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

GUADALUPE FONSECA and PAULA
FONSECA,

CASE NO. CV F 010-147 LJO DLB

Plaintiffs,

ORDER TO SHOW CAUSE

vs.

CITY OF FRESNO,

Defendant.

_____ /

Plaintiff Guadalupe Fonseca (“Mr. Fonseca”) and his mother Paula Fonseca (“Ms. Fonseca”) (collectively “plaintiffs”) assert federal civil rights and torts claims against defendant City of Fresno (“City”) based on allegations of wrongful detention, arrest, use of excessive force, failure to provide appropriate medical care, and cover-up by unnamed City police officers and unnamed members of the California Highway Patrol. According to the complaint, Mr. Fonseca is “developmentally disabled” and suffers from “mental retardation.” Although it is alleged that Mr. Fonseca is an incompetent person, his counsel has failed either to present evidence of the appointment of a representative or move for the appointment of a guardian ad litem. **Accordingly, this Court ORDERS Mr. Fonseca’s counsel to SHOW CAUSE in writing, no later than June 14, 2010, why this Court should not dismiss Mr. Fonseca’s claims for failure to obey Fed. R. Civ. P. 17(c) and Local Rule 202(a).** This Court shall discharge this show cause order if, prior to June 14, 2010, Mr. Fonseca’s counsel either satisfies Local Rule 202(a) or demonstrates that Mr. Fonseca is not an incompetent person requiring the appointment of a guardian ad litem.

IT IS SO ORDERED.

Dated: June 2, 2010

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE