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UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

ESTATE OF ELIJAH ISHAM,

Plaintiff-Appellant,

v.

CRAIG RICHARDSON, MORAINE POLICE DEPARTMENT; KENNETH LLOYD; SCOTT KINDERDINE; JEROME KLEMMENSEN,

Defendants-Appellees.

No. 25-3942

Appeal from the United States District Court for the Southern District of Ohio at Dayton.
No. 3:24-cv-00142—Thomas M. Rose, District Judge.

Argued: October 22, 2026

Decided and Filed: November 2, 2026

Before: GIBBONS, LARSEN, and RITZ, Circuit Judges.

COUNSEL

ARGUED: Kyle Mothershead, RELENTLESS ADVOCACY, PLLC, Brentwood, Tennessee, for Appellant. Jennifer L. Wilson, FREUND, FREEZE & ARNOLD, Columbus, Ohio, for Appellees. **ON BRIEF:** Kyle Mothershead, RELENTLESS ADVOCACY, PLLC, Brentwood, Tennessee, Steven Compton, Brentwood, Tennessee, for Appellant. Jennifer L. Wilson, FREUND, FREEZE & ARNOLD, Columbus, Ohio, for Appellees.

OPINION

LARSEN, Circuit Judge. Ralph Isham filed a lawsuit against officers of the Moraine, Ohio police department on behalf of his deceased son's estate. He did so without the assistance

of counsel. The district court determined that Isham could not represent the estate pro se and ordered Isham to retain counsel. Isham complied with that order, but the district court dismissed the estate's complaint nonetheless, concluding that the lawsuit's pro se origins rendered the complaint a nullity from the outset. Seeing things otherwise, we REVERSE and REMAND.

I.

Early one morning, officers responded to a rollover auto crash on the interstate near Moraine, Ohio. Upon arriving at the scene, they encountered Elijah Isham (Elijah) trapped inside an overturned car. Although Elijah was badly injured, first responders reportedly saw him smoking meth and brandishing a gun from inside the vehicle. A standoff ensued in which officers fatally shot Elijah.

Elijah's father, Ralph Isham (Isham), became the administrator of his son's estate. Acting in that role, Isham initiated a 42 U.S.C. § 1983 action on the estate's behalf, alleging that the police chief and multiple individuals involved in the shooting violated his son's Fourth Amendment rights. Isham signed the complaint himself and filed it just before the two-year statute of limitations was set to expire. *See Coleman v. Hamilton Cnty. Bd. of Cnty. Comm'rs*, 130 F.4th 593, 601–02 (6th Cir. 2025).

Not long after the filing, the district court issued a *sua sponte* order. Looking to 28 U.S.C. § 1654, the district court observed that Isham's status as administrator did not necessarily permit him to advocate the estate's interests in court without the assistance of counsel. Only if Isham were the estate's sole beneficiary, and only if the estate had no creditors, could Isham lawfully proceed pro se. *See Bass v. Leatherwood*, 788 F.3d 228, 230 (6th Cir. 2015). So the district court ordered Isham to either hire an attorney or show cause as to why those two conditions were met.

Isham opted for the latter approach. He submitted a letter from the estate's probate attorney, who represented to the court that no creditors had made claims against the estate and that the window to do so had passed. Isham also filed a document signed by his son's mother, purporting to disclaim any interest in the proceeds of the federal litigation. For various reasons, however, the district court found this documentation insufficient to establish Isham's entitlement

to represent the estate pro se. The district court ordered Isham to obtain counsel or face dismissal. After obtaining multiple extensions, Isham eventually obeyed that order, with counsel entering an appearance in the case nearly a year later.

Yet Isham's cooperation did not put the issue to rest. Just over two weeks after Isham's attorney entered his appearance, defendants moved to dismiss, asserting improper service of process and failure to state a claim. As to the second argument, defendants contended that the estate's lawsuit was subject to dismissal because Isham was not entitled to proceed pro se at the time he filed the complaint. In their eyes, Isham's subsequent hiring of counsel made no difference; his initial pro se status meant that the district court had to treat the complaint as though it had never been filed in the first place. The estate, for its part, responded to defendants' motion rather than trying to amend the complaint.

The district court rejected defendants' service-based arguments. But it adopted their view of the complaint, finding that it amounted to a "legal nullity." *Est. of Isham v. Richardson*, 3:24-cv-142, 2025 WL 2772460, at *5 (S.D. Ohio Sep. 26, 2025). That was so, the court reasoned, even though it had until that point treated Isham's pro se status as a defect that Isham could cure by retaining counsel. *Id.* The district court dismissed the complaint without prejudice and ordered the case terminated on its docket. *Id.* The estate sought reconsideration, marshaling new evidence to prove that Isham had met the two criteria to represent his son's estate pro se all along, thus giving legal effect to the original complaint. The district court denied the motion, and the estate appealed.

II.

The estate takes issue with two of the district court's determinations. First, the estate maintains that the district court's denial of reconsideration overlooked evidence establishing Isham's ability proceed pro se in this instance. In the alternative, the estate challenges the district court's motion to dismiss ruling, arguing that pro se complaints filed on behalf of estates, though generally improper, aren't nullities.

Before addressing those questions, we review the background principles in play. Federal law lets parties "plead and conduct their own cases personally or by counsel as, by the rules of

such courts, respectively, are permitted to manage and conduct causes therein." 28 U.S.C. § 1654. That is, individuals may represent themselves in federal court, but only in "their own cases." *Id.* Like other courts, we have understood this language to bar litigants from proceeding pro se when "interests other than their own are at stake." *Sheperd v. Wellman*, 313 F.3d 963, 970 (6th Cir. 2002); *see Olagues v. Timken*, 908 F.3d 200, 203 (6th Cir. 2018) (collecting cases). That prohibition extends to pro se litigants who wish to appear on behalf of "a corporation, a partnership, a minor child," or as here, "an estate." *Bass*, 788 F.3d at 230 (quoting *Pridgen v. Andresen*, 113 F.3d 391, 393 (2d Cir. 1997)).

To be sure, the rule has exceptions. When it comes to estates, an administrator can proceed pro se if he or she is the sole beneficiary and no creditors have a claim against the estate. *Id.* After all, § 1654's ban on "non-lawyer representation" exists to ensure that "ill-equipped layperson[s]" don't "squander[]" the rights of others. *Id.* (quoting *Zanecki v. Health All. Plan of Detroit*, 576 F. App'x 594, 595 (6th Cir. 2014) (per curiam)). If no one but the pro se litigant has a stake in the outcome, those concerns fall away. *See id.* Absent such circumstances, however, we have "consistently" used § 1654 to stop "pro se litigants from trying to assert the rights of others." *Wright v. Louisville Metro Gov't*, 144 F.4th 817, 823 (6th Cir. 2025) (quoting *Olagues*, 908 F.3d at 203).

A.

We can make quick work of the estate's claim that it presented sufficient proof on reconsideration to obviate the estate's need for an attorney. The estate concedes that the proof Isham initially offered in response to the district court's show cause order was inadequate. But, it says, the district court should have reconsidered its dismissal order based on newly submitted evidence that corrects those inadequacies. Thus, we review only the district court's denial of reconsideration. Our review is for an abuse of discretion. *See In re E. Palestine Train Derailment*, 160 F.4th 751, 759 (6th Cir. 2025).

We see no abuse of discretion here. Reconsideration is not a vehicle to introduce evidence that could have been presented beforehand. *See United States v. Michigan*, 68 F.4th 1021, 1026 (6th Cir. 2023)). As attachments to its reconsideration motion, the estate submitted

revised sworn statements from the estate's probate attorney and Elijah's mother. Although more recently executed, neither of those documents contained late-breaking information that couldn't have been offered the first time around. What's more, Isham already had a chance to seek reconsideration of the order rejecting his first attempt to establish his right to proceed pro se, *see* 28 U.S.C. § 636(b)(1)(A), and his later-retained counsel could have supplied the new evidence in response to the defendants' motion to dismiss, which took the position that the estate's complaint should be dismissed as a nullity, *see Mallory v. Eyrich*, 922 F.2d 1273, 1282 (6th Cir. 1991). On this record, we can't say that the district court "committed a clear error in judgment" by denying reconsideration. *In re E. Palestine Train Derailment*, 160 F.4th at 759 (citation modified).

B.

That brings us to the district court's motion to dismiss ruling, a decision we assess de novo. *See Bozzo v. Nanasy*, 159 F.4th 1111, 1115 (6th Cir. 2025). That ruling tees up an issue of apparent first impression: What happens when a pro se litigant initiates a lawsuit in violation of § 1654? Is the defect curable by later retaining counsel, as the estate sees it? Or is any complaint filed contrary to this statutory requirement a "legal nullity," as the district court put it, destined inevitably for dismissal?

1.

As the estate points out, we don't write on an entirely blank slate; other circuits have addressed—and disagreed about—this issue. On one side stands the Eighth Circuit's decision in *Jones ex rel. Jones v. Correctional Medical Services, Inc.*, 401 F.3d 950 (8th Cir. 2005). There, as here, a pro se litigant filed suit on behalf of a family member's estate. *Id.* at 951. Even though the estate later secured counsel, the district court dismissed the action because "the complaint was filed by a non-attorney on behalf of an estate." *Id.* The Eighth Circuit affirmed, rejecting the estate's assertion that it could amend the complaint in lieu of dismissal. *Id.* at 952. Although acknowledging that federal law controlled the question, the court nonetheless found an Arkansas Supreme Court decision on the matter persuasive. *Id.* (citing *Davenport v. Lee*, 72 S.W.3d 85, 94 (Ark. 2002)). Adopting the state court's rule, the Eighth Circuit deemed "the

original complaint" a "nullity" to which no "subsequent pleadings" could "relate back." *Id.* As a result, the action had to be dismissed. *See id.*

On the other side, the Eleventh Circuit rejected the Eighth Circuit's "nullity rule" under nearly identical facts. *Iriele v. Griffin*, 65 F.4th 1280, 1286 (11th Cir. 2023). The court agreed with the Eighth Circuit that federal law determined the matter, as a federal statute "defines the limits of *pro se* representation in federal court." *Id.* But because the Eleventh Circuit's past caselaw "routinely" afforded pro se litigants a chance to hire counsel "in other contexts"—such as when they tried to represent corporations—the court held that "district court[s] may not simply dismiss the case" without giving the pro se litigant a chance to comply with § 1654. *Id.* at 1285 (citing *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985)). The Seventh Circuit took a similar approach, in a case involving pro se representation of a corporation, permitting but not requiring "dismissal" as a "discretionary" "sanction." *In re IFC Credit Corp.*, 663 F.3d 315, 320–21 (7th Cir. 2011); *see Elustra v. Mineo*, 595 F.3d 699, 704 (7th Cir. 2010).

Against this backdrop, we likewise reject the Eighth Circuit's nullity rule. We start with the recognition that federal law governs. Most obviously, the prohibition on pro se representation of third parties comes from § 1654, a federal statute. That statute further empowers federal courts to adopt "rules" of "conduct" in their courts, *id.*, such as "the circumstances in which a party may appear *pro se* in federal court," *Pappas v. Philip Morris, Inc.*, 915 F.3d 889, 894 (2d Cir. 2019). On top of that, a federal court has the "inherent power . . . to control admission to its bar and to discipline attorneys before it," *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991), including, presumably, non-lawyers practicing without authorization, *see United States v. Jones*, No. 21-3252, 2023 WL 1861317, at *10 (6th Cir. Feb. 9, 2023); *In re Rudder*, 100 F.4th 582, 584 (5th Cir. 2024) (per curiam); *United States v. Johnson*, 327 F.3d 554, 560 (7th Cir. 2003); *Priestley v. Astrue*, 651 F.3d 410, 416 (4th Cir. 2011). As federal law dictates how federal courts handle pro se representation, it must also determine the consequences of filing a pro se complaint on another's behalf. For that reason, courts on both sides of the split agree that the appropriate response to a party's failure to comply with § 1654 comes down to "federal procedural law." *In re IFC Credit Corp.*, 663 F.3d at 317; *Iriele*, 65 F.4th at 1286; *see Jones*, 401 F.3d at 952.

Relying on its own prior caselaw, the district court thought that federal law gave it no choice but to dismiss Isham's complaint as a "nullity," although it thought that approach "ma[d]e little sense." *Isham*, 2025 WL 2772460, at *5. We disagree that federal law tied the court's hands in this way. Instead, we agree with the Seventh and Eleventh Circuits that a district court may, but need not, dismiss a complaint filed in violation of § 1654. *In re IFC Credit Corp.*, 663 F.3d at 320; *Iriele*, 65 F.4th at 1285. As with most exercises of the district court's power to police who may appear before it, the district court's choice of sanction rests in its broad discretion, bounded by the command that it be "a reasonable response" to the "problem" it faces. *Dietz v. Bouldin*, 579 U.S. 40, 46 (2016); *see Fharmacy Records v. Nassar*, 379 F. App'x 522, 523–24 (6th Cir. 2010) (citing *Wu v. T.W. Wang, Inc.*, 420 F.3d 641, 643 (6th Cir. 2005)).

Although this court has never directly confronted the question whether the Eighth Circuit's "nullity" rule applies, our cases have not treated a complaint filed in violation of § 1654 as being subject to mandatory dismissal. In *Olagues*, rather than affirm the district court's dismissal, we remanded the case "to give [the litigant] the opportunity to retain counsel." 908 F.3d at 205. In *Sheperd*, we found no abuse of discretion where the district court dismissed the action "for failure to prosecute" after the litigants "were given more than two years to obtain counsel." 313 F.3d at 970–71. In *Zanecki*, we addressed the merits of a claim filed by a pro se litigant because the estate later "retained counsel." 576 F. App'x at 595. And even decades ago, we held that a district court abused its discretion by failing to grant a reasonable continuance so that a company president, who attempted to represent the corporation pro se, could have time to retain counsel. *United States v. 9.19 Acres of Land, More or Less, in Marquette Cnty.*, 416 F.2d 1244 (6th Cir. 1969) (per curiam). We can see no sound basis to depart from this practice in favor of the Eighth Circuit's mandatory dismissal rule.

The district court felt bound by its own prior caselaw, which had applied the nullity rule. *See Isham*, 2025 WL 2772460, at *5 (citing *4 W. LLC v. Auto-Owners (Mut.) Ins. Co.*, 3:22-cv-59, 2023 WL 6977445, at *4 (S.D. Ohio Oct. 23, 2023)). But that case offered little reasoning beyond citing the Eighth Circuit's precedent. The Eighth Circuit, for its part, relied on an Arkansas Supreme Court opinion, which rested on an overt policy judgment that the nullity rule best "ensure[s] that parties are represented by people knowledgeable and trained in the law."

Jones, 401 F.3d at 952 (quoting *Davenport*, 72 S.W.3d at 94). Even assuming that we are free to make policy calls in this area, we question the merits of that policy. If protecting innocent third parties is the goal, then the nullity rule regularly betrays its own rationale. Often, courts following that rule declare as null a duly appointed (albeit pro se) representative's complaint long after the regular statute of limitations would have run. *See, e.g.*, *id.* at 951; *Iriele*, 65 F.4th at 1282. That is what happened in this case. Unless an applicable savings statute affords a second shot, the otherwise blameless real party in interest may well lose the chance to litigate the merits with a new complaint. *Cf. In re IFC Credit Corp.*, 663 F.3d at 319.

Viewed from a different angle, one might interpret the nullity rule as making a claim about the court's jurisdiction. In regular usage, to describe a complaint as a "nullity" equates to calling it "legally void." *Nullity*, Black's Law Dictionary (12th ed. 2024). And the supposition that goings-on in court might be rendered "void" often means that the court's proceedings were "beyond its jurisdiction." *Ex parte Watkins*, 28 U.S. 193, 197 (1830); *see In re IFC Credit Corp.*, 663 F.3d at 319. Under that theory, perhaps a pro se complaint filed on a third party's behalf fails to trigger a federal court's power. Judge Posner had a similar appraisal, identifying (and rejecting) the nullity rule as a putative "rule of federal subject-matter jurisdiction." *In re IFC Credit Corp.*, 663 F.3d at 319.

Examined in that light, we still find no support for the nullity rule. The Supreme Court has repeatedly warned against heedlessly treating "procedural requirements" as "jurisdictional." *Boechler, P.C. v. Comm'r*, 596 U.S. 199, 203–04 (2022) (citing cases). A party's procedural obligations carry jurisdictional consequences only if Congress "clearly states" as much. *Id.* at 203 (citation modified). Section 1654 simply provides that "parties" in federal court "may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein." Nowhere does that language mention or imply jurisdictional consequences, let alone make a clear statement as to the statute's "[]jurisdictional nature." *Boechler*, 596 U.S. at 208.

Context cements that conclusion. By limiting pro se litigants to their own cases and granting each district court "the authority . . . to regulate the membership of its bar," *In re Desilets*, 291 F.3d 925, 929 (6th Cir. 2002) (quoting *Frazier v. Heebe*, 482 U.S. 641, 652 (1987)

(Rehnquist, J., dissenting)), § 1654 seems merely to add statutory force to a rule previously announced through the federal courts' "inherent power" to prevent "the unauthorized practice of law," *In re Rudder*, 100 F.4th at 584. The statute appears to codify an existing common law rule holding that "non-attorneys could not litigate the interests of others." *Raskin ex rel. JD v. Dallas Indep. Sch. Dist.*, 69 F.4th 280, 283–84 & n.4 (5th Cir. 2023). A rule of that sort goes to the conduct of cases in federal court, not to the courts' "competence" to hear them. *In re IFC Credit Corp.*, 663 F.3d at 319–20; *see also In re Strickland & Davis Int'l, Inc.*, 612 F. App'x 971, 977 (11th Cir. 2015) (per curiam). So while § 1654's ban on pro se representation is surely mandatory, *see Olagues*, 908 F.3d at 203–04, it isn't "jurisdictional," *Boechler*, 596 U.S. at 203.

In sum, even though § 1654 prohibits pro se litigants from proceeding on behalf of third parties, a lawsuit filed in violation of that command does not lie outside a federal court's ability to adjudicate. Nor do we see any basis to displace the usual discretion afforded to district courts to discipline those who appear before them. *See Chambers*, 501 U.S. at 43. So, a litigant who promptly cures a § 1654 violation by retaining counsel need not fear that the original complaint will later be dismissed as a "nullity." That said, district courts retain their discretion to set deadlines and to strike filings or dismiss complaints when such action is a "reasonable response" to the conduct before them. *Dietz*, 579 U.S. at 45.

That makes the resolution of today's appeal straightforward. Isham filed a pro se complaint on behalf of his son's estate. The district court determined that Isham could not represent the estate as a non-lawyer and instructed him to retain counsel. He did so within the timeline set by the court. Isham thus brought the estate's lawsuit into compliance with § 1654, and the statute no longer provided a basis for dismissal. Even though Isham may have started the proceedings in violation of § 1654, that didn't render the complaint a nullity. The district court erred in granting defendants' motion to dismiss on that ground.

2.

Defendants' contrary arguments don't persuade. To start, they cite *Olagues* and *Zanecki*, but as explained, those cases implicitly reject the nullity rule. True, *Zanecki* stated that when a pro se litigant attempts to represent a third party, "the usual course of action is to dismiss the

case without prejudice." 576 F. App'x at 595. But had we thought the pro se complaint in that case was a nullity, we would not have "reach[ed] the merits" after the estate had "retained counsel." *Id.* Instead, by suggesting a "*usual* course of action," *id.* (emphasis added), we alluded to federal courts' "inherent power" to police pro se litigants engaging in unauthorized law practice, *Olagues*, 908 F.3d at 204; *Jones*, 2023 WL 1861317, at *10. And while courts have discretion in exercising their inherent powers, *see Roadway Express, Inc. v. Piper*, 447 U.S. 752, 764–65 (1980), a court undoubtedly abuses its discretion when, as here, it dismisses a case on § 1654 grounds after the pro se litigant has retained counsel within the time limits prescribed by the district court.

Defendants also rely on several unpublished orders from this court in which the district court seemingly did not give the pro se litigant a chance to cure a § 1654 violation before dismissal. *See Giebell v. Heartland Dublin Nursing Facility*, No. 20-4226, 2021 U.S. App. LEXIS 22413, at *8 (6th Cir. July 28, 2021) (order); *Mactruong v. Governor Mike Dewine*, No. 22-3939, 2023 U.S. App. LEXIS 7348, at *2 (6th Cir. Mar. 28, 2023) (order). But those cases don't clearly support a mandatory dismissal rule. Moreover, the pro se litigants there had filed suit on behalf of third parties with whom they had no relevant legal relationship. *See Giebell*, 2021 U.S. App. LEXIS 22413, at *7–8 (home caregiver suing for patient); *Mactruong*, 2023 U.S. App. LEXIS 7348, at *1 (citizen suing for "government officials," among others). Beyond just engaging in the unauthorized practice of law, those litigants plainly lacked authority to act on behalf of the parties whom they sought to represent in the first place. By contrast, no one disputes here that Isham's status as administrator authorized him to sue on behalf of his son's estate. *See* Fed. R. Civ. P. 17(a)(1)(B). The problem is simply that he can't act as counsel. So while prompt dismissal was "a reasonable response" in defendants' cited cases, *Dietz*, 579 U.S. at 46, the district court faced a meaningfully different situation here.

Next, defendants point to Ohio Revised Code § 4705.01, which prohibits the unauthorized practice of law in Ohio. As they note, Ohio courts treat a complaint filed in violation of that statute "as if the complaint was never filed." *Thompson v. THC, Inc.*, C-1-07-231, 2008 WL 4449426, at *2 (S.D. Ohio Sep. 30, 2008) (citing *Sheridan Mobile Vill., Inc. v. Larsen*, 604 N.E.2d 217, 219 (Ohio Ct. App. 1992)). But as explained, federal law regulates the

practice of law in federal court, *see* § 1654; *Chambers*, 501 U.S. at 44, including the unauthorized practice of law by pro se litigants, *see, e.g.*, *Jones*, 2023 WL 1861317, at *10; *In re Rudder*, 100 F.4th at 584; *see also Iriele*, 65 F.4th at 1286; *In re IFC Credit Corp.*, 663 F.3d at 317; *Jones*, 401 F.3d at 952. So Ohio law cannot require us to treat the estate's complaint as a nullity. *See In re Desilets*, 291 F.3d at 929; *Theard v. United States*, 354 U.S. 278, 281 (1957).

Falling back, defendants articulate a new basis for the nullity rule. They invoke Federal Rule of Civil Procedure 11(a), which requires that "[e]very pleading . . . be signed" by an "attorney of record" or "by a party personally if the party is unrepresented." The district court "must strike" any pleading that doesn't comply. *Id.* To this day, defendants argue, the complaint "improperly signed" by Isham remains the only "pleading of record" in this case. Appellee Br. at 11. As that complaint runs afoul of the Rule, defendants insist that "the law regards [it] as having never been filed." *Id.*

We may assume for argument's sake that Isham's pro se complaint does not satisfy Rule 11(a)'s signature requirement. *See Elustra*, 595 F.3d at 704 ("[P]leadings may be brought before the court only by parties or their attorney." (citing Fed. R. Civ. P. 11(a)). Even so, defendants' new theory cannot support a "nullity" rule. Rule 11(a) expressly allows litigants to "promptly correct[]" breaches of the signature requirement "after being called to the attorney's or party's attention." An unsigned complaint is not, as the nullity rule would have it, incurably void from the outset. *See McGraw v. Gore*, 31 F.4th 844, 853–54 (4th Cir. 2022); *see also Becker v. Montgomery*, 532 U.S. 757, 765 (2001) (deeming failure to include a Rule 11(a)-compliant signature in a notice of appeal "curable," rather than a "jurisdictional impediment" (citation modified)).

Perhaps defendants mean to invoke Rule 11(a)'s signature requirement to have us decide, in the first instance, that the complaint must be stricken because it was not "promptly" signed by Isham's new counsel. But defendants never mentioned Rule 11(a) below, and the district court, who relied on § 1654 alone, never considered it. "Ordinarily, this court will not address an issue not passed upon by the district court." *Hayes v. Clariant Plastics & Coatings USA, Inc.*, 144 F.4th 850, 863–64 (6th Cir. 2025). Defendants have only now brought Rule 11(a) to the estate's "attention" during this appeal, and the estate represents its intention to "promptly correct" the

issue in an amended complaint. Fed. R. Civ. P. 11(a). So Rule 11(a) provides no ground for this court to affirm the judgment of dismissal.

* * *

We REVERSE and REMAND for further proceedings.