also *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697-98 (9th Cir.1987) (“He may not claim that his status as trustee includes the right to present arguments *pro se* in federal court.”); *Knoefler v. United Bank of Bismarck*, 20 F.3d 347, 348 (8th Cir.1994) (“A non-lawyer, such as these purported [*pro se* trustees], has no right to represent another

entity, *i.e.*, a trust, in a court of the United States.”). There is no indication that Mr. Brauch is a licensed attorney. Therefore, Mr. Brauch may not represent Pembina National Little Shell Band of North America, or any other entity, in this action. See 28 U.S.C. § 1654. Mr. Brauch is only entitled to file documents on his own behalf.

As part of the court's review pursuant to D.C.COLO.LCivR 8.1, the court has determined that the submitted documents are deficient as described in this order. Mr. Brauch will be directed to cure the following if he wishes to pursue his claims. Any papers which Mr. Brauch files in response to this order must include the civil action number on this order.

**Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:**

- (1)  is not submitted on behalf of Mr. Brauch
- (2)  is not on proper form (must use the court's current form)
- (3)  is missing original signature by Plaintiff
- (4)  is missing affidavit
- (5)  affidavit is incomplete
- (6)  affidavit is not notarized or is not properly notarized
- (7)  names in caption do not match names in caption of complaint, petition or application
- (8)  An original and a copy have not been received by the court. Only an original has been received.
- (9)  other: Mr. Brauch may not file a motion on behalf of Pembina Nation Little Shell Band of North America

**Complaint or Petition:**

- (10)  is not submitted on behalf of Mr. Brauch
- (11)  is not on proper form (must use the court's current form)
- (12)  is missing an original signature by the Plaintiff
- (13)  is incomplete
- (14)  uses et al. instead of listing all parties in caption
- (15)  An original and a copy have not been received by the court. Only an original has been received.
- (16)  Sufficient copies to serve each defendant/respondent have not been received by the court.
- (17)  names in caption do not match names in text
- (18)  other: Mr. Brauch may not file a Complaint on behalf of Pembina Nation Little Shell Band of North America

Accordingly, it is

ORDERED that the Mr. Brauch cure the deficiencies designated above **within thirty (30) days from the date of this order**. Any papers which Mr. Brauch files in response to this order must include the civil action number on this order. It is

FURTHER ORDERED that Mr. Brauch shall obtain the court-approved Complaint and Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 forms, along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). It is

FURTHER ORDERED that, if Mr. Brauch fails to cure the designated deficiencies **within thirty (30) days from the date of this order**, the complaint and the action will be dismissed without further notice. The dismissal shall be without prejudice.

DATED August 7, 2012, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge