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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHADERICK INGRAM

Plaintiff,

No. CIV S-12-927 MCE CKD PS

vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /

This action was removed from state court on April 10, 2012 by defendant United States of America. Plaintiff is proceed in propria persona. The court takes judicial notice of the proceedings in United States of America v. Ingram, 2:10-cr-0014 MCE-1 (E. D. Cal.) and Ingram v. Grant Joint Union High School Dist., et al., 2:08-cv-2490 KJM DAD. See Fed. R. Evid. 201. In the criminal proceedings, plaintiff herein was declared incompetent and unrestorable based on mental health issues. See case no. 2:10-cr-0014 MCE-1, dkt. nos. 32, 39, 40. In the civil action, plaintiff was represented by counsel and after the declaration of incompetence in the criminal action, a guardian ad litem was appointed. See case no. 2:08-cv-2490 KJM DAD, dkt nos. 87, 88.

In this action, plaintiff is neither represented by counsel nor has a guardian ad litem been appointed. It appears from plaintiff’s pleadings that there has been no change in his

1 mental health issues since the declaration of incompetence in the criminal proceedings. An
2 incompetent person can only proceed if represented by counsel. Johns v. County of San Diego,
3 114 F. 3d 874, 877 (9th Cir. 1997) (minors must be represented by attorney); see also Meeker v.
4 Kercher, 782 f.2d 153, 154 (10th Cir. 1986) (“it is not in the interest of minors or incompetents
5 that they be represented by non-attorneys”).

6 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed
7 without prejudice.

8 These findings and recommendations will be submitted to the United States
9 District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within
10 fourteen days after being served with these findings and recommendations, plaintiff may file
11 written objections with the court. The document should be captioned “Objections to Magistrate
12 Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections
13 within the specified time may waive the right to appeal the District Court’s order. Martinez v.
14 Ylst, 951 F.2d 1153 (9th Cir. 1991).

15 Dated: April 30, 2012

16 
17 CAROLYN K. DELANEY
18 UNITED STATES MAGISTRATE JUDGE

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