

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 14-1885  
(1:13-cv-01577-TLW)

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YAMASSEE INDIAN TRIBE

Plaintiff - Appellant

v.

ALLENDALE COUNTY GOVERNMENT; MR. WALTER H. SANDERS, JR.; HARVEY E. ROUSE, Tax Assessor; JOE MOLE, III; MS. THESSA SMITH; CALVIN BRANTLEY; ELOUISE BRANTLEY

Defendants - Appellees

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INFORMAL BRIEF BY APPELLEES CALVIN BRANTLEY AND ELOUISE BRANTLEY

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**Issue 1.**

The District Court properly dismissed the case as improperly filed by a non-attorney on behalf of an alleged entity not entitled to appear *pro se*.

**Supporting Facts and Argument:**

Corporations, partnerships, and associations cannot appear in federal court except through a licensed attorney. Rowland v. California Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 202 (1993) (citations omitted). The Yamassee Indian Tribe was not represented by counsel when it filed its Complaint. Rather, the case was filed by two individuals on behalf of an "Indian Tribe" that is not federally recognized. A non-lawyer's attempt to represent an entity in federal court constitutes the unauthorized practice of law.

**Issue 2.**

The District Court properly dismissed the case for lack of subject matter jurisdiction, where there was neither diversity jurisdiction nor a valid federal question to be resolved.

**Supporting Facts and Argument:**

As the case now stands, there is not a federal question for the Court's consideration. The Appellant is not a federally recognized Indian Tribe. There is no diversity of citizenship. Accordingly, there is no subject matter jurisdiction in the Federal Court system.

**Issue 3.**

The Yamassee Indian Tribe lacks standing to bring the underlying lawsuit.

**Supporting Facts and Argument:**

First, the issue of standing to sue was not decided in the lower court, and should not be entertained on appeal. Regardless, "[t]he fundamental aspect of standing is that it focuses on the party seeking to get his complaint before a federal court and not on the issues he wishes to have adjudicated." Flast v. Cohen, 392 U.S. 83, 99 (1968). In determining whether a plaintiff has standing to sue, the question is "whether the person whose standing is challenged is a proper party to request an adjudication of a particular issue and not whether the issue itself is justiciable." Id. Yamassee Indian Tribe is not an organized business entity under Title 33 of the South Carolina Code and its charity registration expired on June 15, 2014. There is no real party in interest, and therefore no standing to sue.

Appellees Calvin Brantley and Elouise Brantley respectfully request the Court to affirm the decision of the District Court.

Respectfully submitted,

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Attorney for Defendants/Appellees Calvin and Elouise Brantley

**CERTIFICATE OF SERVICE**

I certify that on October 20, 2014, I served a complete copy of this Informal Brief on all parties, addressed as shown below:

Yamassee Indian Tribe  
PO Box 693  
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Norma A.T. Jett (*via ECF*)