

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DANIELS MANUFACTURING)
COMPANY, a Nebraska corporation,)
Plaintiff,)
v.)
MS DISTRIBUTING, a South Dakota)
company,)
Defendant.)

8:10-cv-00206-LSC-FG3
ORDER

This case is before the magistrate judge for pretrial supervision. On June 21, 2010, Michael Kuchta filed an answer on behalf of the defendant, MS Distributing. Mr. Kuchta is not an attorney.

Individuals who are parties to federal proceedings have the right to represent themselves personally without a lawyer. 28 U.S.C. § 1654. That right does not extend to permit them to represent other people or entities because by doing so they would be engaging in the unauthorized practice of law. Thus, a layperson may not represent a separate legal entity such as a corporation or a limited liability company. *See, e.g., Lattanzio v. COMTA*, 481 F.3D 137, 139 (2d Cir. 2007); *In re ICLNDS Notes Acquisition, LLC*, 259 B.R. 289, 293 (Bankr. N.D. Ohio 2001). Similarly, the Eighth Circuit has held that "the law does not allow a corporation to proceed pro se." *Ackra Direct Mktg. Corp. v. Fingerhut Corp.*, 86 F.3d 852, 857 (8th Cir. 1996); *see also United States v. Van Stelton*, 988 F.2d 70, 70 (8th Cir. 1993) (noting that a corporation may not appear pro se); *Carr Enters., Inc. v. United States*, 698 F.2d 952, 953 (8th Cir. 1983) ("[i]t is settled law that a corporation may be represented only by licensed counsel").

The record in this case shows that the defendant was served with process by certified mail on June 1, 2010. Pursuant to Fed. R. Civ. P. 6(b)(1)(A), the court finds that the defendant should be given an extension of time until and including **July 20, 2010** in which to retain counsel and answer or otherwise respond to the complaint. Failure to file an answer or other response to the

complaint, through counsel, on or before **July 20, 2010**, may result in an entry of default against the defendant, MS Distributing.

The Clerk of the Court shall mail a copy of this Order to Michael Kuchta at his last known address.

IT IS SO ORDERED.

DATED June 22, 2010.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge