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

JACOB SALCIDO, A MINOR)	NO. 1:10-CV-195-AWI-DLB
)	
Plaintiff,)	ORDER STAYING ALL
)	PROCEEDINGS AND PENDING
v.)	MOTIONS IN THIS CASE
)	
THE COUNTY OF MADERA, DEPUTY)	Doc. Nos. 11 & 14
JEFFERY THOMAS #10321,)	
SARGENT PATRICK MAJESKI #8484;)	
DEPUTY MATTHEW KUTZ #11173;)	
DEPUTY S. STRIZEL #8616; DEPUTY)	
MARK SCHAFER #9630; DEPUTY)	
BRIAN CUTLER #10846; DEPUTY IAN)	
WEAVER #11404; AND DOES 1-50,)	
)	
Defendants.)	

Plaintiff Jacob Salcido (“Plaintiff”) is a minor, currently sixteen years of age. See Complaint at page 1; Plaintiff’s Opposition at page 5. On February 5, 2010, Plaintiff filed a complaint in this Court against various Madera County law enforcement employees and the County of Madera (collectively “Defendants”). Plaintiff alleges that Defendants subjected him to an illegal search and seizure of his person. Plaintiff filed his complaint as a minor and without a guardian ad litem. On May 28, 2010, Defendants filed a Motion to Dismiss. Defendants argue that Plaintiff does not have standing to sue because he filed his claims as a minor without a

1 guardian.

2 Under Federal Rule of Civil Procedure 17(c), “[a] minor ... who does not have a duly
3 appointed representative may sue by a next friend or by a guardian ad litem.” In Plaintiff’s
4 Opposition, Plaintiff’s mother Jeanine Salcido requests to be Plaintiff’s guardian ad litem. See
5 June 22, 2010 Jeanine Salcido Declaration (Doc. No. 14). Jeanine Salcido’s request does not
6 comply with Local Rules. Pursuant to Local Rule 202, upon commencement of an action by or
7 on behalf of a minor, the attorney representing the minor shall present: (1) the appropriate
8 evidence of the appointment of a representative for the minor under state law; or (2) a motion for
9 the appointment of a guardian ad litem by the Court. Plaintiff’s counsel shall file a motion for a
10 guardian ad litem with Magistrate Judge Dennis Beck on or by September 2, 2010.

11 **ORDER**

12 Accordingly, IT IS HEREBY ORDERED THAT:

- 13 1. Plaintiff’s counsel shall file a motion for the appointment of a guardian ad litem
14 by the Court that complies with Local Rule 202, on or by September 2, 2010;
15 2. All proceedings and pending motions in this case are stayed until the guardian ad
16 litem issue is resolved; and
17 3. Plaintiff is forewarned that, if Plaintiff does not file a motion for the appointment
18 of a guardian ad litem by September 2, 2010, the complaint will be subject to
19 dismissal without prejudice.

20
21 IT IS SO ORDERED.

22 Dated: August 13, 2010

23 
24 CHIEF UNITED STATES DISTRICT JUDGE