
No. 95-1975WM

Joshua Building Trust;

Appellant,

Joe R. Brooks, Trustee,

Plaintiff,

v.

Kimberly Clementi, in her
capacity as Revenue Officer;
Internal Revenue Service, an
agency promulgated by law,

Appellees.

*
*
*
*
*
*
*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: March 7, 1996

Filed: March 12, 1996

Before FAGG, BOWMAN, and HANSEN, Circuit Judges.

PER CURIAM.

Joshua Building Trust (JBT) appeals the district court's order dismissing its complaint without prejudice. We affirm.

Joe R. Brooks, JBT's trustee, filed a complaint alleging the Internal Revenue Service (IRS) and an IRS employee had violated the trust's constitutional rights. The district court dismissed the complaint without prejudice because the trust was not represented by a licensed member of the bar.

A non-lawyer trustee may not represent a trust pro se in federal court. Knoefler v. United Bank of Bismarck, 20 F.3d 347,

348 (8th Cir. 1994); see also C.E. Pope Equity Trust v. United States, 818 F.2d 696, 697-98 (9th Cir. 1987). The government's motion to dismiss adequately apprised Brooks that the case could be dismissed unless JBT was represented by licensed counsel. JBT's argument that the district court was precluded from dismissing the case before a scheduled settlement conference is without merit.

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.