IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

EMMA SERNA d/b/a Serna & Associates Construction Co., LLC,

Plaintiff,

v. CV 17-20 JB/WPL

MARGETTE WEBSTER; DAVID WEBSTER; STATE OF NEW MEXICO, U.S. Judicial Court Division; CLAYTON CROWLEY; ALEX CHISHOLM; CARL BUTKUS; CINDY MOLINA; ALAN MALOTT; BEATRICE BRICKHOUSE; BOBBY JO WALKER; JAMES O'NEAL; ROBERT BOB SIMON; ESTATE OF PAUL F. BECHT; CARL A. CALVERT; JOEY MOYA; AMY MAYER; GARCIA MADELIENE; ARTHUR PEPIN; MONICA ZAMORA; CHERYL ORTEGA; JOHN DOE #1; PAT MCMURRAY; MARTHA MUTILLO; SALLY GALANTER; NEW MEXICO CONSTRUCTION INDUSTRIES DIVISION; ROBERT "MIKE" UNTHANK; MARTIN ROMERO; AMANDA ROYBAL; NAN NASH; and JOHN WELLS,

Defendants.

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

Pro se Plaintiff Emma Serna purports to bring numerous claims on behalf of herself and her business, Serna & Associates Construction Co., LLC. Serna has been warned that pro se parties may not bring claims on behalf of or represent other individuals or business entities. (*See* Doc. 9 (Rule 83.7 letter directing Serna to retain counsel for Serna & Associates); Doc. 44 (giving Serna an additional 30 days to find counsel for Serna & Associates, and reminding her that the business entity must be represented by counsel).) Despite the extremely long period of

time Serna has had to retain counsel for Serna & Associates, counsel has not entered an appearance on behalf of Serna & Associates.

District of New Mexico Local Rule 83.7 states that "[a] corporation, partnership or business entity other than a natural person must be represented by an attorney authorized to practice before this Court." In an unpublished decision, the Tenth Circuit explicitly stated that "[n]on-attorney pro se litigants cannot represent other pro se parties." *Perry v. Stout*, 20 F. App'x 780, 782 (10th Cir. 2001) (unpublished) (citing 28 U.S.C. § 1654). Under both standards, Serna cannot represent Serna & Associates.

Despite being afforded ample opportunity to retain counsel, Serna & Associates remains unrepresented and incompetent to prosecute this action. Accordingly, I recommend that the Court dismiss without prejudice all claims purportedly brought by Serna & Associates and remove Serna & Associates from this case.

THE PARTIES ARE NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the Proposed Findings and Recommended Disposition. If no objections are filed, no appellate review will be allowed.**

William P. Lynch
United States Magistrate Judge

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any pro se party as they are shown on the Court's docket.