

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:15CV316
)	
V.)	
)	
KENNETH SEELEY, EILEEN)	ORDER
SEELEY, JAMES FONTANO, as)	
trustee of KEA Trust, and HOLT)	
COUNTY, NEBRASKA,)	
)	
Defendants.)	

Defendant James Fontano, as Trustee of KEA Trust, has filed a motion requesting leave to file an answer out of time. ([Filing 12](#).) Although the motion is unopposed, the Court is unable to grant the requested relief at this time. A non-attorney trustee, such as Mr. Fontano, may not represent a trust *pro se*, that is, without the assistance of counsel. *See Knoefler v. United Bank of Bismarck*, 20 F.3d 347, 348 (8th Cir. 1994). Therefore, Mr. Fontano must obtain counsel to act on behalf of the KEA Trust before the Court grants the requested relief.

Accordingly,

IT IS ORDERED that Defendant James Fontano as Trustee of KEA Trust's Motion to File After Deadline and for Extension of Time to File a Responsive Pleading ([filing 12](#)) is denied without prejudice to reassertion following retention of counsel.

DATED October 7, 2015.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**