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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

THE ESTATE OF CECIL ELKINS, JR., et  
al.,  
  
                    Plaintiffs,  
  
                    v.  
  
CALIFORNIA HIGHWAY PATROL, et al.,  
  
                    Defendants.

Case No. 1:13-cv-01483-AWI-SAB  
  
ORDER REQUIRING MINOR PLAINTIFFS  
TO COMPLY WITH RULE 17 OF THE  
FEDERAL RULES OF CIVIL PROCEDURE  
  
FIVE DAY DEADLINE

On June 7, 2016, this Court issued an order denying the minor Plaintiffs appointment of a guardian ad litem in this action. No further petition for appointment of a guardian ad litem for the minors has been filed. Pursuant to Rule 17(c) of the Federal Rules of Civil Procedure, a minor who does not have a duly appointed representative may sue by a next friend or by appointment of a guardian ad litem. Next friend status is established by demonstrating that the real party in interest is unable to appear on his own behalf in this litigation; the next friend is truly dedicated to the best interest of the person on whose behalf he seeks to litigate; and the next friend has a significant relationship with the real party in interest. Whitmore v. Arkansas, 495 U.S. 149, 164 (1990).

Accordingly, IT IS HEREBY ORDERED that, within five (5) days from the date of entry of this order, Plaintiffs shall submit a petition in compliance with Rule 17 to establish an

1 appropriate representative for the minor plaintiffs in this action. Failure to comply with this  
2 order may result in the issuance of sanctions, up to and including dismissal of this action.

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4 IT IS SO ORDERED.

5 Dated: June 23, 2016

  
UNITED STATES MAGISTRATE JUDGE

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